



BRISBANE CITY COUNCIL
SUMMARY MINUTES

**SPECIAL MEETING TO DISCUSS THE BAYLANDS
WEDNESDAY, JUNE 7, 2017
BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE**

6:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Liu called the meeting to order at 6:36 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, City Clerk Padilla, Community
Development Director Swiecki

ADOPTION OF AGENDA

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

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 Community Group Presentations; Universal Paragon Corporation, applicant; Owners: various; APN: various.

Mayor Liu invited San Francisco Trains to make their presentation.

Chris Hart, President of San Francisco Trains Inc., began the presentation. [Note: [San Francisco Trains Inc.'s presentation is available here on the City website.](#)] He discussed his organization's non-profit work to restore a steam engine on the Baylands near the Roundhouse and mission to educate the public on the skills of railyard workers in the past. He reviewed the historic value of the Roundhouse and his organization's concern with continued deterioration of the Roundhouse

as the City reviews Baylands development proposals. He shared his organization's goal to create a railroad history museum on the site. He shared historic photos of the Roundhouse and railyard workers and statistics on the activities and employment at the Roundhouse and railyard in the 20th century. He emphasized the need to incorporate Roundhouse restoration in the new Baylands development and reviewed several potential desirable features at the Roundhouse to attract tourists and generate revenue while preserving Brisbane's historic railyard past. He stated it was necessary to have setbacks between the restored Roundhouse and surrounding development. He asked that the property owner expedite stabilization of the Roundhouse and protect it from vandalism, respect the Planning Commission's recommendation for the Roundhouse restoration, and require site planning to respect the needs of a future railyard museum. Mr. Hart introduced Edie Epps and Walter Bowen whose fathers were machinists at the Bayshore railyard.

Edie Epps, Brisbane resident, shared the story of her father, Peter Sutti, a Brisbane resident and master machinist with Southern Pacific Railroad in Brisbane. She supported the development of a history museum and educational activities at the Roundhouse as well as other businesses related to the railyard's history.

Walter Bowen, Antioch resident, shared the story of his father Fred Bowen, machinist at the Bayshore Roundhouse who worked there 52 years. Mr. Bowen shared his memories of visiting his father as a child and an adult and the large number of employees working at the site in a variety of specialized roles. He shared the importance of the Roundhouse to him and his family and the memories it inspired and the necessity to preserve and restore the Roundhouse in recognition of those memories.

The Council members shared their appreciation for Mr. Hart, Ms. Epps, and Mr. Bowen's presentations.

Mayor Liu invited Committee for Renewable Energy on the Baylands (CREBL) to make their presentation.

Anja Miller, CREBL member, provided introductory remarks and showed an educational video on CREBL's proposal developed by Keith Moreau. [[Note: CREBL's video is available here on YouTube.](#)] Ms. Miller shared CREBL's support for the Planning Commission's recommendation for utility-scale renewable energy on the Baylands to generate energy for the region and implement the City's Climate Action Plan.

Deb Horen, CREBL member, shared CREBL's contention with significant and unavoidable impacts of the applicant's proposal. She shared several concerns including financial feasibility and impact to the City for new development, lack of transportation planning, safety of

developing contaminated land, liability of allowing development on contaminated land, distrust of regulatory agencies, and insufficient water sources. She asked Council to find answers to the remaining unanswered questions and consider the impacts to the community that would be felt for generations to come.

Prem Lall, CREBL member, discussed the EIR's finding of the CREBL alternative as the environmentally superior alternative. He stated that the CREBL alternative was the only alternative to implement the General Plan policies for development of the Baylands. He emphasized that renewable energy generation on the Baylands as proposed by CREBL's alternative was found to be economically viable by the reputable National Renewable Energy Laboratories (NREL), and was supported by the Mayor of San Francisco, the Sierra Club, and the residents of Brisbane.

Ray Miller, CREBL member, shared the results of the citywide opinion survey conducted in 2016 regarding development of the Baylands. He emphasized the community support (84%) for development at the Baylands to provide its own energy needs, and that renewable energy generation facilities should be built in the Baylands (78%). He reviewed the NREL study which compared the applicant's plans with the CREBL alternative and provided economic feasibility. NREL found all options were economically feasible. The team included remediation costs in their calculations. The CREBL alternative had an estimated payback period of 10 years, and a lifespan of 25-30 years. The analysis uses conventional market pricing and does not take into account the reduction of greenhouse gases and associated pollution. He said the complete benefits of renewable energy includes the public ecological benefits that the market pricing system excludes. He referred to Principle 9 of the Sustainability Framework which addresses the market's failure to address environmental externalities.

