



BRISBANE CITY COUNCIL
SUMMARY MINUTES

SPECIAL MEETING TO DISCUSS THE BAYLANDS
THURSDAY, March 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 7:35 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, City Attorney Roush, 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 Other Environmental Issues: Biological Resources; Cultural Resources; Geology/Soils/Seismicity; Hydrology; Recreation; Energy; and related policy issues; Universal Paragon Corporation, applicant; Owners: various; APN: various.

Mayor Liu acknowledged the study session held prior to the meeting. She noted that CM Davis had to leave at 10:30 p.m.

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

CM Davis referred to the October 1, 2015 Planning Commission minutes at which Dana Dillworth said the Water Board required the wetlands to be drained in 2010 which creates a problem for using that year as a baseline. She asked what the rationale was for using 2010 as a baseline year.

Mr. Zola said CEQA establishes the baseline for data collection at the time of the Notice of Preparation, which for this project was in 2010. As stated in the EIR, the landowner requested a wetland modification permit that was never implemented and has since lapsed. The EIR studied the largest annual wetland area and smallest annual wetland area on the site over the past 20 years in order to calculate the average annual wetland area. With the marsh restoration plan, the open space and habitat plan, and requirements for treatment of urban runoff and the use of bioswales and constructed wetlands, the resulting area and quality of wetland areas would exceed current conditions.

CM Davis said Clara Johnson stated at the October 1, 2015 Planning Commission meeting that Ice House Hill surveys should be done before any earth work is done within a 500-1,000 feet radius because dust and noise would disrupt endangered species. She asked how construction would affect those flora and fauna.

Mr. Zola said the impacts would depend on the species. Some species are very adaptable, and some species are nocturnal, but others would be pushed away by construction noise. Addressing that issue as a mitigation measure would be reasonable. The impacts would also depend on what kind of construction will occur and where, and the proposed land use. Construction impacts would be studied via a preconstruction survey and analysis, which would also inform the trail placement. Preconstruction surveys are always required for avian species.

CM Davis said Mr. Zola had mentioned creating a plan for Roundhouse stabilization before heavy construction on the site, because it is deteriorating quickly. She asked if that could be sped up as she was concerned with the structure deteriorating as the Council deliberates.

Mr. Zola said the City could create a stabilization plan, but implementing it on private property would have to be discussed with the property owner.

CM Conway said the staff report discusses potential non-point source pollutants in the Baylands, including products used in landscaping such as pesticides, as well as heavy metals from automobiles. He asked for clarification on which pollutants were in the soil.

Mr. Zola said he would follow-up with specific metals referenced.

CM Conway said he had discussed monitoring the lagoon with the City Engineer for leachates and asked if they had a baseline and how ongoing monitoring of the lagoon would go forward.

City Engineer Breault said Title 27 landfill closure would require the responsible agencies to sample for leachate to ensure it was not migrating off the site.

CM Conway asked how much development is currently at Sierra Point and the square footage of approved projects there that are not yet built.

Mr. Zola said staff would come back with that information.

CM Conway asked for clarification on the Planning Commission's recommendation.

Mr. Zola said the Planning Commission had recommended an increase of no more than 2 million square feet of new development beyond what was currently on the site. Existing development on the site included Recology and Industrial Way.

CM Conway asked about the Planning Commission's recommendation in relation to reducing the impacts to windsurfing resources.

Mr. Zola said the Planning Commission recommended that tall buildings be located away from the area of the windsurfing site to avoid impacts. He said there was no reason to perform a new wind study if the ultimate land use approval is much less than what the developer proposed.

CM O'Connell asked for additional clarification on the Planning Commission's land use recommendation.

Mr. Zola said the Planning Commission recommended an additional 2 million square feet of development in addition to the existing building development currently on the site.

CM Conway agreed with CM Davis that the City should accelerate stabilization of the Roundhouse.

CM Lentz said Recology's property is next to Highway 101 and closer to the Bay in the wind corridor. He asked if Recology's expansion was part of the evaluation of the wind conditions.

Mr. Zola said the wind tunnel testing assumed expansion of Recology.

CM Lentz asked if the Planning Commission's land use recommendation accommodated Recology's proposed expansion.

Mr. Zola said the Planning Commission recommended a maximum 1-2 million square feet of new development. That could include the Recology expansion, or Recology could request additional square footage beyond that maximum as part of their application.

CM Lentz said the staff report discussed potentially colonizing Ice House Hill with native plants and butterfly larvae. He's been told that the Callippe and Mission blue butterflies are not found on Ice House Hill.

Mr. Zola said he would come back with more information on the potential for butterfly habitat on Ice House Hill.

CM Lentz said the lagoon is currently edged by large rocks. He asked if those rocks could be removed as part of the remediation of the landfill and replacing them with another method to keep the contamination from entering the lagoon while providing a more natural environment.

Mr. Zola said the two issues would be handled separately. The first would be to collect leachate at the landfill boundary. The second would be to create a more natural edge to the lagoon and not create erosion. They could consider how to stabilize the lagoon edge in a more natural setting as opposed to the rock riprap currently there.

CM Lentz said a secured perimeter was needed at the Roundhouse property. He asked who owns the machinery building.

Mr. Zola said he would come back with that information.

CM Lentz said he would like the Roundhouse to be a community public space.

Mr. Zola said the land use hearing would be a good venue for that discussion.

CM Lentz asked for clarification of the shrink-swell behavior of the Bay mud discussed in the staff report.

Mr. Zola said shrink-swell behavior is exemplified by a soil that expands when it gets wet, and shrinks when it dries out, resulting in cracked surface. In California, building foundations are typically slabs on grade. When the soil contracts or swells, it pushes on the slab and impacts its integrity.

CM Lentz asked staff to bring back information on how closed landfills withstood the shaking of the Loma Prieta earthquake.

