

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Brisbane Baylands Planning Applications (Concept Plans, Specific Plan Case SP-01-06, General Plan Amendment Cases GP-01-06/GP-01-10) and related Final Environmental Impact Report (SCH #2006022136) – Deliberations regarding basic principles of development

DATE: Meeting of July 13, 2017

Introduction:

Deliberations Process

As discussed at its June 19, 2017 meeting, the City Council established a conceptual process for its Baylands deliberations. Such deliberations would generally approximate the process undertaken by Planning Commission in moving from broader issues to increasingly detailed matters. Following this model, the City Council would focus first on the basic principles for development within the Baylands; next on discussion of the appropriate mix, intensity, and distribution of land use for the Baylands; and then on other relevant policy issues. Consideration of the appropriate mix, intensity, and distribution of land, as well as relevant policy issues will also involve review of the applicant's proposal and the Planning Commission's recommendation. Once these land use and policy parameters are established, the City Council would undertake review of the Baylands Final EIR to determine the extent to which the EIR addresses the City Council's land use and policy preferences.

Requested Information

The City Council has commenced the process of prioritizing the numerous data requests and questions that have been raised during the Council process to date. A comprehensive list of the prioritized questions and data requests is attached for reference purposes. The process of responding to these requests is underway. While staff anticipates providing substantive responses to most of these requests in time for the upcoming July 24 meeting, the complexity of some of these requests will require more time in preparing responses, which will also be noted for the July 24 staff report as well.

Discussion:

Tonight's meeting focuses on defining the basic planning and environmental principles that any future development of the Baylands must meet, irrespective of the land use program.

Basic Principles for Baylands Development

Based on the Planning Commission recommendation, public comments, and comments made by members of the City Council during public hearings, as well as EIR conclusions and mitigation measures, several basic principles that the City Council may wish to consider are presented below. Basic principles suggested by individual City Councilmembers are also included.

Community Character

- Protect Brisbane’s unique small-town character.

Sustainability Framework

- Incorporate the Sustainability Framework into the General Plan.

Open Space

- Preserve large unbroken blocks of open space that provide for restoration of wetland areas and provide continuity and flow of open space throughout the Baylands. “Open space,” as used in these principles means both public- and privately-owned lands for:
 - Active and passive recreation;
 - Protection of resources (e.g., sensitive habitat areas); and
 - Protection of public health.
- Site-specific developments will be provided with independent open space areas.
- Protect key habitat areas, including Icehouse Hill and wetlands.
- Protect the Brisbane Lagoon and potential habitat areas adjacent to it.
 - Relocate Lagoon Road north, expanding the buffer area between the former landfill and the lagoon.
 - Prohibit water-based recreational use of the lagoon or other uses that would disturb aquatic habitats.

Public Safety

- Ensure that the Baylands site is safe for the future uses approved for development by the City in relation to:
 - Site remediation and Title 27 landfill closure;
 - Seismic and geologic hazards;
 - Flooding, including hazards related to sea level rise;
 - Traffic safety and emergency response; and
 - Provision of public safety services.
- Manage the relationship between the City’s planning review, and the remediation review being undertaken by RWQCB and DTSC for the Baylands as summarized below.
 - The City of Brisbane will actively participate in the regulatory and CEQA processes undertaken by DTSC and RWQCB. Such participation will include:

- Retaining an independent consultant to provide 3rd party review of applicant-prepared studies and proposed regulatory agency actions to ensure that the City's interests in protecting public health are addressed;
- Seeking implementation of best practices for testing, remediating, and monitoring onsite contamination;
- Seeking the highest practical standard for remediation of the Baylands;
- Reviewing remediation and landfill closure studies, along with proposed remediation and landfill closure plans and actions;
- Providing comments to regulatory agencies;
- Negotiating any differences in standards, implementation requirements, or expectations for performance between the City, regulatory agencies, and developer;
- Performing regular testing, monitoring, and providing an annual report to the Brisbane City Council; and
- Establishing a financial mechanism to support long term monitoring;
- o Plans for Title 27 landfill closure and Remedial Action Plans for OU-1 and OU-2 are to be completed to the satisfaction of the RWQCB and DTSC prior to approval of a specific plan.
- o Subsequent project-level CEQA documentation would be required for adoption of a specific plan by the City.
- o Following completion of CEQA documentation and approval of landfill closure and remedial action plans, physical remediation of the Baylands and closure of the landfill must be completed prior to site development of those areas.
- Natural solutions to protect development within the Baylands from the effects of sea level rise should be given priority over manufactured solutions.