Joel Diaz, CREBL member, discussed high speed rail and potential impacts on the Baylands. He noted high speed rail had not been examined as a potential use in the EIR and could have significant impacts. He said high speed rail planned to locate a light switching and maintenance yard there on the same amount of land required for the solar farm. His conversations with High Speed Rail Authority staff indicate they would support that. High speed rail's EIR would be released in the upcoming months and he recommended the City study that EIR to understand the impact before making any decisions. He said commute patterns might change based on the build out of high speed rail.

Barbara Ebel, CREBL member, shared CREBL's support for the Planning Commission's recommendation on the Baylands project. She asked for confirmation that the total open space would meet the 150 acres required by the General Plan or 170 acres required by the Sustainability Framework. She requested the Council decrease the 186 acres of commercial development in the Planning Commission recommendation to a level consistent with the general

plan and increase the renewable energy acreage to 134 acres or greater to make renewable energy the focus of the project. The Planning Commission's recommendation for transit-oriented development around the rail station and Roundhouse was supported.

Mrs. Miller discussed the Schlage Lock development north of the Baylands in San Francisco and the projected daily vehicle trip generation of 3,000 trips per day leading to gridlock on all Bayshore intersections up to the freeway. She asked why Schlage Lock did not mitigate any of their traffic impacts, such as continuing the T down Bayshore.

Mr. Lall discussed Peninsula Clean Energy (PCE) and the potential for renewable wind and solar energy on the Baylands to generate energy for PCE.

Tony Attard, CREBL member, shared support for the Planning Commission's recommendation for an energy positive development. He requested the Council use the Planning Commission's recommendation as the basis for continued planning efforts on the Baylands. He requested traffic mitigation, Recology expansion, and the high speed rail maintenance yard be studied closely.

The Council members thanked CREBL for their research and hard work.

Mayor Liu invited the Brisbane Baylands Community Advisory Group (BBCAG) to make their presentation.

Clara Johnson, BBCAG member, read from a written statement [Note: BBCAG's written statement is attached to these minutes.] Ms. Johnson added that Dana Dillworth had requested that BBCAG yield some time to her.

Ms. Dillworth shared her concern with the City's consultant Dr. Susan Mearns refuting comments made by Dr. G. Fred Lee. She noted she had created "Cliff Notes" of Dr. Lee's comments and submitted them into the public record. She said it had been 26 years since the applicant had been told their plan for the Baylands was incomplete. She said the applicant's plan had inadequate information to protect the public, poor and inadequate regulatory and testing programs, monitoring, understanding of the synergistic effect of multiple chemicals, stormwater quality management systems, systems to identify new contaminants, understanding of future sea level rise, storm surges, or earthquake impacts. She requested better scientific review through an open and independent advisory panel. She said putting people's health at risk was unacceptable. She said the property should be declared blighted, taken by eminent domain, and cleaned up.

CM Lentz thanked the BBCAG members for their dedicated work to ensuring the safety of the site.

CM Davis asked speakers to respect their time limits.

Mayor Liu invited Sustainable San Mateo to make their presentation.

Adrienne Etherton, Executive Director of Sustainable San Mateo gave the presentation. [Note: [Sustainable San Mateo's presentation is available here on the City's website.](#)] She shared the organization's history and mission to create sustainable communities. She reviewed the organization's annual Indicator Report, which addresses climate, energy, housing, transportation, poverty, and water throughout the County. She reviewed the 2017 Indicator Report which focuses on cost of living, and shared statistics past and present housing costs in the County. She reviewed contributors to high housing costs, including low supply and increasing demand from job growth. She addressed statistics on the wages paid by jobs and the cost of housing, which do not always match and results in gentrification and displacement. She discussed her organization's efforts to explore solutions to the high cost of living, including increased housing development and higher density development, detailed in the 2017 Indicator Report. She said Sustainable San Mateo County does not advocate for individual development proposals and did not have a position on the applications before the Council.

CM Lentz asked why the Sustainability Framework was not recognized by Sustainable San Mateo County.

Ms. Etherton stated the Framework was considered by her organization but it was not based on approved development plans. She stated it was an admirable document and her organization looked forward to seeing it implemented.

Mayor Liu invited the California High Speed Rail Authority to make their presentation.