Mr. Zola said pipelines can sustain damage during an earthquake and cracking of the caps can occur.

CM Lentz said page 14 of the staff report addresses using the California Code regulations to ensure the landfill cap is maintained, to prepare emergency response plans, and others measures in case of an emergency. He said there is a concern that the City would not be on the hook in the case of an earthquake.

Mr. Zola said staff would bring back a response to that question.

CM Lentz asked for information on Caltrans' sea level rise planning to protect Highway 101 from flooding. That seems like a barrier that could help protect the Baylands.

Mr. Zola said the San Francisco Bay Conservation and Development Commission (BCDC) is studying vulnerability of infrastructure throughout the Bay Area.

Mayor Liu said the County of San Mateo is conducting a vulnerability study as well.

Mr. Zola confirmed the County was partnering with BCDC in their study.

CM Lentz said the landfill site was raised so it was in good condition for a 55-inch sea level rise. However, the map in the staff report indicates the former rail yard is vulnerable. He asked Mr. Zola to explain the proposed finish grade of the former railyard site.

Mr. Zola said he would bring back information on the grading plan prepared as part of the Specific Plan. Sea level rise vulnerability refers to flooding at the surface level. As the Bay rises, groundwater will also rise, which will affect landfill. Leachate collection systems would need to be designed to account for rise in groundwater.

CM Lentz asked if there were any portions of the former railyard site that would stay at the current grade seen today.

Mr. Zola said the southerly end of the site would be close to existing grade. He said road access must be maintained to Kinder-Morgan. He noted they would bring the grading plan in for review.

CM Lentz said he recently met a representative from the High Speed Rail Authority and noted upcoming meetings in San Mateo and San Francisco in April. He said the Authority's strategy is to build a railyard in either the west side or the east side of the Baylands. He said the Authority

assumes either side would be at the same grade as it is today. He asked if the Title 27 landfill closure would only be done during the non-rainy season and how long it would take to start and close the remediation process.

Mr. Zola said he would come back with that information.

CM O'Connell said she would like to see a sample Title 27 landfill closure procedure and implementation plan. The soil on the landfill site was not engineered, so it must be removed in order for closure to occur. She asked what land use scenarios may not require Title 27 closure. She asked if the draft Public Space Master Plan from June 2009 had been adopted.

Director Swiecki said the document was prepared to assist in the planning process and was never adopted.

CM O'Connell asked if the plan was draft and conceptual and not part of the General Plan.

Mr. Zola confirmed it was not a part of the General Plan and not adopted in any other fashion.

CM O'Connell said she assumed the leachate was mostly fluids entering the lagoon. She asked if the City had taken water quality samples at the edge of the lagoon and if sedimentation is occurring at the west side of the lagoon. She asked if data was available to ensure water quality and how that data was gathered.

Mr. Zola said he would come back with that information.

CM O'Connell said page 74 of the Planning Commission packet states that all of the development scenarios would result in significant impacts because of the Title 27 landfill closure. All of the biological resources other than the lagoon would be scraped clean and remanufactured.

Mr. Zola said by the EIR looked at a worst-case analysis where all soil was removed. The remedial action plan and landfill closure plan would consider whether any areas would potentially not be impacted. The EIR recommended a project-wide habitat restoration plan to give continuity to the open space and habitat areas.

CM O'Connell said the Council received an introductory letter from BioHabitats. It was stated during the Planning Commission hearings that BioHabitats was going to present to the Open Space and Ecology Committee (OSEC) regarding their vision and goals. The Planning Commission had requested a joint meeting with OSEC. She asked if that meeting occurred.

Director Swiecki said no joint meeting took place, and noted BioHabitats was a consultant to the landowner, Universal Paragon Corporation.

Mayor Liu asked if Ice House Hill was part of the San Bruno Mountain Habitat Conservation Plan (HCP).

Mr. Zola said the Baylands were not part of the HCP.

Mayor Liu asked if any HCP requirements would be imposed on Ice House Hill.

Mr. Zola said the HCP requirements would not apply. However, the City would want to ensure that Baylands development would not negatively impact the HCP on the west side of the Highway.

Mayor Liu said there were trails all over San Bruno Mountain in the HCP and asked how they were constructed.

Mr. Zola said trails are not necessarily destructive if carefully planned. The EIR recommends using hand equipment to create the trail on Ice House Hill and survey the area prior to establishing trail routes to minimize impacts. Human presence can disrupt species. Where trails have been there for a long time, an equilibrium can be reached. Human access should be limited during habitat restoration.

Mayor Liu asked about the mounding associated with new development. She asked in the event of sea level rise, would mounding the development decrease the flooding risk? Would a trail be impacted by sea level rise?

Mr. Zola said the main floor of buildings could be required to be located one foot above the 100-year flood at high tide with 100 years of sea level rise to avoid that impact.

Mayor Liu asked if development near the Roundhouse or train tracks would be subject to flooding. She asked if the City could look into raising the ground in those areas so water would not flow into the lower areas.

Mr. Zola said protection of the rail line and Roundhouse would have to be considered in the grading plans. The EIR puts forth a performance standard for all buildings to avoid flood impacts. The first floor of the Roundhouse has to be one foot above base flood level.

Mayor Liu said the staff report stated there was no recreational use planned for the lagoon because of the biological resources there. She asked what resources were present and what contaminants were suspected there.

Mr. Zola said there are fish and habitat in the lagoon, though it is not spawning habitat. There is a wetland fringe on the edge of the lagoon. Disturbing the bottom of the lagoon should be avoided to prevent contaminants from surfacing as well as turbidity. It would be desirable to restore as much of the lagoon edge as possible into wetland habitat. Habitats in the lagoon will change over the next 100 years as water levels rise.

Mayor Liu said they discussed in the study session that during construction there could be stormwater runoff potentially containing contaminants. What are the mechanisms for stormwater protection?

