



BRISBANE CITY COUNCIL
SUMMARY MINUTES

**SPECIAL MEETING TO DISCUSS THE BAYLANDS
THURSDAY, FEBRUARY 16, 2017
BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE**

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Liu called the meeting to order at 7:33 p.m. and led the flag salute.

ROLL CALL

Councilmembers present: Conway, Davis, Lentz, O'Connell, and Mayor Liu
Councilmembers absent: None
Staff present: City Manager Holstine, Interim City Clerk Padilla, Administrative Services Director Schillinger, Community Development Director Swiecki, City Engineer Breault

ADOPTION OF AGENDA

CM Conway made a motion, seconded by CM O'Connell, to adopt the agenda. The motion was approved 5-0.

CONTINUED PUBLIC HEARING

A. Brisbane Baylands Planning Applications (Baylands Concept Plans, Brisbane Baylands Specific Plan Case SP-01-06, General Plan Amendment Cases GP-01-06/GP-01-10) and related Final Environmental Impact Report (SCH##2006022136). Specific topics include Noise, Air Quality, Greenhouse Gas (GHG) emissions, and related policy issues; Universal Paragon Corporation, applicant; Owners: various; APN: various.

Lloyd Zola of Metis Environmental Group, consultant to the City, gave the presentation. [[Note: the presentation is available on the City's website](#)].

CM Conway asked the timeline of the greenhouse gas (GHG) emissions projections.

Mr. Zola indicated the GHG emissions were projected on an annual basis.

CM Davis said Mr. Zola had mentioned 1 million square feet of retail as a standard sized mall. She asked if that amount of retail square footage was realistic considering the planned retail at Candlestick Point.

Mr. Zola said there would not be market support for that much retail, which is reflected in the long travel distances coming out of the traffic model. The Planning Commission's recommendation was to reduce the amount of retail.

CM Davis asked how long pile driving would occur during construction.

Mr. Zola said less development would result in less disruption, though the noise from site grading would not be impacted by a smaller development footprint. He noted the duration of the pile driving was addressed in the EIR.

CM Davis asked how the City could ensure noise control techniques were being used during construction.

Mr. Zola said because best available technology will improve in the future, requiring "best available" construction techniques will allow for flexibility as technology improves.

CM Davis asked how the City could guarantee that those techniques were being used.

Mr. Zola said the City could require use of those techniques in considering the grading permit application and in the grading contract. The City's plan checker would review the construction contracts. Many construction mitigation measures must be placed in the construction contracts.

CM Davis asked if it was common for most large-scale developments to result in significant unavoidable air pollution emission impacts.

Mr. Zola said it was common, and noted that GHG impacts are measured in pounds per day.

CM Davis referred to page 262 of the Council's meeting packet relating to a comment by Glenn Feldman at a Planning Commission meeting regarding the GHG model used in the Final EIR. She asked if a mitigation measure could be required without an impact.

Mr. Zola said under the California Environmental Quality Act (CEQA), the City could not impose a mitigation measure for a "less than significant" impact. However, the Council could impose requirements on the developer as a condition of development approval. This could include the provisions of the Sustainability Framework to reduce GHG emissions. He said the

purpose of an EIR was to repair or prevent environmental damage. Planning review was used to improve a situation and achieve community goals.

City Attorney Roush agreed with Mr. Zola's comments and added that a development agreement would give the Council discretion in terms of conditions it would like to impose.

CM Conway noted he had asked all his questions at the study session prior to the meeting.

CM Lentz said asked how noise impacts from transit or freeways to housing or hotels could be mitigated.

Mr. Zola said while in the 1960's, planning trends were to move residential away from noise sources, current methodology for transit-oriented development (TOD) encouraged locating residential and hotels adjacent to transit. The City could choose to amend its noise standards in to promote TOD.

CM Lentz asked how cities like San Francisco have mitigated noise impacts.