Ben Tripousis, Northern California Regional Director, and Regional Project Manager for the San Jose to San Francisco project section Will Gimpel, gave the presentation. [Note: [the Authority's presentation is available here on the City's website.](#)] Mr. Tripousis provided an overview of the project within the Peninsula within the existing Caltrain corridor. Service from San Francisco to Bakersfield was anticipated by 2025. Mr. Tripousis addressed the job generation and economic output from the project. He reviewed the environmental review process, which anticipates an EIR being released in the winter of 2017. Mr. Gimpel reviewed the San Francisco to San Jose project section, a 51 mile blended service corridor with Caltrain. He reviewed the two options for a light rail maintenance facility on the east or the west side of the rail line and their common impacts to the existing Bayshore Caltrain station and proposed development at the Baylands.

CM Davis asked for an explanation of light maintenance.

Mr. Tripousis explained it entailed preparation of trains for next day service, including cleaning and small repairs. Heavy maintenance would be located in the Central Valley and would include major repairs and overhauls of the trains and system components.

CM Davis asked what would determine the location of the Brisbane maintenance facility.

Mr. Tripousis said the location would depend on ongoing conversations with the property owner, community, and other stakeholders, through the ongoing environmental review process.

CM Davis asked if the Authority had a preferred location.

Mr. Tripousis said it had not, and the ongoing environmental review process would inform the eventual preferred location.

CM Davis asked how long a ride from the beginning to the end of the line would take.

Mr. Tripousis said the trip time would be 2 hours and 42 minutes. The fare would be organized by the operator, which would be a concessionaire and not the State, but the goal is for fares to be 80% of the airline fare.

CM Conway asked Mr. Tripousis for an estimate of costs for the San Francisco to San Jose segment.

Mr. Tripousis estimated about \$4 billion.

CM Conway asked about the speed differential between Caltrain and high speed rail trains.

Mr. Tripousis said current expectations are for six Caltrain commuter trains per hour per direction and 4 high speed trains per hour per direction at a blended configuration at 110 miles per hour. Most at grade crossings in the Peninsula would remain as grade separation was not required until higher speeds were reached. Secure fencing would be part of the segment construction. He noted the \$4 billion includes station improvements to existing Caltrain stations and rail alignment, as well as connections to SFO and San Jose Diridon.

CM O'Connell asked how high from current grade train tracks would be required.

Mr. Tripousis said about 20-30 feet would be required.

CM O'Connell asked if the rail line would remain at the current grade.

Mr. Tripousis said most of the existing Caltrain rail alignment would remain as is, which was the reason blended service was proposed. The Authority was working with Caltrain to explore operation of the train system without any passing tracks.

CM O'Connell asked about the bridge for the maintenance facility.

Mr. Tripousis said the current bridge at Tunnel Avenue would need to be redesigned whether the facility was on the east or west side of the rail line.

CM Lentz asked if High Speed Rail would be responsible for remediation of the landfill area where the facility might be located.

Mr. Tripousis said that would be studied by the Environmental Impact Report for both potential locations.

CM Lentz asked why the footprint increased from the initial estimate.

Mr. Tripousis said the initial footprint estimate of 40 acres was inaccurate and 195 acres is the accurate acreage.

CM Lentz asked if Cap and Trade funds were as anticipated.

Mr. Tripousis said the cap and trade auctions had been weaker than initially anticipated and the Governor and Legislature were acting to extend the cap and trade program potentially to 2050. If that is successful that extension would stabilize the program and allow for bonds to be taken against those future revenues.

CM Lentz asked if the rail yard in Gilroy was in play.

Mr. Tripousis said the site was being analyzed in the EIR but it seemed that likely both would be needed.

CM Lentz asked how significant the impact would be if the facility was not in Brisbane.

Mr. Tripousis said it would have a significant impact considering the distance between Gilroy and San Francisco, which would have a higher cost. It was necessary to have a rail maintenance facility as close to the terminus as possible. Brisbane is an attractive site considering that it is not fully built out compared to the rest of the Peninsula.

CM Lentz asked about revenue loss to the City should a maintenance facility be built and what

the facility could bring to the City in terms of revenue.

Mr. Tripousis said that would be part of the ongoing conversation with the City Council and the property owner. There was no limit to the things that could be considered but the Authority has to understand the City's priority and interests.

CM Lentz asked if the maintenance facility could incorporate solar power generation.

Mr. Tripousis said the conversation of uses has to be separate from the environmental review, but the environmental review doesn't limit the conservation from moving forward.

Mayor Liu asked Mr. Tripousis to describe what the facility would look like and what noise or light pollution impacts would be.