Mr. Zola said there is a series of requirements at construction sites for soil containment of and erosion prevention that apply to all construction permits and grading plans. The City would apply all regulatory requirements in its review of the grading plan.

Mayor Liu opened the floor to public comment.

Cris Hart read from his written statement. He gave City Clerk Padilla a slideshow for the Council's reference. (Note: Mr. Hart's statement are attached to these minutes. [Mr. Hart's slideshow is available on the City's website.](#))

CM Lentz thanked Mr. Hart for his comments. He said he had seen a repurposed Roundhouse in Vancouver, B.C. which was a great example of what could be done to respect the history of the site and be a destination for visitors.

Dan Siskind, Candlestick Preservation Association, thanked the Council for their attention to windsurfing. He shared the windsurfing community's value of the wind conditions at the site and said the developer's proposal would impact windsurfing for generations. He said windsurfers launch near the old stadium and sail towards Sierra Point, but most windsurfing occurs closest to the old stadium. Development at the north end of the Baylands would have more impact on windsurfing. He suggested moving larger buildings south on the site and to build structures closer to the hills than the Bay. He requested that the wind impact of whatever land use plan is approved be analyzed in a scientific way that takes into account windsurfer experience. He suggested a discussion with the windsurfers to agree on an acceptable standard.

Prem Lall said he lived in San Francisco during the Loma Prieta earthquake in a structure built on landfill. He questioned the wisdom of building on landfill. The structure he was in was a

reinforced concrete building that looked strong but sustained significant damage, and his building was forced to evacuate for 3-4 days to ensure that the building was safe to live in. He said other buildings in the vicinity on solid ground did not experience the same amount of damage. He said the Millennium Tower was built on landfill and is now leaning. If the Council authorizes building on landfill, they have to consider how deep the piles would have to be driven to reach solid ground and how long it would take to reach solid ground. He noted the years of noise associated with pile driving that residents would have to withstand. He referenced an article written by a real estate advisor regarding buying property that used to be a dump. The real estate advisor noted that older dumpsites were risky investments. The real estate advisor noted a case where residents on a former landfill had noticed recurring odors and seen tires or glass popping up from the land, and noted the health risks associated with contaminants over time. The real estate advisor noted that the former dump would have to be disclosed to all buyers and advised that homes on further dump sites should not be purchased unless all risks have been demonstrated to be permanently mitigated. (Note: [News articles and supporting materials submitted by Mr. Lall are available on the City's website.](#))

Tom Heinz asked the Council to not take the recent UPC survey seriously and said it was biased toward assuming housing on the site.

Tony Attard said he wanted to discuss the Baylands survey.

Mayor Liu said that item was not on the evening's agenda and asked Mr. Attard to make comments respective to the issues on the agenda.

CM Conway asked the Mayor to allow audience members to comment on the survey as only two audience members wanted to do so.

Mayor Liu asked Mr. Attard to continue.

Mr. Attard said that the City's Baylands survey found that 67% of respondents supported generating renewable energy, 89% wanted clean air protection, and 90% wanted to preserve open space and wetlands. Fifteen percent of respondents supported 1-500 units of housing, while 13% supported 500-1000 units, and 2% supported 4,000-5,000 units. Forty-three percent of respondents supported no housing at all, and 51% preferred any new development to comply with the existing General Plan, which prohibits housing. The clean-up of the toxins is the total responsibility of the landowner and was part of the purchase price of the property.

Tom Heinz said the Daily Peninsula Journal had a front-page article on the Council's Baylands hearings. The article quoted Jonathan Scharfman characterizing the land as "formerly abused." He said the landowners are the ones who have not maintained the property and been negligent.

He thought the City should declare the land blighted and use the power of eminent domain to seize the land. (Note: [A news article submitted by Mr. Heinz is available on the City's website.](#))

Anja Miller read from her prepared statement. (Note: Mrs. Miller's statements are attached to these minutes.)

Ray Miller said the Sustainability Framework would result in zero carbon development, exceeding LEED standards. He noted the distinction in the General Plan between public open space and private open areas. The 2009 study referenced by CM O'Connell referred to open areas. The City buys and maintains open space, while open areas are public spaces that a private owner maintains to save the City money. He asked what is to be done with the mounds of dirt on the east side over the garbage fill. The original idea was to move it off-site and to the west side of the site. But he heard at the Planning Commission hearings that the developer now wants to develop the west side first, bring in soil from somewhere else, and leave the mounds on the east side so they can generate more soil processing revenue. That means the development on the east side could be stalled. The Planning Commission recommendation does not refer to the timing of landfill closure so that UPC does not pull a fast one.

Barbara Ebel presented a PowerPoint presentation regarding energy generation and consumption of the developer sponsored plans compared to the renewable energy generation alternative proposed by CREBL. (Note: [Ms. Ebel's presentation is available on the City's website.](#)) She distributed information on achieving "net zero" development produced by the BayREN.

Dana Dillworth said the EIR only mentions protection of rare and endangered species and there is limited observation or studies of biotics. There is a passing recognition that there may be butterflies on Ice House Hill. The UPC studies were done in the wrong season. They should have been done in the past two months with the rains, storm surges, and high tides. Surveys of birds and aquatic species need to be done annually and had not been. She walked the Baylands with Lenny Siegel of the Center for Public Environmental Oversight in 2006. The drainage ditch south of the roundhouse was actively flowing petroleum product. James McKasik (sic) of EarthCare and Dominic Monsieur (sic) of Randall Museum found the chorus tree frog and stickleback fish, meaning there could be rare and endangered red legged frog as it's a similar environment. The stickleback species couldn't be confirmed. They were spawning in the ditch south of the turntable. Other biologists identified an oriole weaver nest, a killdeer nest, and a Savannah wren. The Baylands provided a refuge and respite for migratory birds. UPC carried out an interim remediation measure to drain the wetlands. Biologists saw nothing at the time. The 2010 baseline is years after the damage done by placing a plastic liner on the drainage ditch. Leaks still happen underground. The EIR misses the plan for wetlands connections in the Open Space Element and Open Space Plan. The EIR dismisses all the environmental impacts of the fill operation ongoing since 2010 to now. There are potential sightings of clapper rail at the south

end of the lagoon. The EIR misses the potential opportunity for protecting all life, not just presumed absent rare or endangered species. She submitted photos for the record. (Note: [Ms. Dillworth's photos are available on the City's website.](#)) She asked that the City observe San Francisco's Maher amendment regarding unregulated fill areas. She suggested the City adopt a precautionary principle when reviewing development applications.