Existing Land Uses

- Restore the Roundhouse, provide opportunities for rail-related and educational uses at the Roundhouse, and maintain compatible development adjacent to it.
- Protect the ability for Recology to modernize and expand their current operations within the Baylands.
- Provide for the relocation of Golden State Lumber, which is a major sales tax generator for the City.

Distribution of Land Uses

- Distribute land uses and development intensity within the Baylands, recognizing the individual "planning areas" formed by the key existing and planned features within the Baylands illustrated in Attachment 1.
- Maintain a transit orientation for new development, including use of the Baylands to enhance access from Central Brisbane to the Bayshore Caltrain Station and other transit services within the Baylands.

Public Services, Facilities, Utilities, and Water Supply

- Manage the relationship between water supply and development planning and review for the Baylands as summarized below.

- Concurrent with submittal of a proposed Specific Plan for development within the Baylands, the applicant shall identify a water source with a reasonable likelihood of being approved that is capable of providing adequate water supply for the proposed Specific Plan in normal, wet, dry, and multiply dry years as required by CEQA and the California Water Code.
- Along with development within the Baylands, project-level environmental analysis for the proposed Specific Plan shall address any agreements and facility improvements needed for the delivery of water to the Baylands.
- Prior to approval of site-specific development within the Baylands, any needed water supply and conveyance agreements shall be approved by all parties.
- Prior to issuance of certificates of occupancy within the Baylands, physical water supply pursuant to final water supply and conveyance agreements shall be available to the Baylands.
- Development shall generate more revenue to the City of Brisbane than the City's costs of providing and maintaining public services, facilities and infrastructure.
 - Each increment of development shall, at a minimum, be revenue neutral to the City on an annual basis.
- Project development shall pay for all required capital facilities, whether they are constructed onsite or offsite. Require provision of appropriate infrastructure and site amenities for each increment of development within the Baylands by incorporating performance standards for infrastructure, services and facilities into the General Plan.
 - Each increment of development must be provided with appropriate infrastructure, services and facilities, and site amenities.
 - Development phasing shall include milestones for development in relation to provision of:
 - Environmental site mitigation (e.g., open space dedication, habitat restoration, trails).
 - Roadway improvements, including the Geneva Avenue extension and Candlestick interchange, as well as description of allowable development patterns prior to the Geneva Avenue extension.
 - Transit improvements.
 - Other infrastructure (e.g., water, sewer, water recycling plant, drainage improvements; police and fire services and facilities).
- To ensure (per General Plan Policy 27) that centrally located police facilities are provided to serve the Baylands and that adequate response times can be maintained throughout the City, require specific plan(s) for Baylands development to prepare and implement a Police Services and Facilities Plan, subject to City approval, to define specific timing requirements for establishment of additional police shifts based on the progression of development within the Baylands.
- To ensure adequate fire protection services and facilities to support Baylands development and to maintain adequate response times throughout the City, require specific plan(s) for development within the Baylands to prepare and implement a Fire Protection Services Plan that provides for the timely provision of fire protection facilities, equipment, and staffing needed to meet applicable performance standards.
- Consider locating needed water storage facilities within the Baylands, rather than in a hillside location, utilizing solar energy generated within the Baylands for pumping of water.
- Incorporate a recycled water plant into future Baylands development.

Potential for High-Speed Rail Maintenance Yard

- Recognize the potential use of a portion of the Baylands for a high-speed rail maintenance yard, and identify City expectations for such a use, including:
 - Mitigation of the maintenance yard’s environmental impacts.
 - Provision of community benefits.
 - Offset loss of existing and anticipated revenues to the City of Brisbane.

Other Considerations

As the City Council considers these basic principles, the focus should be on these or other statements as an expression of basic goals to guide further decisionmaking, rather than defining details. More detailed discussions will occur in subsequent deliberations once the basic principles are established. For example, the discussion regarding incorporating the Brisbane Baylands Sustainability Framework into the General Plan and the Baylands planning review process should focus on *whether* and *how* the policy direction set forth in the Framework should become part of the General Plan, rather than the details of individual provisions of the Framework. Should the City Council agree with the principle that the Sustainability Framework should be incorporated into the General Plan for the Baylands, specific wording for General Plan policies will be brought back before the City Council for its detailed review.