Mr. Tripousis said the train would be electric and the facilities would be significantly different from a traditional diesel rail yard from a noise standpoint. He said the facility design could specifically address and mitigate light or noise impacts. The initial idea is for a largely outdoor facility with a building. The Authority would work with the City and community on the preferred design.

Mayor Liu asked if the impacts for both sites were studied in the environmental review.

Mr. Tripousis confirmed. He said the preferred alternative would be identified in the fall and a draft EIR released in late 2017.

Mayor Liu asked if they knew the level of remediation required by the State for a maintenance facility.

Mr. Tripousis replied the EIR would contain that analysis.

Mayor Liu announced a break.

After the meeting reconvened, Mayor Liu invited Greenbelt Alliance to give their presentation.

Joel Devalcourt, Greenbelt Alliance, gave the presentation. [Note: [Greenbelt Alliance's presentation is available here on the City's website.](#)] He reviewed the organization's mission to preserve the greenbelt (undeveloped) in the Bay Area by reducing sprawl development and supporting smart growth projects. He shared statistics of greenbelt areas considered "at risk" throughout the Bay Area. He said providing new homes in existing cities was high priority to reduce development pressure on the greenbelt. He said new housing was needed in San Mateo

County to reduce “mega commutes” into the Bay Area. He said the Baylands project was an opportunity to locate new housing adjacent to transit. He reviewed the sustainable aspects of the City of San Mateo’s Bay Meadows project. He said the Greenbelt has provided independent endorsements of private projects, and the Baylands project scored high on all scoring criteria.

Mayor Liu invited the Candlestick Preservation Association to make their presentation.

Dan Siskind and Heather Buckley, Candlestick Preservation Association, gave the presentation. [Note: [the Candlestick Preservation Association is available here on the City’s website.](#)] They reviewed the Association’s role as active community members and recreational users and support for the Planning Commission’s recommendation. They reviewed portions of the EIR that they considered inadequate and recommended that all buildings be closer to the hills and farther from the shoreline with low building heights to minimize wind impacts.

Mayor Liu invited Friends of Caltrain to make their presentation.

Adina Levin, Friends of Caltrain, gave the presentation. [Note: [Friends of Caltrain’s presentation is available here on the City’s website.](#)] She addressed practices in the region to reduce traffic and transportation impacts that the City could use. She addressed Stanford’s program to reduce vehicle trips on campus as required by the City of Santa Clara as a condition of campus development. She shared the City of San Mateo’s Rail Corridor Plan which required 25% reduction of vehicle trips in the corridor and had 100% compliance. She discussed the Palo Alto Downtown Transportation Management Association, which collected robust data on employee origination and goals to reduce auto trips by 30%. She reviewed the City of Mountain View’s North Bayshore Precise Plan establishing trip limits for large employers like Google. She shared the Menlo Park General Plan which proposes a mixed use neighborhood. She addressed the need to reduce the automobile trips in the Baylands project EIR. She reviewed the State’s discontinuation of level of service (LOS) standards for CEQA review, as LOS often results in widening roads to encourage vehicle trips at the detriment of transit and pedestrian and bicycle facilities, and often leads to future congestion. She recommended the Council implement the best practices of the cities reviewed in her presentation to reduce vehicle trips associated with development in the Baylands.

CM Lentz thanked Ms. Levin for her presentation. He thanked Ms. Levin for her support of the City’s successful application for an OBAG grant to make improvements to the Crocker Park Recreational Trail.

Ms. Levin said MTC and ABAG have considered through the Plan Bay Area update whether OBAG funding would be tied to housing approvals.

Mayor Liu indicated she intended to reach out to her Council member colleagues in the cities mentioned in Ms. Levin's presentation and encouraged her fellow Council members to do the same. She asked Ms. Levin to explain the "Scoop" company.

Ms. Levin stated "Scoop" was a long-distance commute carpooling share app that had been successful at Stanford and in the City of San Mateo that matches employees with common destinations.

Mayor Liu invited YIMBY Party to make their presentation.

Victoria Fierce, YIMBY Party, gave the presentation. [Note: [YIMBY Party's presentation is available here on the City's website.](#)] She summarized the mission and work of the organization to advocate for housing development across the Bay Area. She discussed commute patterns of employees commuting into the Bay Area from other counties. She presented a graphic showing current rental rates in the vicinity of the Baylands relative to San Francisco rents. She stated statewide building permits issued were lagging behind population growth. She shared an excerpt from the UN's Declaration of Human Rights regarding the right to housing. She shared information on YIMBY's activity to support housing projects and politicians in the Bay Area. She reviewed infrastructure needs for the Baylands and stated infrastructure and access in the Baylands could not succeed without cooperation with the City of San Francisco. She discussed consequences of not building housing. She stated San Francisco could withdraw from the bi-county priority development area (PDA) that includes the Baylands.