CM Conway asked Mrs. Dillworth to clarify where the drainage ditch in her photos was.

Mrs. Dillworth said it was near the Bunker C.

Glenn Fieldman said a Mother Jones article published in 2015 referenced SFPUC sea level rise projections for the Bay at 8 feet by 2100, which is consistent with her reading of scientific research on the melting of land ice in the Antarctic. The map accompanying the article shows water overtopping Tunnel Road and parts of Highway 101. It indicates that a lot of infrastructure will have to be moved. Building on the site is not a good idea since there are essential transit corridors that will have to be preserved. It was important to determine what the rising water will do to the landfill or a cap over the landfill and no one knew the answers. She opposed building housing, but if the Council approved housing they should commission studies on sea level rise impacts to the landfill.

Greg Anderson read from the resignation letter of Moustafa Ali who recently retired from 24 years on the EPA regarding the need for communities to collaborate together and for public agencies to work with communities. He said the Brisbane Baylands Citizen Advisory Group (BBCAG) is an essential part of the EPA process. They need to see plans in advance to give assurance. The community must be able to speak for itself. The plan approved by the City Council should be acceptable to members of the BBCAG who spent years studying the issues. There is a desire to build housing in light of the housing crisis. Some of the plans would not result in affordable housing on the Baylands. There was a high liquefaction and settling potential. It has been said the air filtration systems in buildings will be monitored, but they can't monitor what is inside the building after it is finished because things in the building can interfere with the readings. It's not clear what those measures indicate in terms of actions. If the ratings fall over time, how low is dangerous? What if they rise? He asked for clarity on how breaks in the landfill barrier would be monitored. He said there is a high amount of settling on Tunnel Road. It is claimed after soil compaction the settling will reduced, but how much? Differentials between streets and properties will be expensive. Remediating the impacts of settling would be a financial burden for individual homeowners or HOAs.

Clara Johnson read from her prepared statement. She distributed an article from January 24, 2017 Inside Climate News regarding a worst case scenario of 8 feet of sea level rise by 2100. (Note:

Mrs. Johnson's statement is attached to these minutes. [The news article she submitted is available on the City's website.](#))

Deb Horen read from a written statement. (Note: Ms. Horen's written statement is attached to these minutes. [Supporting materials submitted by Ms. Horen are available on the City's website.](#))

Jonathan Scharfman said no housing has been proposed on the former sanitary landfill. The geologic and seismic conditions and mitigations required for development of housing on the area proposed is different than the mitigations necessary to build commercial development on the former landfill, which is what is proposed. The same regulatory requirements applied to the millions of square-feet of development approved at Sierra Point, including hotels where hundreds of people sleep and thousands will work in at build out. Sierra Point is subject to the same closure and mitigation requirements that apply to the Baylands. He said BioHabitats is a nationally renowned ecological restoration firm, and have worked with UPC and BCDC on a pilot program to assist BCDC with fringe wetland enhancement and wetland buffer zones on the edge of the lagoon. He said OSEC denied BioHabitats from presenting at their meetings, but BioHabitats did present at the local UPC office. He would submit a letter to clarify the company's purpose in having a new survey to bring more information to bear on decision making for the Baylands, two years after the City survey and five years since the last survey from UPC.

Derek Shuman said he was a windsurfer and he supported preserving the unique wind resource at Candlestick Point, which people visit from all over the world for different varieties of windsurfing. It is one of the safest places to sail and is good for beginners and freestylers. He asked the Council to prioritize keeping the wind corridor clear of high buildings. Keeping tall buildings away from the waterfront and a progressive height away from the water would be a good idea. Wind turbines would adversely affect windsurfing. He is a mechanical engineer and reviewed the wind tunnel study. He said the scale of the wind tunnel was far too small. He requested computer modeling of a wind study for more accurate results.

Danny Ames supported the Planning Commission's recommendations. He likes the idea of a solar farm. There has been an explosive growth in demand for renewable energy in San Francisco. The power lines coming across San Bruno to the Geneva substation get overloaded, so they fire up a power plant in Potrero Hill. A solar farm would eliminate that overload and meet the consumer demand. He asked what the depth to the bedrock is and the volumetric estimate of the toxic dump. He said it had been unregulated and undocumented dumping for decades.

Joel Diaz said Dr. Lee spoke of the need for extensive and thorough monitoring of the lagoon and checking lagoon life for biomarkers. He said Dr. Lee said there is no way to know if there is an increase in release of toxins from the dump into the lagoon unless we start tracking and

testing the lagoon. That needs to take place regardless. Containment of the toxins needs to be verified and is the Baylands' owner's obligation. The wind tunnel analyzed air moving over solid objects and did not include on-shore flow and competing winds. When a flow is interrupted, there is no guarantee it will start up again. At Oyster Point, a shadow effect occurred that was unanticipated by their study. There must be a broader test. This is a world-class location and the City should elevate the standard of care. He understands the 2010 baseline is acceptable under CEQA. However, scientifically that data is too old. The solar study did identify a set aside amount for remediation of the soil. It would be fair for the owner of the property in exchange for their soil business to offer an easement to the City to run a solar farm as there is impact from their business.