In addition, the focus should be on providing direction for future Baylands development, and *what* issues need to be resolved, rather than prescribing *how* these issues will be resolved. Ultimately, the responsibility should rest with the applicant for complying with the relevant policies established under the General Plan in a manner acceptable to the City of Brisbane. For example, one of the suggested principles is that Baylands development generate more revenue to the City than the City’s costs of providing and maintaining public services, facilities, and infrastructure, and that each increment of development shall, at a minimum, be revenue neutral to the City on an annual basis. This performance standard requires the developer to select an appropriate mix of land uses and financing techniques for each increment of development to ensure that Baylands development pays for itself on an annual basis throughout the life of the project. While it would be appropriate for the City Council to discuss the types of financing mechanisms it would be willing to accept (e.g., Mello-Roos Community Facilities District, Landscape and Lighting District, developer funding and Property Owners’ Association) for Baylands development and maintenance, the City Council need not determine a specific financing program for the Baylands.

While the City may properly regulate the development of property within its jurisdiction, its regulations must allow for some economic use of the property and the regulations must allow such development that is “feasible.” If government goes too far in its regulatory scheme, it opens itself up for a “takings” claim.

Although what constitutes a regulatory taking has been the subject of numerous United States and California Supreme Court decisions, it is fair to say that the approaches have been far from unified. Nevertheless, in very general terms, it appears that in determining whether a regulation goes “too far,” a court will consider the economic impact of the regulation on the claimant must be such that it deprives property of substantially all value, the regulation must materially interfere with investment backed expectation of the property owner (e.g., what regulations were in place at the time of purchase that would inform the reasonableness of those expectations) and the character of the governmental action (e.g., is

there a physical taking of the property as opposed to a restriction as to use; is there a governmental interest in protecting the public from harm that results in the restriction).

Part of the above analysis will undoubtedly turn on whether an approved project is “feasible,” meaning whether it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. That determination, however, does not need to be viewed entirely through the lens of the property owner. But there should be some basis that a project is capable of being accomplished with reasonable assurances of success.

In any event, it is not necessary at this time for the Council to dwell on the details whether a project that satisfies the Council’s goals and principles results in a taking or is not feasible. As Council moves through its deliberations, staff will provide guidance and counsel if the deliberations suggest the Council is moving in a direction that calls into question these issues.

It is also important to remember that any direction reached this evening and throughout the City Council’s deliberations before a final action is crafted for formal approval are *interim* decisions, subject to review and modification by the City Council prior to taking final action.

Next Steps:

Following discussion of basic principles, the City Council is scheduled to continue its deliberations on **July 24, 2017**, where the discussion will focus on the appropriate mix of land uses within the Baylands. As noted above, responses prepared to date for City Council members’ questions and data requests will be provided. Following discussion of the appropriate mix of land uses, subsequent City Council deliberations will address development intensity and distribution of land uses within the Baylands and other General Plan policy issues.