Mr. Zola said projects can be designed such that the structure blocks outdoor recreational areas from the noise sources. With single-family housing, back yards are often located such that they are shielded from noise. The City could also adopt different noise standards for TOD.

CM Lentz asked if embedding Caltrain tracks would absorb much of the noise and vibrations.

Mr. Zola said it would change the noise characteristics for adjacent development, but may not do much for development on top of hills. Vibration absorption would depend on the wall design.

CM Lentz said San Francisco builds tall buildings with piles driven down to bedrock. He asked how they address the noise impacts of pile driving.

Mr. Zola said different technologies could be used. However, pile driving is noisy regardless of the technologies used. Those technologies are included in the mitigation measures. Additionally, limiting the hours of pile driving could also aid in reducing the noise, with the tradeoff being that the pile driving may take longer.

CM Lentz said if the Council could require better methodology to reduce construction noise in the future

Mr. Zola said the City would retain the ability to impose new technologies that were not available at the time of the EIR.

CM Lentz asked if emission reductions could be calculated and applied to the air quality evaluation to take into account electric vehicles and zero net energy (ZNE) buildings.

Mr. Zola said the EIR's model could not capture technology that doesn't exist today. The model incorporated current legal requirements for fleet improvements. He said it could be dangerous to model technologies that may or may not be economically feasible in the future. However, the City may impose requirements as new technologies come online. Requirements for charging station installations is a common condition of approval for multifamily and commercial developments. The City could also require installation of a hydrogen cell refueling station. The City should keep track of technology but not try to out-guess it.

CM Lentz said in evaluating environmental impacts, they are looking at current technology. However, the development agreement could reference the Sustainability Framework and reduce the development's impacts beyond what the EIR projected.

CM O'Connell referred to page 243 of the Council's meeting packet, in which the health risks are listed as "less than significant." She asked if the EIR took into account the soil stored on the site in the evaluation of dust, noise and GHG emission impacts.

Mr. Zola said the EIR did account for the soil storage and processing on the site. He said by law, a grading or remediation operation cannot create its own health risk through release of toxins. That must be accounted for in the remediation plans.

CM O'Connell said when the remediation information was given to the Council, it was said that if the remediation created health risks the remediation method would have to change. She asked if that meant there was no guarantee what remediation would look like.

Mr. Zola said the Council could not guarantee what specific technologies would be used to remediate the site at this point. That is why the Commission recommended that no action to approve a specific plan be taken until after those technologies are known.

CM O'Connell said they do not know what that remediation plan looks like so they don't know how much dirt is going to be moved. They do not know whether or not the regulatory agencies are going to require a cap at surface level.

Mr. Zola said the regulatory agencies must conduct CEQA review of the remediation plan itself, so they would have to account any increase in emissions above what is assumed in the EIR.

CM O'Connell asked if the regulatory agencies' review would be a supplemental EIR.

Mr. Zola said the regulatory agencies would look at the best remediation technologies available, and use CEQA to determine if the new impacts were significant or less than significant. If they had to do a new air quality study, they would make a determination as to whether an EIR was required, whether it would be supplemental to the Baylands EIR, or if a mitigated negative declaration could be prepared.

CM O'Connell said if they were moving less soil it could be assumed they would use a mitigated negative declaration.

Mr. Zola said if the remediation plan increases the amount of dirt moved there would be a new or more significant impact, in which case a new EIR or supplemental EIR would be required.

CM O'Connell said on page 244 of the Council packet, it was stated that in the last seven years there were no odor complaints from the Recology transfer station. She wondered if that was questioned at the Planning Commission level. She sat on meetings where Little Hollywood residents made tremendous complaints about odors. She asked if the Bay Area Air Quality Management District (BAAQMD) is the only agency processing odor complaints.

Mr. Zola said BAAQMD is the regulatory agency for odor control. He noted they received many comments on odors from the facility at the 2016 scoping meeting for the Recology modernization proposal. However, BAAQMD said they did not have any formal complaints.