Mayor Liu invited San Francisco Housing Action Coalition to make their presentation.

Corey Smith, San Francisco Housing Action Coalition, gave the presentation. [Note: [San Francisco Housing Coalition's presentation is available here on the City's website.](#)] He stated the Coalition believed the Bay Area's housing and affordability crisis is a self-created crisis. He discussed rising rental prices and falling rates of middle class households and rising rates of higher income and lower income households in the Bay Area. He stated that households in urban areas often have smaller environmental impacts compared to sprawl developments. He stated housing supply has not kept pace with demand in San Francisco and shared how other US cities have responded to increased housing demand by building new housing. He stated State laws including Proposition 13 and the California Environmental Quality Act constrained housing development. He stated there was an imbalance in housing development compared to job creation in the Bay Area. He reviewed the Coalition's recommendations for local and regional policy changes to encourage housing approvals and development. He shared the eight criteria the Coalition uses to evaluate project proposals and stated the Baylands project scored highly. He offered the Coalition's services to help the City Council.

Mayor Liu invited public comment from the audience.

David C. Smith, of Stice & Block, LLP, stated his firm represented the applicant. He said the High Speed Rail maintenance yard was speculative. UPC has had and was continuing discussions with the High Speed Rail Authority about their identification of the site for their facility. He said the Authority is not subject to the zoning regulations of the City of Brisbane. He asked the Council to evaluate the merits of the proposal before the Council without being distracted by speculative matters related to what the State may or may not someday do.

Danny Ames, Brisbane resident, read from a letter he wrote to the Council in March regarding a LA Times news article about health impacts of building housing near freeways.

Tony Verreos, Brisbane resident, said the housing advocates state that Brisbane has made housing illegal, which is incorrect. Housing is not allowed in the Baylands but housing is allowed elsewhere in the City. He said the Parkside Plan is an example of how to accommodate new housing in Brisbane. He recommended the Parkside Plan be expanded to include all of Crocker Park over time without displacing businesses and creating the same benefits the housing advocates have discussed. He was troubled by discussions of filling part of the lagoon to make a walking ramp, and stated the lagoon looked fine now and should just be cleaned so recreation could occur within it. He said the Baylands project was a sprawl development and Brisbane was not a solution to the region's housing problems. He said San Francisco was responsible for the housing shortage. He supported housing adjacent to existing transit lines. He said the developer owns Schlage Lock and Executive Park which are planned for dense housing development. He said San Francisco has thousands of units in the pipeline and has to provide transportation to move those new residents. He said Brisbane residents want to maintain their current standard of living and new infill development would be accommodated without any housing on the Baylands. He said the best way to build housing on the Baylands would be similar to in Dubai and Hong Kong with one tall building with all services included in it. He said developers do not build affordable housing, unless required by inclusionary housing regulations. He said creating a park on the Baylands would be a much better project.

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

Mayor Liu thanked the presenters.

MAYOR/COUNCIL MATTERS

CM Lentz stated the speakers on the upcoming June 15th session would be leaders in the environmental and sustainability world. He shared an author talk on June 21st by Paul Hawken

who wrote “Natural Capitalism.”

Mayor Liu shared her upcoming “Latte with Lori” sessions at Madhouse on June 21, June 22, and June 25.

A. City Council Schedule

The Council reviewed the draft schedule with the City Manager. CM Conway stated he would not be in town June 15.

WRITTEN COMMUNICATION

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

Mayor Liu acknowledged written communications received since the last meeting from Facilities Commission for Childcare Partnership Council, Scott Houston, Evan Parker, Kara Cox, Stella Krauz, Bryan Culbertson, Kenneth Allen, Marlene Cristales, Mario Kovatchev, Paul Krupka, Lian Lee, Richard Kenney, and Tony Verreos.

ADJOURNMENT

CM Conway motioned and CM Lentz seconded to adjourn the meeting. The motion was approved 5-0 and the meeting adjourned at 10:35 p.m.