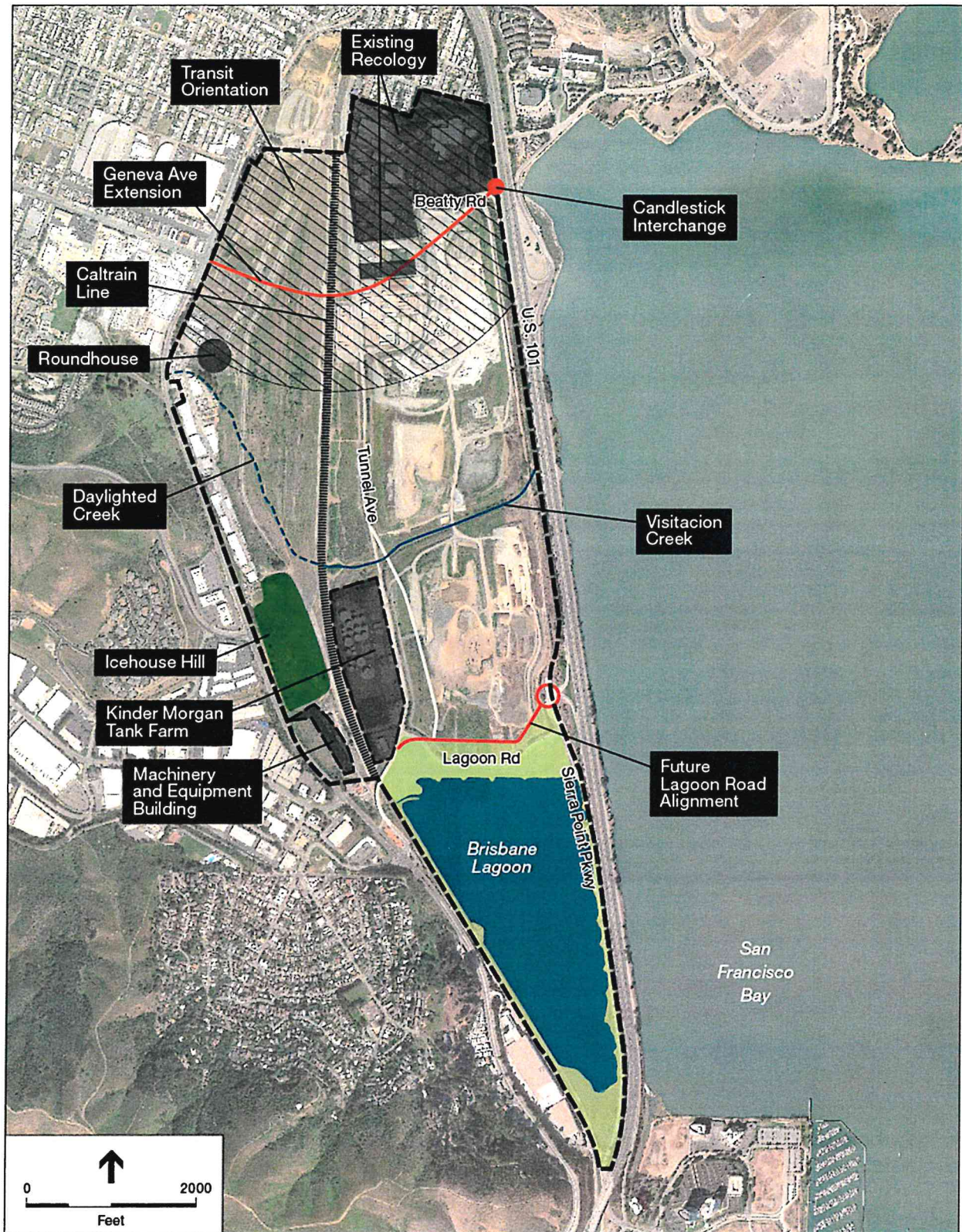
Attachments:

1. Key Baylands Features
2. City Council Questions/Data Requests


John Swiecki, Community Development Director


Clay Holstine, City Manager

Attachment: Key Baylands Features



ATTACHMENT 2

**Brisbane City Council
Compiled Baylands Questions/Data Requests
June 26, 2017**

<i>Councilmember</i>	<i>Page</i>
<i>Conway</i>	<i>2</i>
<i>Davis</i>	<i>3</i>
<i>Lentz</i>	<i>5</i>
<i>Liu</i>	<i>10</i>
<i>O'Connell</i>	<i>12</i>

Baylands Questions/Data Requests
6/26/17

Councilmember Conway

1. Provide a table showing acreage and buildout square footage of Sierra Point, including South San Francisco portion.
2. Can the City limit housing on the Baylands to temporary lodging (i.e., not full time permanent housing) for local workforce?

Baylands Questions/Data Requests

6/26/17

Councilmember Davis

1. Respond to request for consideration of an alternative significance threshold for windsurfing impacts and consideration of new computer model for wind impact evaluation
2. How are we going to deal with the traffic and what is the impact of all this development on our ability to get in and out of Brisbane?
3. How will 20 years of pile driving affect those already leaking pipelines?
4. Can the city set the allowed time to pile drive?
5. If housing is allowed, can the city dictate the type of housing it would prefer? For example, could it require a certain number of work force housing units based on the square footage of a proposed development?
6. Instead of the housing types proposed by UPC, could the city mandate that it wants housing for seniors or artists or real live/work communal environments?
7. Explain the process for requiring/negotiating cultural benefits such as public art, museums, activities for ethnic groups and clubs, seniors and youth
8. Explain the process for requiring/negotiating recreational opportunities such as ball fields, gyms and trails
9. How is the Baylands development being coordinated with all the Candlestick/Hunters Point/India Basin/Bayview and San Francisco development just north of Recology?
10. Can we get insurance that covers earthquakes, sea rise, severe storms, tree roots, allowing people to live on toxic land? If yes, how much will that cost and who will pay in perpetuity?
11. Provide examples of successfully redeveloped unregulated landfills
12. Have any epidemiological studies been prepared for projects built on closed landfills? If so, provide results
13. Describe impacts of loma prieta earthquake on development projects constructed on closed landfills