Director Swiecki said that data reflected a lack of confirmed complaints, in which BAAQMD investigated and found violations.

CM O'Connell asked for clarification of the cost and volume of fuel usage referred to page 249 of the Council packet.

Mr. Zola said the project is comparable to most large-scale projects in the Bay Area in regards to the cost and volume of fuel usage, except for the required remediation.

CM O'Connell said the site's use for soil storage was highly unusual.

Mr. Zola said he would look into that.

CM O'Connell referred to page 251 of the Council packet, addressing the cumulative impacts, and said the renewable energy alternative was the only alternative that would generate more energy than needed. However, she said the EIR did not analyze the renewable energy alternative to the depth of the other scenarios.

Mr. Zola said the four alternatives were studied at the same level of detail, with lesser detail of the renewable energy alternative.

CM O'Connell referred to page 265 of the Council packet, addressing the number of people who live and work in Brisbane. She asked if the 6 % figure applied to working residents.

Mr. Zola said he would follow up on that Census data.

CM O'Connell asked how the high speed rail maintenance yard was accounted for in the Planning Commission's review.

Mr. Zola said the Planning Commission's recommendation could accommodate a high speed rail maintenance yard. The High Speed Rail Authority is considering two locations, but because many operational pieces are still missing, the EIR could not analyze that in detail.

CM O'Connell asked for clarification on legally permissible locations for a school.

Mr. Zola said under current State standards, no portions of the Baylands meet the location standards of the State Superintendent. The current state of contamination and location of underground pipelines, and the Kinder Morgan site were some of the factors precluding schools sited. However, the State Superintendent could still permit a school on-site with preparation of safety studies.

CM O'Connell asked if that was the case, should they disregard the school to work trips projected in the EIR?

Mr. Zola said the Council could consider the impact to the internal capture if there was not a school, which could increase GHG emissions. Alternatively, if residential was permitted by the General Plan the developer could prepare all the studies necessary to evaluate how a school could be accommodated there. He said those issues could be considered during a specific plan review.

CM O'Connell appreciated the spreadsheet on page 269 of the Council packet showed GHG emission reductions for each alternative. She asked if the Caltrain line was intended to stay at its current grade level.

Mr. Zola said that was the assumption.

CM O'Connell asked if new streets would go over the train tracks.

Mr. Zola confirmed. Additionally, he said the grading plan shows the former rail yard being raised.

CM O'Connell said she would like to see how the noise contours were done. She said sound changes and changes in grade level can amplify sounds.

Mr. Zola said he would follow up on that.

Mayor Liu asked what the impact of fugitive dust would be to Central Brisbane and the Ridge with the mitigation measures in place?

Mr. Zola said that would depend on how much dust was generated and the wind pattern at the time. The normal wind pattern flowed from west to east, which would push particles away from Brisbane.

Mayor Liu asked if the EIR considered the impact to existing surrounding uses as well as the projected uses that may come before construction of the Baylands.

Mr. Zola said he would follow up on that.

Mayor Liu asked if the EIR's noise analysis considered the approved projects in the vicinity.

Mr. Zola said it was considered in the cumulative analysis.

Mayor Liu asked for an explanation of mitigation measures for dust near transit stations.

Mr. Zola said the EIR's mitigation measures would apply to construction and development of the Baylands, as well as car traffic on Highway 101 and trains moving along the Caltrain line. Caltrain will study the impacts of their own use. The simplest mitigation measure was watering the site three to four times daily.

Mayor Liu opened the floor to public comment.

Anja Miller requested that the City Council devote a meeting to discuss energy generation.

Mayor Liu asked Director Swiecki to respond to Ms. Miller's comment.

Director Swiecki noted that energy resources and generation would be included in the Council's discussion on March 16, 2017.

Bill Dettmer said switching to a hybrid car reduced his carbon footprint by one ton annually. He said 20 panels at 6 kilowatts (kW) would result in about 5 tons annually of reduced carbon emissions. Mega commuters who commute more than 50 miles to their place of work generate about 30 tons of carbon annually. Living closer to work would reduce that footprint.