Paul Bouscal said former BCDC Executive Director Will Travis indicated support for a project that could create more wetlands on the Bay, which could include floating structures. Critical infrastructure, including sewage tanks, could be incorporated into the Baylands as floating structures. Brisbane doesn't have the money for infrastructure on the Baylands and neither does UPC. He said a conveyor belt should be used to transfer soil from the east side of the site rather than trucks. The consultant said that could be possible but regulations would have to be changed. Sea level rise and stormwater from the mountain aren't going away. Salt ponds in the South Bay had been restored and generate significant revenue. Sierra Point was a regulated landfill; the Baylands landfill was not. Liquefaction and earthquakes would not impact floating structures. He supported wetland restoration. He said if a water tank is not on Ice House Hill, it might be in areas in the HCP. He supported the Planning Commission's recommendation.

Prem Llal shared a news article on sea level rise published in Mother Jones that shows sea level rise flooding maps. The SFPUC predicts eight feet of sea level rise in the next 100 years, including storm surge and little was being done to minimize flood risk. No Bay Area cities have enacted adaptation plans, which could result in staggering costs. He displayed a map from the article that shows flooding of Highway 101. He said gases flow over great distances, and residents living next to the dump will be affected even if they aren't living above the dump.

Dana Dillworth said Native American resources were found on the Schlage property. She heard an Ohlone woman talk about the experience of Emeryville and the shell mound there and she was distressed that all that was done there was to provide a parking lot and a sign. She hoped they had better regulations than it being quietly done outside of the purview of the public. She heard there was a rave at the Roundhouse recently and is concerned about unregulated activity in the Baylands, especially dirt biking which kicks up dirt. She said there was new information on the VWR site that could have an impact on understanding hydrology at the southern end of the Baylands. She said she recently went on a UPC tour of the Baylands and they told said that landfill was sanitary on the Baylands. She said Sierra Point was a different type of landfill and housing was not allowed there. She said the City should not believe the developer.

Barbara Ebel said the store she worked at in the late 1980's in San Francisco was damaged during the 1989 earthquake. She said during the Planning Commission hearings, they discussed that the scale models of the buildings were a uniform block and not individual buildings because they didn't have that information. However, building articulation and separations would cause additional turbulence. She supported using a threshold of surfable days. She said habitat still has value even it is not disturbed. She said putting piers into a dump with different pH levels will impact steel-reinforced concrete. She doubted the piers could go down to bedrock, which she said was 200 feet below the surface. She said she was offended by the care UPC has taken of the Roundhouse. The chain link fence was not secure and it continues to degrade. The soils processing permit expired and was up for re-approval, and the City should require reinforcement of the Roundhouse as part of that process.

Clara Johnson continued to read from her prepared statement. (Note: Ms. Johnson's statement is attached to these minutes.)

Beth Grossman said she attended a meeting at the Bayview Opera House where the Office of Environmental Health and Hazard Assessment made a presentation. She recommended the Council check it out their new website for CalEnviroScreen3.0. Brisbane and Bayview Hunters Point are in the top 5% in California most impacted by pollution and toxicity. She said housing should not be allowed on the Baylands. She was very worried about the Kinder-Morgan tank farm and what would happen in case of an earthquake without an emergency plan. (Note: [Supporting materials submitted by Ms. Grossman are available on the City's website.](#))

Anja Miller said all of the Baylands was once Bay, and it was filled for the rail yard, and the landfill which was a dump. Both sides are made of fill.

Deb Horen asked how the City monitors the soil operations at the Baylands, where it comes from, the contractors, etc. She said Tetrattech dumped their soil all over the Bay Area and some claim it was dumped on the Baylands. She wanted the manifests to be made available to verify if that soil was toxic.

Paul Bouscal said 30 years ago there was a major main pipeline failure that carries gasoline and jet fuel. It was an environmental disaster. Before any work is done on the edge of the Bay, the pipeline should be replaced.

CM Lentz asked if the wind corridor came through the Recology property and proposed footprint of the Recology expansion.

Mr. Zola said yes.

CM Lentz said the buildings would not be very tall, and the southern part of the Recology development would be a parking lot.

Mr. Zola said that was a site plan proposed, but nothing had been approved yet.

CM Lentz asked Mr. Zola if there were any transit-oriented development plans that did not include housing.

Mr. Zola said there are competing objectives. One objective is to encourage transit use and cluster development near the transit station and closer to the interchange, pushing development north. The other objective is to minimize biological impacts, which pushes development to the north. Another objective is to maintain a wind corridor as free of development as possible, which pushes development south. In planning, not everyone can get everything they want.

CM Lentz said the City had talked about moving the transit station south from its current location to tie in with proposed bus rapid transit on Geneva Avenue. He asked if that occurred, would the wind corridor be less impacted?

Mr. Zola said this would be addressed when the Council discusses land use and distribution. In the Commission's recommendation, development is located west and to both sides of Geneva.

CM Lentz said the Council can designate hours for pile driving.

Mr. Zola said the City already has restrictions on construction, and the EIR includes mitigation measures to further restrict pile driving specifically.

CM Lentz said he prepared a list of information for staff to follow up on, including clarifying the City's relationship with MID and the soils from Hunters Point Shipyard. He said having a robust remediation action plan is the best outcome. (Note: CM Lentz's list is attached to these minutes.)

CM O'Connell appreciated the list and said other Council members should contribute their own ideas. She asked staff if the City had access to manifests from the soil processing operations.

City Manager Holstine said he would get back to the Council on that.

CM O'Connell said the EIR baseline was 2010, but the soil quantities have increased since then. She asked for information on staging the soil removal.

CM Conway asked what type of corrosive soils were in the landfill.

Mr. Zola said he would follow up on that.

CM Conway said Geneva Avenue is a wind tunnel, and it is a developed area. He said structures could be placed in such a way to guide wind.

Mayor Liu asked staff to follow up on Deb Horen's research on water supply case law. She asked staff whether the threshold used was the correct threshold in terms of wind surfing impacts.