14. For UPC-cited brownfield redevelopment projects (Mission Bay etc.) provide a comparison of these sites to the Baylands in regard to underlying soil stability and contamination issues, proposed uses, risk based cleanup goals, etc.
15. Are there cases where HOAs are burdened by after the fact remediation costs on a site originally considered closed?
16. Identify brownfield projects in CA where sites could not achieve clean-up goals for approved land uses
17. Show examples of insurance policies or funding structures that address issues such as natural disasters and potential contamination exposure
18. Provide examples of former rail yards that have been remediated and turned into developments that include housing
19. Since the sides and bottom of the landfill are not sealed against bay water intrusion, what impact will sea level rise have?
20. How will the cap be repaired in the eventuality it fails?
21. Are the soils manifest (BSP) available to the public? Has the soil been tested by an independent company, not affiliated with UPC?
22. I want clarification about whether liquefaction is going to occur on the site
23. I want to understand what type of traffic we can expect should the Baylands and surrounding developments be built out. LOS and vehicle miles traveled does not give me a clear idea of how much time it will take to get between two points. I want to understand the additional time it will take to get to the freeway etc.
24. I want clarification on the economic feasibility of the planning commission's recommendation
25. I want more information about private fields for recreation. Like how the model works for those businesses that host and charge for tournaments etc. Like what would be the process if we wanted to bring something like that to Brisbane.
26. I want to know what the decibel level is of like driving. What can we compare the volume of pile driving to?
27. I want to clarify that despite whether the council desires a renewable energy farm, doesn't mean we can force UPC to comply correct?

Councilmember Lentz

TRANSPORTATION

1. Understanding San Francisco's new guidelines for traffic mitigation and parking for new development
2. Flush out the PC's recommendation regarding infrastructure development prior to site development
3. 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?)
4. What steps would we need to take if we wanted to move the proposed multi-modal station location to the Geneva Ave Extension?
5. Multi-modal impacts on reducing traffic congestion in the Baylands and from SF development
6. Examples of successful bicycle commuter cities
7. How would you build a rail yard if the land around the tracks is raised?
8. Examples of the best walkable cities
9. Examples of multi-modal transit hubs that have partnered with the private sector to incorporate retail, hotel and/or entertainment
10. What steps would be needed to implement a free shuttle service throughout the Baylands and the rest of Brisbane?
11. To reduce vehicle miles traveled for retail, hotel and entertainment to and from the Baylands, how would we explore potential options for having a multi-modal station like those in Europe and Asia where these uses are under the same roof as the multi-modal station?

EMISSIONS

12. Describe Title 24 Zero Net Emissions requirements for residential and commercial
13. Examples of multi-story buildings that are zero carbon
14. Can we achieve a zero carbon development that includes residential and commercial uses? Please show examples
15. Examples of small urban biomass facilities converting green waste into CNG and compost
16. Can we partner with BCDC to create off-shore wind generation? If so, how would we conduct a study to determine feasibility?

PUBLIC BENEFITS

17. Provide examples of how the school districts could receive additional funding and what might be an expected amount based on the current plans?
18. Explain the process for requiring/negotiating cultural benefits such as public art, museums, activities for ethnic groups and clubs, seniors and youth
19. Explain the process for requiring/negotiating recreational opportunities such as ball fields, gyms and trails
20. Could we create funding mechanisms through development to provide basic health and wellness services for citizens and workers in Brisbane?
21. Are there opportunities for adult education?
22. Can we bring back some of Brisbane's rural past by creating an urban farm on the northside of Ice House Hill, where you could raise animals and grow crops in raised beds?
23. What steps could we take to expand the Mission Blue Nursery? Could we provide some work force/tiny house living opportunities near the Nursery?
24. Is it feasible to remove the large rocks around the Lagoon, so that we could build a more natural shoreline?
25. Could we zone for an Artists Village, where artist could live and work for certain lengths of time?
26. As part of the negotiations of the Development Agreement, could the City request that UPC purchase the Levinson and Peking Handycraft properties, and dedicate them to open space?
27. If public services for the Baylands could be self-funded by assessments districts and taxes, could revenues generated by the Baylands be spent on items in Central Brisbane and the Ridge?

REMEDIATION

28. Compare standards between CAL EPA and other states, as well as other countries
29. How many Title 27 Land Closures have occurred in the Bay Area?
30. How many landfills are still awaiting Title 27 status in the Bay Area?
31. Of the landfills that have received Title 27 status in the Bay Area, please indicate the uses that were built
32. Have any of the Title 27 Land Closure developments caused people to develop illnesses?
33. 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?
34. When dirt is moved from the landfill side to the rail yard side, will the soil be tested?
35. What point in the process should the City hire a remediation consultant?
36. Could there be a role for Dr. Lee? If yes, to what capacity?
37. If we allowed uses along Industrial Way to remain, would UPC be required to test for contamination in this zone?