Jonathan Scharfman distributed a 2016 Bay Area Council Economic Institute Report that found Statewide GHG emissions must drop by 5.2% annually to meet the goals of AB 32. He displayed a graph from the report that concludes the 2030 and 2050 GHG emission reduction goal cannot be met based on current trends. [[Note: the referenced report is available online here.](#)] He said electricity generation accounted for 12% of California's GHG emissions. He said about 12,000 employees commute into Brisbane. He said there was selective interpretation of facts during these hearings. He asked the Council why they would use 100 acres of land adjacent to a train station for electricity generation rather than for development that would reduce vehicle miles traveled (VMT). He said Brisbane's zero net energy goals could be met by putting solar panels on new buildings. He said in 2007 a PG&E representative there told him and Mrs. Anja Miller that the Baylands site was not a feasible site for the purpose of meeting PG&E's renewable energy portfolio goal of 30% by 2020. He said the best way to reduce GHG emissions in California is to reduce VMT.

Adina Levin said transportation is the largest source of GHG emissions in California. She said the developer's proposal could be modified to further reduce GHG emissions, such as requiring trip reduction thresholds. She referred to case studies in Mountain View and Menlo Park where development was phased based on trip reductions. She said including housing in the Baylands would reduce VMT and GHG emissions. She encouraged the Council to look at CEQA's VMT standards and recommended the Council refer to San Francisco's Central SoMA plan which uses VMT reductions as mitigation measures, such as transit, transportation demand management, and multi-modal access improvements.

CM Lentz asked Mr. Zola how the new CEQA standards VMT would impact the Council's certification of the EIR, which uses the LOS standards required at the time of preparation.

Mr. Zola said the CEQA amendments were effected by adoption of SB 743, which states that under CEQA traffic congestion is no longer an impact. The guidelines related to transportation will be changed to remove the references to LOS delay, which is what the Baylands EIR uses, and instead substitute VMT. When the Governor's Office of Planning and Research submits the revised Guidelines to the Secretary of Resources for adoption, there would be a round of public review and comment. Following adoption, the City would have 2 years before compliance was required. Existing guidelines, however, call for LOS analysis. The City's General Plan also contains LOS standards. This means the City would still need to conduct traffic studies in order to determine General Plan consistency. That would not be eliminated unless the City amended

the General Plan to remove LOS standards, which some cities have done. Currently, mitigation measures using LOS standards focus on adding capacity to roadways. SB 743 requires mitigation measures to increase transit usage and decrease single-occupant vehicle use and VMTs.

Mayor Liu asked if the City could require the types of VMT studies proposed by Ms. Levin.

Mr. Zola confirmed and said GHG emission analyses, energy analyses, and air quality analyses were based on mobile emissions and fuel consumption and VMT. Staff could extract the VMT out of the EIR models. Generally, VMT reductions per capita will mirror the results for GHG emissions reductions per capita. For example, the Community Prepared Plan would have higher VMT per capita. Air quality and GHG emission mitigation measures would be aimed at the transportation sector and reducing VMT.

Clara Johnson said she supported the renewable energy alternative. She said the type of car did not matter in terms of GHG emissions. She agreed transportation is the main source of GHG emissions. She said changing LOS standards to VMT would be a big change. Some policies may result in people sitting in cars at intersections for 10 or 15 minutes putting GHG into the air. It is difficult to get people to use other modes of transit. She said if the City doesn't want GHG, they should build less. She said there were many significant impacts that could not be mitigated. She asked the Council to consider the impacts of adopting a statement of overriding considerations and how construction would affect nearby residents. She said the closest air monitoring station is in San Francisco which doesn't reflect local air quality. She said BAAQMD required that all soil brought onto the landfill before 2010 be tested. She didn't know how much of that soil has been tested and the testing itself could release air pollutants. She said perimeter noise attenuation should be required, similarly to that used at SFO. She is concerned with the noise impacts for new residents in the Baylands. She said the land is contaminated tidal mudflats and subject to sea level rise. It would be easier to adjust solar panels than buildings, and solar panels were quieter and would generate fewer car trips.