Ingrid Padilla, City Clerk

ATTACHMENT A:
CLARA JOHNSON, BBCAG STATEMENT

Final Draft

Brisbane Baylands Community Advisory Group
159 Lake Street Brisbane, CA 94005
June 7, 2017

Mayor Liu and Brisbane City Council
Brisbane City Hall, 50 Park Place
Brisbane, CA 94005

Dear Mayor Liu and Councilmembers

The Brisbane Baylands Community Advisory Group was established in the Spring of 2005 under the auspices of the CA Dept. of Toxic Control as provided for in California law. We have operated under the following mission statement since then.

The purpose of the Brisbane Baylands Community Advisory Group is to provide an open forum and community based input from the communities of Brisbane, Daly City and San Francisco and to advise the agencies charged with the remediation actions on three contiguous sites commonly referred to as the Brisbane Baylands.

Over the last twelve years, the speaker who exerted the greatest influence and provided us with the greatest insight into the Baylands site and how we might understand it and make comments and give advice on it to you and other regulators, has been Dr. G. Fred Lee, PhD, PE, BCEE, F.ASCE. He is both highly respected and uniquely qualified to provide guidance in the field of toxic contamination and remediation. Dr Lee has only one goal and that is to protect human health and the environment. He works to inform the public and those responsible for making decisions on both what the risks are and what the potential and unknown risks may be. His approach is comprehensive, not narrowly drawn. His approach embraces the full range of possibilities. He does not seek to promote any outcome for the sake of that result. His qualifications are fully stated on his website, www.gfredlee.com. We contracted with Dr. Lee to review and make recommendations on the Baylands. He did a remarkable job and he was remarkably generous with his time, giving us, gifting us with many times the effort that we were able to pay for. We recommend and urge you to hire Dr. G. Fred Lee as your ongoing environmental advisor on the Brisbane Baylands. It will be one of the best decisions you will make, as a Councilmember. Dr. Lee's expertise and work ethic will assure that you will have the best and unbiased advice available whichever alternative development plan you select.

We will be happy to discuss our recommendation with you. Thank you for considering it.

I want to commend you for the extensive public input that you have pursued in the processing of this application. You have followed one of the noblest traditions of the City of Brisbane in doing so.

The BBCAG has considered the safety of this project for this site for more than a decade. Dana Dillworth petitioned the State of California to create this group of citizens who were independent of any government agency to represent the people. We have had some members for the entire duration of the effort. Some have joined along the way and we have lost many who joined us for a while. There is one thing we can say with certainty and that is, there are many uncertainties and more than a few data gaps regarding the Baylands toxic contamination. It is with these insufficiencies in mind plus the established presence of various toxic chemicals and metals that we make our recommendations to you.

Please note the selected pages from the Operations and Management Plan for Groundwater on the Schlage Site and OU1 are on the wall. Further remediation is not being required at this time. The groundwater investigation included the contamination on the OU1 site in Brisbane, as well. The pages show where monitoring wells are located and they show the amounts of the ten most threatening chemicals, CVOC's (chlorine based volatile organic compounds) in specific wells over time. There have been attempts at remediation and they have achieved some success. The problem is that the amounts in some of those wells have been bouncing around. They bounce down then they bounce up. There is sometimes an explanation but many times there isn't. This indicates to us that they don't fully understand the size of the reservoir of the toxic CVOC's. Perhaps there are other factors that are not fully understood. This is a data gap. The pages also show the areas of greatest concentration of the chemical TCE and the depth of the groundwater in two of the three types of formation that the underlay the surface. They are fill, merced formation and colma formation.

The CA Dept. of Toxic Substance Control has permitted development on this site only subject to a recorded Land Use Covenant including numerous conditions and prohibitions. The monitoring of this site will continue in perpetuity. Engineering controls to protect against soil vapor intrusion are required for all buildings. These kinds of requirements are not placed on property without careful consideration of the risk involved. We believe that the imposition of these limitation, are an indication of the risk. They are also based on laws that were developed considering not only human health and environmental quality risks but also the costs of lowering those risks to the property owner. We believe that they don't adequately protect the public and that they should be more restrictive. Since there is an element of risk that not fully understood. There is also arsenic and lead in the form of arsenated lead on the northern railyard site. Please note that the CDC has declared "no safe lead blood level in children has been identified." The remediation of these chemicals that is proposed is to sweep them under asphalt and hope they stay there. The Remedial Action Plan (RAP) for CVOC impacted soil in OU1 has not been

developed yet nor has one been developed for the arsenated lead. We believe that the groundwater directions in OU1 should be reviewed before any action is taken. We also believe that the impacts of sea level rise and intrusion into groundwater in OU1 and Schlage should be investigated and evaluated for inclusion in the decision making regarding any future remedial action plan. We must remember that the source of the CVOC's is on the Schlage site. The monitoring wells extend into OU2, the Southern Brisbane Railyard where there are two wells. State of the art ground imaging spectography, ground penetrating radar and GIS technology should be used to better understand risks throughout the Baylands. These technologies are available now and will be cheaper soon. The development of the OU1 soil RAP is a good place to start using these tools that will help to close data gaps. They might also provide better, more detailed and reliable answers to questions about how the ground, including fill might react: in an earthquake, to sea water intrusion, to compaction efforts.