WATER

38. Provide examples of small water treatment facilities that put the water back into the system and turn the solids into fuel and compost
39. Can we treat Brisbane's water at the Baylands? If so, how would that affect how much water would be needed at the Baylands?
40. Can we provide a simple statement to the public regarding our relationship with MID, and their role in the process?
41. Can we require that the Baylands be a zero-waste water development?
42. With law makers in San Francisco advocating for housing on the Baylands, how can we get assurances from SFPUC that a reliable source of water will be allocated for the site?

WASTE

43. Can we require a zero waste mandate similar to San Francisco?
44. Can we require that vacuum tube technology be incorporated throughout the development, so that waste goes directly from buildings to waste facilities?
45. Can we implement restrictions on packaging?

ENERGY

46. Provide examples of multi-story buildings creating their own energy
47. Can we require that the development be energy neutral? If so, how do you recommend we get there?
48. Explore the possibilities of building an urban bio-mass facility, so that all green waste is turned into energy and compost. Since Recology processes San Francisco's (and possibly other cities) green waste, could we require that a certain % of this waste is processed at the urban bio-mass facility to provide energy for the Baylands development?
49. Could wind play a role with some aspects of energy generation?
50. Could the City require Title 24 requirements regarding zero net energy for homes by 2020 and commercial by 2030 be implemented now?
51. Explore sewage treatment facilities that turn non-water elements into energy and compost
52. The Sustainability Framework mentions the use of infrastructure tunnels. Could infrastructure tunnels be built below the streets and buildings, creating a controlled environment to not only maintain energy and waste infrastructure, but to also monitor exposure levels from toxins at the site?

ECONOMICS

53. Lay out an economic analysis that shows how the Baylands would be required to fund its own needs regarding public service, infrastructure (Public Works issues), park and rec, and all other pertinent General Fund financial obligations
54. What are the current funding streams for education?
55. Is it possible to make the NREL Feasibility Study more complete, so that it addresses land cost, Title 27 landfill closure costs, and impacts on development for other areas of the Baylands?
56. Show examples of insurance policies or funding structures that address issues such as natural disasters and potential contamination exposure

HOUSING

57. Provide examples of former rail yards that have been remediated and turned into developments that include housing
58. If housing is allowed, can the City dictate the type of housing it would prefer? For example, could it require a certain number of work force housing units be based on the square footage of a proposed development? Instead of the housing types proposed by UPC, could the City mandate that it wants housing for seniors or artists or real live/work communal neighborhoods?
59. If a higher standard of remediation for housing is being implemented by another state or country, how would you recommend applying that standard?
60. Does the City have the ability to require that housing sites be remediated at standards that would also allow for schools and day care centers?

OPEN SPACE/OPEN AREA

61. Show examples of how open space is embedded throughout the development, so that it is easily accessible to all and creates a “greener” landscape. Areas of the Presidio/Crissy Field are models that balance development and nature.
62. How do we retain the rural remnants near Ice House Hill? Can we expand it so that we can create an urban farm?
63. Could parks be designed and constructed for public use, but privately maintained? Trails and open space?
64. Could we set up an open space assessment district that provides funding habitat restoration and propagation of native plants?
65. Can we create a more natural environment for the shoreline around the Lagoon, while also protecting it from contamination from the landfill?
66. Explore opportunities to ensure that the Levinson and Peking Handycraft properties are protected as open space

CONSTRUCTION

67. Can the City set the allowed time to pile drive?
68. Can the City require that no dirt movement will occur when wind conditions meet a certain threshold?
69. Can the City require pile driving techniques that drastically reduce negative noise impacts? Sites at Oyster Pt. in South San Francisco and Mission Bay in San Francisco seem to be not as noisy as when the Tunnel Bridge was built?

SUSTAINABILITY FRAMEWORK

70. How would you recommend implementing the Sustainability Framework into the General Plan?
71. Could the goals and aspirations of the Framework help shape decisions regarding land use policy? If so, how?

STATE REQUIREMENTS

72. What impacts if any does SB 375 have regarding funding for transportation infrastructure?
73. What should we expect regarding the next regional housing needs allocation (RHNA)?
74. Does our involvement in the Bi-County PDA restrict our ability to impose our own land use desires?