City Manager Holstine said staff was taking notes throughout the proceedings and he anticipated dedicating at least one meeting to answering the questions asked along the way.

MAYOR/COUNCIL MATTERS

A. City Council Schedule

City manager Holstine noted the schedule had not been changed since the last time the Council reviewed it. Staff would come back with a more fleshed out discussion of the deliberation process and options and they would set a schedule from there.

WRITTEN COMMUNICATION

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

Mayor Liu acknowledged written communications received since the last meeting from Danny Ames, Sharon Boggs, C. John Skeers, Ceci Herrmann, Nishijima and Aurora Mubunga, BioHabitats, an anonymous email, and Greenbelt Alliance.

ADJOURNMENT

Mayor Liu adjourned the meeting at 11:07 p.m.

Ingrid Padilla, Interim City Clerk

To City Council, 3/16/17 Cultural Resources Aspect of EIR

Good evening council people,

I'm Cris Hart of 223 Mariposa Street, Brisbane resident of 20 years, also president of the nonprofit San Francisco Trains. I'd like to comment on cultural resources. Bayshore roundhouse is the only place in Brisbane on the National Registry of Historic Places, the only standing brick roundhouse in the state, reportedly one of the three of this design nationwide. The railroad roundhouse was once a common feature, there were three on the San Francisco peninsula and 200 in the state. A locomotive of the late 1800's to mid 1900's required constant attention, and the roundhouse was a center to turn, service and stable them.

When the Southern Pacific Railroad developed the Bayshore railroad and its service facilities they advertised a region where work was plentiful and the living conditions favorable. People from across the county came to Bayshore in the early 1900's. Visitation Valley, Brisbane and South San Francisco become home for thousands of people who worked at the Bayshore Railroad facilities and on the railroad.

These tradespeople, with their hands and tools, accomplished repairs that seem foreign to us now. Shaping and turning metal, fitting moving pieces together that spun at hundreds of revolution per minute or under pressure were generally understood tasks. Safely lifting a 200 ton locomotive of its wheels was accomplished in one building, checking a locomotive for its ability to brake was happening in another. Reusing materials was common, what might have been an old axle could be forged into a connecting rod. The frugality of the railroad preceded the minimum waste mantra of today's practices.

Currently the roundhouse and the 'Tank and Boiler Shop', known as the Lazzari Fuels building, are the sole remaining building of the whole site. The tall brick erecting hall, the steel sided car shops, the power plant, the yard tower, the transfer table, the cafeteria and the clinic are gone.

In this EIR we're addressing cultural equity. The Roundhouse needs to be protected and preserved, it is deteriorating fast. And I fear is the skills and ingenuity of the workers will not be remembered or represented. They shaped the regions development worked right here in Brisbane. The tools and techniques they used can still be documented while in recent memory.

The cultural resource of railroading needs to be preserved at Bayshore. The Brisbane Planning Commission recommended there be 'rail related activities' at Bayshore at its February 25, 2016 Baylands Deliberation Meeting.

When the times comes for decisions on the future of the Baylands, I'm asking that you uphold that recommendation. Thru interpretation and education the skills and culture can be preserved at Bayshore, not just let a building be repurposed to something convenient. Let the legacy of skill and determination live and enrich the lives of generations to come.

Respectfully submitted, Cris Hart 3/16/17

**City Council hearing on Energy Resources 3/16/2017
Statement by Anja Miller**

The two renewable energy sources I'd like to address are wind and solar, both widely supported for use in the Baylands – and the history behind this support.

About 10 years ago when the Baylands was first discussed, there was a day-long “Have your Say Day” at the Community Center. About 70 citizens attended to offer their vision and to suggest acceptable land use types. No potential density of development was suggested, nor was there any mention of the necessary cleanup of the toxic site, even though many people were personally aware of the contaminants buried and remaining in the bayfill. What was also well known was the “Candlestick wind tunnel” and the potential of harvesting the wind energy there.

We were seated around eight separate round tables, and each group developed a consensus on desirable land uses. They included offices, light industry, hotels and retail, and every table stressed the use of wind power as an energy source.

Then, to follow up on that consensus, people got together for an informal Brisbane citizens committee that came to be called CREBL, short for Citizens for Renewable Energy in the Baylands. Many residents indicated their support by displaying on their property small colorful pinwheels, symbols of the clean energy idea.

However, there were doubts whether there really was enough wind to power utility-scale wind turbines. So with the developer's support an anemometer was installed; it measured the wind for a year and a half. The results were speeds lower than expected, or an average of just 9 miles per hour annually. This suggested that an array of special turbines designed to work at lower wind speeds without harming birdlife would still be a beneficial land use along the Geneva extension corridor.

Next, CREBL started looking at our plentiful sunshine as a better source of electricity. It was determined that 100 acres of the landfill could be used for the photovoltaic panels, but again in order to establish their practical feasibility a proper scientific study was needed. So the City, with backing from our Congressional representatives and others, competed for and won an EPA grant for that study, which was conducted by a team of scientists from the National Renewable Energy Lab.

That study, completed in 2011 and attached to the EIR before you, found the project both environmentally and economically feasible. In addition, a strong downward trend in the market prices of PV panel then started, so the study's financial figures were updated in 2014 and resulted in an even stronger recommendation by the scientists. And as you probably know, that trend has continued, and the market for solar energy is now more profitable than ever. The NREL team also recognized the advantages of the energy being generated so close to the PG&E Martin Substation, requiring very little transmission cost or energy loss.

And who would buy the Baylands solar and wind energy? Besides fully powering new development, there would be enough to benefit the rest of Brisbane. And as you know, we now have the joint powers authority called Peninsula Clean Energy, one of whose operating principles is “Investing in the Community” – that is, helping the generation of

local renewable energy, or “distributed energy,” in San Mateo County, close to PCE’s consumers.