Since there have been recent lowering of the maximum contaminant level (MCL) for some chemicals e.g. Benzene, arsenic in drinking water. it is possible that the MCL for other toxic chemicals found on the Baylands will be lowered thereby revealing a greater risk than is currently understood.

OU2, the Southern portion of the Brisbane Railyard is one of the larger geographic areas of the Baylands, 180 acres. The Bay Area Regional Water Quality Control Board is responsible for overseeing OU2 and making sure that it is remediated. In the last seven years, the only mention of it on the Board's website, Geotracker are references to the fact that it is a Brownfield site and to their representative's presentations to the BBCAG. There hasn't been any substantive action on OU2 for a decade or more. There is also a confusion whether OU2 is only the Southern Railyard site or that it may include the Industrial Way site. It appears that it should only be the southern railyard site because of its description and size but UPC has shown the Industrial way site as a part of OU2. There is a second confusion on Geotracker . It says that the Southern Railyard site is identified by their ID number R2-2008-0019 but that ID belongs to the Kinder Morgan facility when you call up the ID. These mix ups are not confidence inspiring.

It is the opinion of the Brisbane Baylands Community Advisory Group that the investigation of the OU2 portion of the Baylands is inadequate and must be improved upon in order to allow a judgment as to the degree that the area represents a risk to human health and to the environment. We have concerns regarding the "actual" southern portion of the SP Railyard and we are concerned about the area that is along Industrial Way and to the east of the North Ditch. The ditch connects the Levinson Marsh and its known toxic contamination problems to the San Francisco Bay. OU2 has been described originally as containing only the southern portion of the SP Railyard while at other times, the Industrial Way land has been included in it.

A process was begun in 2006 to develop a Remedial Action Plan (RAP) for OU2. That process

stopped. A new Human Health Risk Assessment is needed and an entirely new RAP must be developed for OU2 reflecting any new investigations and all new information that has come to light from 2006 onward. We think that additional investigations are needed since so many years have passed since the last ones were done. We are particularly concerned that a community wide public meeting should be held to explain to the public all that is known about the contamination. The meeting should include discussion of: what the plan for remediation is and how it will be accomplished and when it will be done and what monitoring is planned for the residual contamination. There needs to be an explanation of whether Industrial Way properties are considered a part of OU2 or not.

The UPC Development application envisions that the area along Industrial Way will either be used as a commercial district or as a residential area. The last sampling of this area was done in 2002. It is a 15 year old report that included only chlorinated solvents and referred to other analytes that were shown on the laboratory report but not included in the Report from Burns McDonald. The Water Board's Geotracker Case Summary report gives its case number as 41S0066. It does not provide any other information except that it mentions Lead. There needs to be further investigation that would evaluate the current level of soil contamination of the 15 VOC's shown and all additional toxins that are present. The character of the contamination has not been established nor has the extent of the contamination. These are data gaps.

There should also be an investigation of the groundwater on this site. It isn't clear whether the Consoildated Chemicals Bldg, the Tannery or the oil water separator (that is on the Railyard but is north and slightly upland of the sampled sites) are the possible historic sources of contamination. This is a data gap.

Other reports on OU2/Industrial Way appear to not include the sampling wells included in the 2002 Report. This contradiction needs to be resolved. This site was considered for listing as a superfund site but since there were a huge number of potential super fund sites at that time and there were a limited number that could be realistically dealt with, this site was not included. This fact does not address the level of contamination present on Industrial Way. There needs to be further investigation to understand the character and extent of the contamination before any decisions are made with regard to the degree of risk that this land represents to human health and the environment. It would be gross neglect to ignore the clear data gaps that exists in the Industrial Way toxic site and on OU2.

We also believe that the impacts of seal level rise and intrusion into groundwater in OU2, Industrial Way, The Landfill and Kinder Morgan should be investigated and evaluated for inclusion in the decision making regarding any future remedial action plans.