Baylands Questions/Data Requests

6/26/17

Mayor Liu

1. High Speed Rail - are the site options proposed for HSR the same as the proposed location for housing in UPC's DSP proposal? If so, what discussions, if any, has UPC had with HSR about where they would build the housing if HSR takes that portion of the property? Residents have raised the concern that if HSR takes over the property, the housing would be shifted to the south, and the cost for HSR to purchase the property (or take by eminent domain), would increase once it is approved for housing, causing more tax payer dollars to be spent in payment to UPC to purchase that land.
2. Environmental clean-up controls: what requirements can the Council impose to ensure that the clean up issues found in Hunters Point? I read some news reports, and in that case, the company supervising the cleanup allegedly instructed employees taking soil samples to change the results to show less contamination and also manipulated the data regarding radiation findings. What oversight can we place on the company taking soil samples to make sure the risks are accurately documented?
3. Some residents have stated that the EIR is insufficient because it did not study enough toxins. Are there any additional toxins that we should recommend be studied? If so, what would be the process and timeframe for doing so?
4. Water supply - some residents have asserted that there is not enough water supply for the Baylands because Hetch Hetchy's supply is inadequate. What would happen in case of drought? Also, what is legal impact of recent court decision re OID? And can we please have further analysis of CA Supreme Court case referenced by Deb Horn?
5. Liquefaction - some residents have asserted that there is insufficient information on liquefaction of the landfill. Is there any additional information that we should recommend be studied?
6. Phasing - since the project is proposed to be built in phases, what guaranty do we have that if the developer builds the residential component and then runs out of money, that they won't move forward with building the commercial component of the project, which will generate tax revenue for the City?
7. Some residents have suggested that Brisbane cede the portion of the property that would be for housing to San Francisco, so that our city wouldn't have to provide for that

development. Is that even possible? What would be the process and ramifications of doing so?

8. Sea Level Rise / flooding - clarify risk in terms of proposed project. Did EIR study risk of flooding on landfill - could it break the cap? Are there any additional studies that should be done?
9. Environmental liability - Lloyd Zola recommended we obtain environmental insurance and request the City be listed as an additional insured party. At what point in the process would we do this? And would the city have to pay for such insurance, or can it be covered by UPC?
10. Site remediation - Dr. Susan Mearns recommended that we request that the OU-1 risk assessment should include the residential standard (which is higher). At what point in the process do we need to make this request?
11. Impact of new voters - some residents have raised concerns about having a new block of voters that outweighs the existing voters, and that Brisbane could lose its small town character. Is there any mechanism to ensure that the feel of our existing town (Central Brisbane) continues, for instance by ensuring that our current moratorium on big box establishments and places like Starbucks are not allowed in Central Brisbane? Could we establish a special trade zone (Central Brisbane) where such establishments are not allowed? And is there any way to ensure that these rules could be kept in place by a future Council?

Baylands Questions/Data Requests
6/26/17

Councilmember O'Connell

1. Please include San Francisco City and County Draft Bayshore Multi-Modal Facility Study Phase II, April 2017 in the records for the Baylands Planning Process. This study states that 50,000 new residential units are planned/studied to be in the area of the Caltrain multi-modal area. Is that a correct number?
2. Cal Train is determined to have 10,000 new riders boarding at the Bayshore Station, is there capacity on Cal Train currently and is there commitment to rolling stock and electrification? Will there be adequate capacity with electrification, does that ridership include the additional residential units planned in South San Francisco, and that this ridership will be boarding prior to Bayshore Station, will the trains be able to absorb this capacity and bike storage?
3. EIFD –Enhanced Infrastructure Funding District--
Horizontal costs + remediation + Operation & management (of remediated sites) =
+ Lighting and landscape fees
+ City service/park fee's
Will an EIFD or other financing mechanism be a shift from private cleanup to public clean up responsibility?
4. If an EIFD is used to finance Baylands cleanup and infrastructure costs, the maximum time frame is 40 years, would that be able to be extended if build out takes longer or costs are higher?(are they extendable?)
5. Can we request DTSC oversight on the entire Baylands site including the landfill area so that there is continuity in remediation?
6. What would the additional fees be per square foot (residential) to be anticipated by these costs to a potential homeowner's property tax liability? Would that be affordable?
7. What other fee's would be anticipated to be charged to either residential or commercial properties to offset City services (library fee's, water/infrastructure fee's etc.).
8. What is the anticipated cost of the land acquisition and planning fees and profit that are not included in the financial study?
9. The current soils storage on the landfill is 85' in height on much of the site. It has been stated in the past that this would need to be removed to "cap" the landfill and place a non-permeable barrier on the site to fulfill title 27 landfill closure. Will this be a requirement or will the un-engineered fill on the site be allowed to remain and act as the cap.