Daniel Ames shared Ms. Johnson's concerns and support for the renewable energy alternative. He said he has seen dust storms 50 feet tall blowing across the Baylands looking down to the Baylands from Sierra Point. He asked for a rule that if the winds are gusting no work can be done there and a tarp installed. He thought pile driving should not be allowed late in the evening and asked for enforcement support. He said there would be many customers for a new renewable energy plant in the Baylands. He said intelligent city design was important and Brisbane residents wanted that for their community.

Karen Cunningham said self-driving car technology is close to reality, and VMT analysis may not capture the impact of that technology on transportation patterns. She wondered whether it would increase or decrease congestion during commute times. She thought the noise analysis

was grossly underestimated. She shared a personal experience in which she could hear a person having a crisis in the Baylands from her home, but the Police Department could not hear it from their station. She asked the Council to move forward into the future instead of using standards that might be irrelevant five years from now.

Greg Anderson said technology changes rapidly, and disruptive technology can be good for some consumers but not all. There is a tipping point when new technology becomes better than old technology. He said the cost of electric car batteries has reduced by half while their capacity has increased. Soon a car with a 600 mile battery range would cost less than a gas car. Over the course of buildout of the Baylands, electric cars that are cheaper and better than gas cars will proliferate. He said the report referenced by Mr. Scharfman would be obsolete in years as most people will be driving electric cars. Electric buses are also becoming available. He said nuclear power plant proponents formerly claimed that solar and wind energy generation was too costly and shouldn't be invested in. As the costs of those technologies have reduced, nuclear and coal industries have advocated for restrictions on the solar industry.

Deb Horen reviewed the number of residential units and commercial square footage of projects approved in the City of San Francisco, including Schlage Lock, Executive Park, Candlestick Point, and Hunters Point. She wondered how many daily trips would be generated by these projects in addition to the trips generated by the Baylands. She said the EIR does not take that into account. She asked how the impacts would be handled by Highway 101, Bayshore Boulevard, or Tunnel Avenue. She attended a Green Action Committee meeting in Bayview Hunters Point. She said many community members are sick with asthma and pneumonia. The toxic soil is being released into the air during construction. She said the fox was watching the henhouse at the regulatory agencies. She was concerned with remediation causing health impacts. She asked the Council to google "the future of work" and said jobs in 5-15 years would be reduced by 40% due to automation and outsourcing.

Barbara Ebel said truck driving was one of the most common jobs in the country, and vehicle automation would result in the loss of that employment sector. She said electricity generation and transportation in California had similar GHG emissions per capita, at about 30-40% based on different studies. [Note: the data referenced by Ms. Ebel is available [here](#) and [here](#).] She said electrifying transit would increase electricity emissions. She said 20% internal trip capture on the Baylands was unrealistic and she didn't understand how it could reduce an impact to less than significant. She asked how they could expect housing built on the Baylands to have a higher rate of people working in the Baylands than the 6% average. She said residential can usually supply its own energy needs, but commercial uses cannot. She said ground level solar would be needed. She said the NREL said the site was feasible for solar energy generation. She said New York City has a good carbon footprint because of investment in public transportation. She said buses were the most efficient way to move people down a road. She said housing should be built near

transportation, but not as a result of extortion. She said the development agreement can't be used as a wish list and the developer will likely demand something in return for the City's request. She said drilling for case-ons brings up material and loud pile driving is the only option.