As far as your Sustainability Framework is concerned, the solar and wind farms will be a most appropriate way to implement those goals. They would also make use of one of the few positive impacts from development in the Baylands. Because your Planning Commission has done a tremendous amount of work on the various proposals and given you a solid recommendation, I urge you to accept that plan.

Comments on Staff Report for FEIR CC Public Hearing Clara Johnson

March 16, 2017

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The Renewable Energy alternative is the environmentally superior alternative. It is the only alternative that improves the lives of the people living in Brisbane, Visitacion Valley and Bayshore Daly City.

Change in Mit Measure 4.P.1, In addition to minimizing idling time to 5 minutes, why not require that all equipment that is available in an electric powered version should be electrically powered (like at SFO to reduce air pollution).

Change in Mit Measure 4.P.1, automatic shut off of office equipment and lights should be required.

Page 3

There should be at least 100 acres of ground mounted renewable energy in the form of high efficiency solar panels which could start operating sooner than building integrated or roof mounted photovoltaics. It would be wise to construct the 257.4 acres of building mounted solar panels. Wind turbines should also be placed within the development despite some changes in prevailing winds.

Page 4

Parkland and other open space should be maximized. It has a positive impact on human stress and health, on wild animal survival and it is a more practical use on this former wetland/mudflat/ bay bottom land. The 1994 General Plan required *at least* 25 percent open space.

Comments

CC FEIR Public Hearing

Clara Johnson

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Page 6

Wind behaves differently over water than it does over land and your report uses the phrase “near ground level”. Doesn’t the presence of so much water negate the usefulness of the model.

Page 7

According to the 1994 General Plan, the project buildings were not supposed to create a wall of structures along the bayside of the Baylands. The wall of sold mass seems likely to adversely impact windsurfing resources

Here is a general comment on Biological Resources. It seems to me that during this application process, the biological resources have been consistently undervalued . I think the purpose is to avoid mitigation measures to protect them. I don’t dispute that there has been an assault on anything alive in that area but life is resilient and there is value in small creatures and plants that are not taken into account. The insects, birds, small wetlands creatures and the plants all have their value in even a disturbed ecosystem.

I dispute the idea that outside the shooting range, the habitat is degraded. It depends on whose habitat you are referring to. The horses hoofs disturb the slopes but disturbed slopes are where Lupine plants grow and it is the primary food for the Mission Blue Butterfly. Ice House hill should be treated as habitat for an endangered species. The shooting range needs rehab and it should no longer be used as a shooting range.

The water flowing from the Levinson Marsh under Bayshore Blvd and through the Baylands is largely ignored. There should be a better understanding of any contaminants it carries and where it flows in order to understand how it impacts land that may already be contaminated.

Comments on Staff Report CC FEIR Public Hearing Clara Johnson P3

Page 10

I appreciate that Mitigation Measures 4.CV-4a and 4.C-4b set performance standards to protect onsite resources but it is not enough. There is a disconnect between the fact that there are large areas of land and water areas that contain contaminants of concern and metals of concern that are present in small amounts and are considered to be less than should be remediated according to our current and perhaps not our future understanding. All of these activities need to take that into account and how those hazards may impact any changes that anyone intends to make. We ignore them at our peril. That needs more study.

Page 11

The preparation and implementation of a rehabilitation plan for the Railroad Roundhouse should be a requirement tied to a point in the progress of the project., e.g. before any building is occupied on the site.

Page 12

Please note that there is both Old Bay Mud and Young Bay Mud underlying the Baylands . I appreciate the concern shown in the report about the dangers in seismic events . There should be more investigations into the corrosive soils and the full implications of them.

Page 13

When will the Soil Sampling and Analysis Plan dated 2011 be implemented to test all soils deposited on the land prior to Feb 2010? How will you test every 1000 cubic yards of soil and be able to keep track of what is tested and what isn't and how will it affect: air quality and storm water, remediation, seismic safety?

The final design level geotechnical investigations should be reviewed by a seismic engineering firm and that firm should make recommendations to the City Engineer prior to the City Engineers review of the final design level geotechnical

Comments on Staff Report CC FEIR Public Hearing Clara Johnson P4

investigations. That action would insure a high level of seismic structural expertise.

Page 14

Title 27 (Landfill Closure) requires landfill cap maintenance . There should be verification that the maintenance takes place within 90 days of the maintenance. The required changes in emergency response plans when changes in land use or structures takes place should also be reported to the City or its agent. This is related to Mitigation Measure 4.E-2b

Page 15

I appreciate the concern shown for these issues but there is more recent information that indicates that NOAA has revised its predictions to a worst case scenario of an 8 foot rise by 2100 (see attached)

The soil and soil piles, huge piles represent a risk of failure that needs more investigation into the impact of seal level rise within the bases of these piles and what it means to their stability. Recent slides from huge piles of garbage or coal tailings indicate that caution is in order when dealing with unnatural giant mounds of anything. The seismic risks seem daunting.

Page 16

The runoff in this project requires more testing than in most industrial sites. Our current stormwater plan has been criticized for not meeting EPA standards. We need to place greater scrutiny on runoff and groundwater here.

The only groundwater being remediated is in OU1. The northern part of the Railyard and on Schlage lock property.

Page 17

There should be site specific controls for each project and the overall infrastructure to take all the variables of this site into account.

Comments on Staff Report CC FEIR Public Hearing Clara Johnson P5

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I believe that Mitigation Measure should be limited to the use of pesticides and other chemicals that are not suspected of harming beneficial insects. I would prefer that only natural forms of pesticides be used.

I think that the Planning Commission made many valuable recommendations.

I recently learned that according to areavibes.com, Brisbane's air quality is 13% above the average American city and that Brisbane's air pollution is 61% worse. It will be much worse if you approve any of the four alternatives in the application.

Thank-you for your attention.