10. Can the removal of the soils be a requirement that can be written into any land use approved by the City, or is it discretion of the County Health and Water Resource Board?
11. The Bi-County PDA states that Brisbane did not agree to housing as a part of the PDA, with the housing being provided in San Francisco. Is this a correct assumption?
12. Has San Mateo County been approached to waive property tax in the project area?
13. Has Jefferson Union High School District, Brisbane Elementary School District, SMC Library District, San Mateo Community College District or Bayshore Elementary School District been approached regarding waiver of taxes in the Baylands to help fund potential development?
14. Recology site: To get to 0 waste, would burners be required to dispose of waste or other gasses?
15. Are there any burners on the Baylands property, and if so, at what locations. Would those burners remain after remediation?
16. Is Brisbane currently in compliance with Regional Housing Needs Assessment?
17. What is equitable growth for a City of our size and population in comparison with Marin County and the current exemption under review by the State of California for density?
18. Can Brisbane require Geneva Extension or the Geneva Harney BRT to be built prior to allowing housing to be built?
19. Can we require more characterization and information on waste that was put in the landfill, is there any information as to the possibility of military waste including radioactive waste, tire dump, rendering plant disposal?
20. If the landfill area is taken down to historical grade level, with that put the area at a higher risk of sea level rise and water intrusion?
21. Did the San Mateo County infrastructure vulnerability study look at moving 101 inland to protect the transportation corridor?
22. What is the risk of saltwater intrusion and hydraulic pressure on the landfill contents on both the old rail fill and the garbage fill? Will this cause increased corrosion to the piers of construction?
23. Can we draw a “circle of safety” around current hazardous uses and sites, including but not limited to Kinder Morgan, Recology, any burners, roadway pollutants and railroads to be able to cluster any development in sites that have the least possibility of safety issues? Is this an issue for an industrial risk assessment?

24. Discrepancies with liquefaction data from the EIR and the developers consultants, needs to be resolved prior to certification of the EIR, could the EIR, if certified, be used to increase what will be approved into a larger project, and then determined to “have already been studied”? Leaving Brisbane no option?
25. UPC has stated that they will use Union Trade Workers to build out their project, can that be written into any specific plan, and is there any prohibition from those Union Trade Workers building commercial, as they have stated that the Union wants to build housing only? Were members of the Building Trade paid or compensated for attending our City Council meetings? And if paid, by whom?
26. Under the DSP/DSP-V where would Golden State Lumber relocate and what would the timeline be for downtime to the business? Is Golden State Lumber a property owner or are they leaseholder? Have they been contacted by Brisbane for input on the potential development project options? Would they continue to be able to receive goods by rail with any of the studied projects?
27. Will any of the living species currently in the Baylands wetlands survive, or will they be displaced and/or replaced when the grading is done?
28. Is UPC responsible for costs of closure of the landfill and remediation of the site under their purchase agreement with former owners? If so, what mechanism short of granting development up zone can Brisbane use to incentivize or require cleanup? Are clean up requirements only based on change of use or can other government leverage be used?
29. Can MTC require local land use change? Is MTC trying to dictate to Brisbane the proper use of lands, and what can Brisbane do to challenge that dictate?
30. Can Brisbane require better site clarification and studies of “constituents of concern”? Is there a methodology for how the constituents work together to form other compounds that have a higher or unknown risk to people and the environment?
31. BCDC, do they have authority over the lagoon? Have they been consulted on the partial filling of the lagoon to provide a “better” interface with the shoreline and a softer water intrusion profile? How many acres are intended to be filled? Was this studied in the EIR and what was the determination of the tidal action at the tubes area and Fishermen’s Park?
32. Has Bayshore Elementary School District weighed in on their capacity to serve the additional students due to Schlage Lock phase I and II development and possible students from Baylands housing?

33. How can we insure that the round house is not impacted by surrounding development, it appears that the EIR stated that 2-3 stories, but drawings show looming buildings over the site, are these consistent?
34. Please give more information on “value engineering”. Is this a concept of doing lesser work for lesser amount of money and finding a back way to get around regulations or engineering that is expected to cost less for the project developers?
35. Who will be study and pay for the phasing and fiscal model, who will be responsible for any bonds issued, will Brisbane be affected by the debt bond ratio?
36. What is the current amount owed by UPC for the Baylands Planning process to Brisbane?
37. Site at Sierra Point is shovel ready, but as of yet, not developed. Approved plans, after 30+ years, still paying off the debt from the former RDA. What makes the Baylands more attractive?
38. Please provide a breakdown of fees from the 2 UPC businesses, soils processing and soils storage.