Anja Miller said PG&E had deemed the project was too "small" to pursue, but did not deem it "infeasible." She said Peninsula Clean Energy had invested significant funds in ground solar in Merced County that will power homes in San Mateo County, and could be interested in the Baylands. She said buildings are the biggest energy users and GHG producers. GHG emissions in the transportation are falling because of electric cars. She said focusing on transportation in regards to GHG emissions doesn't take into account the energy sources of buildings, which is often natural gas. Renewable energy is not producing GHG emissions. She said Commute.org, which operates the shuttle service, is not doing enough to promote carpooling. Carpooling is the key to reducing congestion. She urged the Council to maintain the LOS standard in the General Plan. She said the retail and hotels proposed around the Caltrain station in the renewable energy plan would serve the Schlage Lock development and station users.

Michael Barnes said he's worked in Mission Bay for 9 years and has heard some pile driving but it has not been very disturbing. He said it was worth putting up with noise to fix the Baylands after doing nothing for 50 years. Developing the Baylands could solve some of the issues brought up tonight such as fugitive dust. He said Sustainable San Mateo County provided GHG emissions data on their website. He said in 2013, 37% of GHG emissions were due to transportation and 11% were due to electrical generation statewide, per the Sustainable San Mateo County website. In San Mateo County, transportation was responsible for over 50% of GHG emissions and energy accounted for much less. He hoped to drive an electric car in the future, but in the present and immediate future it couldn't be relied on.

Greg Anderson said the General Plan controls development intensity by limiting traffic. However, development has increased around the City and the LOS will be impacted absent any development within Baylands. He proposed calculating the General Plan's development intensity working backwards from the traffic limitations, which results in about 1 million square feet of development. He said Stanford improved their traffic and transportation without adding any student or faculty housing. He said placing housing near transit was a good idea when feasible, but it wasn't always feasible. He suggested giving the developer the development baseline and saying there could be no additional trips. He suggested the applicant could remediate the impacts of the neighboring projects in San Francisco to obtain rights to develop above the baseline.

CM Davis moved and CM Conway seconded to close the public hearing. The motion was approved 5-0.

CM Lentz asked the audience if anyone believed climate change was a hoax. No audience members raised their hands.

CM Lentz asked if the audience if anyone believed humans have not contributed to climate change. No audience members raised their hands.

CM Lentz said the Council has to examine the data in order to make smart land use policy decisions. The Council should strive to achieve the highest standards possible, whether it be related to VMT or noise reduction. Site remediation standards, for example, could be strengthened by considering the standards of other cities or countries. He said he was very concerned with remediation impacts and the City would need to have an advocate in the remediation process. He wanted his children to live in the most sustainable world possible. He said the Sustainability Framework is excellent and the City has to demand the most sustainable development that could be put forth.

CM Davis noted agreement with CM Lentz's statements but cautioned the Council against entering into deliberative statements.

CM O'Connell asked staff to follow up on obtaining a preliminary Title 24 closure plan from the State and thanked the public for their comments.

Mayor Liu asked how the location of air monitors was determined and if the City could request one closer to the Baylands.

Mr. Zola said BAAQMD and the California Air Resources Board were responsible for the monitoring stations' layout. The City could request a station closer to the Baylands. He noted a station was at SFO as well.

CM O'Connell asked how the City could require dust monitoring for the soils operation at the Baylands.

Danny Ames said BAAQMD has told the City their air is very clean.

Mayor Liu asked about studies undertaken by other cities regarding VMT and asked staff to share that information at the next meeting.

CM Lentz said he attended a Commute.org meeting earlier in the day and said there was concern that the federal government would not fund High Speed Rail or Caltrain electrification.

Anja Miller said who the City's representative on the BAAQMD Board must be alerted that the City needs a station. She said BAAQMD did not perform adequate studies for dust issues generated at the quarry.

WRITTEN COMMUNICATION

A. Acknowledge receipt of written communication regarding the Brisbane Baylands Project

Mayor Liu acknowledged written communications received since the last meeting from Bay Area Council and Linda Dettmer.

ADJOURNMENT

CM Conway motioned and CM Lentz seconded to adjourn the meeting. The motion was approved 5-0 and the meeting adjourned at 10:19 p.m.

Ingrid Padilla, Interim City Clerk