Clara Johnson

I will be speaking on Water. At our last Baylands public meeting we had some confusion over the MID attorney who gave public testimony to support their DEIR letter that clearly stated, that the Modesto Irrigation District did not agree to the water transfer required to meet the 2400 square acres needed by the specific plan. Our City Attorney advised us that since we are not deciding on the specific plan, this level of detail and analysis is not required to be in the FEIR.

If housing exceeds 500 units, CEQA Guidelines require that water resources be specifically identified and agreed to by agencies that will be involved with the required water for the specific plan. Details of the CEQA water requirements can be found in section **15083.5. City or County Consultation with Water Agencies. Of the CEQA Guidelines.**

In response to the claim that we are deciding on the General Plan, not the Specific Plan, I will refer to a case that was decided by the California Supreme Court in 2007, VINEYARD AREA CITIZENS FOR RESPONSIBLE GROWTH, INC., vs. CITY OF RANCHO CORDOVA.

It states:

Under California Environmental Quality Act (CEQA), the future water supplies identified and analyzed in an environmental impact report (EIR) must bear a likelihood of actually proving available; speculative sources and unrealistic allocations, "paper water," are insufficient bases for decisionmaking under CEQA.

"An environmental impact report (EIR) that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of the California Environmental Quality Act (CEQA)."

In (*Stanislaus Natural Heritage, supra*, 48 Cal.App.4th at p. 206, 55 Cal.Rptr.2d 625.) **CEQA, the court recognized, permits the environmental analysis for long-term, multipart projects to be "tiered," so that the broad overall impacts analyzed in an EIR at the first-tier programmatic level need not be reassessed as each of the project's subsequent, narrower phases is approved,⁶ but tiering "is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause."**

In (*Santa Clarita, supra*, 106 Cal.App.4th at p. 723, 131 Cal.Rptr.2d 186.) As the CEQA Guidelines explain: "Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental impacts of the project and does not justify deferring such analysis to a later tier EIR or negative declaration."

And finally, the future water sources for a large land use project and the impacts of exploiting those sources are not the type of information that can be deferred for future analysis.

The attorney from MID drove all the way here last month because she knows, that their Board had not signed off on our FEIR. As stated in several multiple legal rulings: **future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ("paper water") are insufficient bases for decisionmaking under CEQA.** (*Santa Clarita, supra*,

106 Cal.App.4th at pp. 720–723, 131 Cal.Rptr.2d 186.) An EIR for a land use project must address the impacts of *likely* future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.

Government Code section 66473.7 generally requires a city or county, before approving a subdivision map for a residential development of more than 500 units, to obtain from the applicable public water system a “written verification” that adequate water supplies will be available for that project as well as other existing and planned future uses for a projected 20–year period.

In summary, without specifying and gaining agreements about the water requirements for the specific plan, our FEIR is inadequate and does not follow CEQA Guidelines. Based on multiple legal precedents, our existing FEIR would likely not hold up in a court of law.

Deb Horen 3/16/2017

Source:

40 Cal.4th 412

Supreme Court of California

VINEYARD AREA CITIZENS FOR RESPONSIBLE GROWTH, INC., et al., Plaintiffs and Appellants,

v.

CITY OF RANCHO CORDOVA, Defendant and Respondent;

Sunrise Douglas Property Owners Assn. et al., Real Parties in Interest and Respondents.

No. S132972.

|

Feb. 1, 2007.

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As Modified on Denial of Rehearing April 18, 2007.*

POTENTIAL AREAS TO RECEIVE ADDITIONAL INFORMATION

TRANSPORTATION

- Understanding San Francisco's new guidelines for traffic mitigation and parking for new development
- Flush out PC's recommendation regarding infrastructure development prior to site development
- Explore cities that have instituted minimal or no parking requirements in order to promote public transportation and private bus service (Can the City institute no personal parking spaces for housing and employment?)
- Multi-modal location
- Multi-modal impacts on reducing traffic congestion in the Baylands and from SF development
- Examples of successful bicycle commuter cities
- How would you build a rail yard if the land around the tracks is raised?
- Examples of the best walkable cities
- Examples of multi-modal transit hubs that have partnered with the private sector to incorporate retail, hotel and/or entertainment

EMISSIONS

- Describe Title 24 Zero Net Emissions requirements for residential and commercial
- Examples of multi-story buildings that are zero carbon
- Can we achieve a zero carbon development that includes residential and commercial uses?
Please show examples
- Examples of small urban biomass facilities converting green waste into CNG and compost

PUBLIC BENEFITS

- Provide examples of how the school districts could receive additional funding and what might be an expected amount based on the current plans
- Explain the process for requiring/negotiating cultural benefits such as public art, museums, activities for ethnic groups and clubs, seniors and youth
- Explain the process for requiring/negotiating recreational opportunities such as ball fields, gyms and trails
- Could we create funding mechanisms through development to provide basic health and wellness services for citizens and workers in Brisbane?

REMEDIATION

- Compare standards between CAL EPA and other states, as well as other countries
- How many Title 27 Land Closures have occurred in the Bay Area?
- How many landfills are still awaiting Title 27 status in the Bay Area?

- Of the landfills that have received Title 27 status in the Bay Area, please indicate the uses that were built
- Have any of the Title 27 Land Closure developments caused people to develop illnesses?
- How do we assure ourselves that radioactive soil or material from the Hunter's Pt. Naval Ship Yard has not been delivered to the Baylands?
- When dirt is moved from the landfill side to the rail yard side, will the soil be tested?

WATER

- Provide examples of small water treatment facilities that put the water back into the system and turn the solids into fuel and compost
- Can we treat Brisbane's water at the Baylands? If so, how would affect how much water would be needed at the Baylands?
- Can we provide a simple statement to the public regarding our relationship with MID, and their role in the process?

ENERGY

- Provide examples of multi-story buildings creating their own energy