The Landfill occupies more than 300 acres. The Landfill Closure Plan process needs to have

more than one large public meeting in order to provide an opportunity for the public to comment on the plan before it is finally decided upon. We realize that there are regulatory minimums but the public may have valuable suggestions to add.

There is an excellent report on Dr. Lee's website about post-closure issues on closed landfills. It discusses the tremendous fiscal impact of long term liabilities associated with the landfills can have on local government and how there are often inadequate provisions to protect them. He also writes, "**Local/regional/state jurisdictions that will bear the impacts of landfill failures and to which responsibility for ad infinitum landfill care will eventually fall often do not have full understanding of the truly long-term nature of the hazards posed by Subtitle D-permitted "dry-tomb" landfills.**"

The only leachate found to be leaching from the Landfill is unionized Ammonia. The Natural Resources Defense Council has published a list of nine dangerous chemicals that you'll find in a municipal solid waste landfill. They are: Arsenic, Benzene, Cadmium, Nickel, Chromium, Lead, Mercury, Chloroform and Ethylbenzene. We talked about lead before but here is another dangerous toxic that has no MCL, Chloroform. It should be one microliter per liter. Chloroform and Ethylbenzene have a tendency to leak into the groundwater around landfills. Is there a circle of monitoring wells in the area around the extent of the waste? I don't think so. Do we even know the exact extent of the waste, it may be under the Lagoon on the south side? This was an unregulated landfill, a free for all of anything and everything. It deserves to be carefully and comprehensively monitored with the groundwater being a priority and we should look for more than leachate. The methane monitoring system has indicated there is methane and some other volatile gases present. The system is old and is probably not in good shape. A new monitoring system is needed and it should not wait until the owner is ready to build on the landfill to be replaced. It should be replaced as soon as possible so that we know what is going on there.

The BBCAG recently learned that there is an airborne source of carbon tetrachloride coming from somewhere in Brisbane. It was discovered by a monitor at the VWR Scientific contamination site. Perhaps, it is coming from the Landfill. We don't know.

The people of Brisbane and our neighbors deserve to have contamination promptly and comprehensively remediated but it doesn't happen unless we fight for it. It can't just be left to regulators who are understaffed and overworked despite their good intentions. The system also tries to protect the owners of the offending property and that means it is only cleaned up to the minimum level necessary under the law and that is different from saying that it is safe., The people and government of Brisbane must be proactive and dedicated to the long term goal of providing a safe environment to protect the general welfare of our people and the environment we live and breathe in.

The Lagoon's contamination is a mystery because of inadequate studies of its sediment and its organisms. How will we cope with the sea level rise in the Lagoon and the roads that lie beside it? These are data gaps.

Kinder Morgan is low enough that sea level rise will likely impact it but the Regional Water Quality Control Board representative told us last month that she doesn't see any problem. There is an order for remediation for the tank farm and it is monitored but we have not been satisfied with answers that say it doesn't matter how much water sits on the asphalt at the front of the tank farm because the contamination is not so bad there.

VWR Scientific has a contamination problem and it is being voluntarily remediated by its new owner and the Water Board is overseeing it. We don't know how long it will be monitored when it is remediated or what its impact on the Lagoon will be.

The Brisbane Baylands Community Advisory Group recommends that you see to it that the actions mentioned in this report are taken and that you approve the project alternative that places the least intense use on the Baylands, the Renewable Energy Alternative, which is the environmentally preferred alternative and it was the recommendation that was made by the Planning Commission. There are not any credible fiscal analyses available on this mostly undescribed project application that does not have a realistic water supply. Even the renewable energy alternative has a huge amount of built space, 1 to 2 million square feet. The other alternatives represent a nightmare alternative to the people of Brisbane and their love of our land and our relatively peaceful lives. We believe that the Final EIR does not adequately describe the project nor its environmental impacts.

There is a huge pile on Brisbane's contamination to be remediated and we cannot pretend that someone else is going to take care of it. Any consultants that are hired will need to be carefully overseen by the people and the government of Brisbane. That is because, as the poet Gary Snyder once said (to paraphrase) you can only trust people to make decisions about the place where they live. He also said, "Find your place on the planet. Dig in, and take responsibility from there."

The weight of this decision is a great burden to carry and we wish you wisdom and reflection on the legacy of the traditions and values of Brisbane, as you make this judgment.

Thank-you
Clara Johnson, Acting Chair and Vice Chair
BBCAG