



BRISBANE CITY COUNCIL
SUMMARY MINUTES

**CITY OF BRISBANE CITY COUNCIL
REGULAR MEETING AGENDA
THURSDAY, JUNE 7, 2018
BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE**

6:30 P.M. CLOSED SESSION (*To Be Held in the Large Conference Room*)

- A. Approval of the Closed Session Agenda**
- B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda**
- C. Adjournment into Closed Session**
- D. Conference with legal counsel—Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code, section 54956.9 number of potential cases—1**
- E. Liability Claim: Andrew Ezekiel Herman, pursuant to Government Code, section 54956.95**
- F. Conference with Real Property Negotiator City Manager Clay Holstine, pursuant to Government Code, section 54956.8, regarding the price and terms of payment for the potential lease for the purpose of placing a cell phone facility on property owned by the City of Brisbane located at 50 Park Place in Brisbane, CA.**

CLOSED SESSION REPORT OUT

City Attorney Roush reported out that no action was taken regarding the Potential Initiation of litigation Closed Session Item F, the Liability Claim Closed Session Item E was denied, and direction was given to staff regarding Conference with Real Property Negotiator Closed Session Item F.

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

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

ROLL CALL

Councilmembers present: Mayor Conway, Council members Cunningham, Davis, Lentz, O'Connell
Councilmembers absent: None
Staff present: City Manager Holstine, City Engineer Breault, Police Chief Macias, City Clerk Padilla, City Attorney Roush, Administrative Services Director Schillinger, Community Development Director Swiecki

ADOPTION OF AGENDA

CM O'Connell made a request to move up New Business Item A after the Consent Calendar items.

CM Lentz made a motion, seconded by CM O'Connell to adopt the agenda as amended. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, O'Connell, and Mayor Conway

Noes: None

Absent: None

ORAL COMMUNICATIONS NO. 1

No member of the public wished to speak.

PRESENTATION

A. Introduction of New Sergeant Cecilia Garay

Police Chief Macias introduced newly hired Police Sergeant Cecilia Garay. Mayor Conway and Council congratulated Sergeant Garay on her new position and welcomed Sergeant Garay to the Brisbane family.

Sergeant Garay expressed her appreciation for having the opportunity to serve the City of Brisbane.

CONSENT CALENDAR

A. Sierra Point Lighting and Landscaping District

1. **Approve Resolution No. 2018- 38, Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2018-2019.**
2. **Approve Resolution No. 2018- 39, Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2018-2019.”**
3. **Approve Resolution No. 2018- 40, “A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2018-2019 - Sierra Point Landscaping and Lighting District”**
4. **Approve Resolution No. 2018- 41, “A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2018-2019 - Sierra Point Landscaping and Lighting District”**

B. **Approve the Professional Services Agreement with Wood Rodgers, Inc. in the amount of \$253,495 for Engineering Design Services for the Guadalupe Channel Erosion Control Project.**

CM O’Connell made a motion, seconded by Cunningham to approve Closed Session Items A and B. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, O’Connell, and Mayor Conway

Noes: None

Absent: None

NEW BUSINESS

A. **Consider Replacement of Raccoon Statue in Costaños Canyon**

(Council will consider whether City should enter into a contract agreement to replace the bronze raccoon statue at the base of Costaños Canyon. The overall cost to the City would be \$11,350.)

Administrative Services Director Schillinger asked for direction whether the City should enter into a contract with Maria Ester Anargyros (wife of original artist Spero Anargyros) to replace the bronze raccoon statue at the base of Costaños Canyon.

Anya Miller, Bill Dettmer, Dan Carter, Ray Miller, and Michele Salmon spoke in support of replacing the statue.

After further Council questions and discussion, CM Davis, made a motion, seconded by CM Cunningham, to replace the Raccoon Statue in Costaños Canyon and purchase a second cast. The motion was passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, O'Connell, and Mayor Conway

Noes: None

Absent: None

PUBLIC HEARING

A. Brisbane Baylands General Plan Amendment Case GP-1-18.

Mayor Conway said the purpose of the public hearing was to allow public comment on proposed General Plan Amendment Case GP-1-18 that would allow between 1800-2200 housing units and 4 million square feet of commercial development on the Baylands as directed by the Council at their March 22nd meeting. The General Plan Amendment would be placed on the ballot for the November election. He noted the Council would not finalize the General Plan Amendment language at this hearing. He assured the community that the Council remains united in the commitment to ensure the November ballot measure will require the developer to clean up the Baylands to the highest legal standard, close and cap the landfill to the highest legal standard, and to agree to terms to protect the City financially before and after development.

City Manager Holstine introduced Lloyd Zola of Metis Consulting.

Mr. Zola said the General Plan Amendment would set the rules for a future specific plan. The General Plan Amendment as drafted by staff would expand the Baylands subarea to include the Northeast Bayshore area, and the Beatty subarea would expand to include the northeast quadrant of the Baylands, including the Recology lands and adjacent properties to allow for expansion of Recology. The amendment would permit up to 1800-2200 housing units in OU-1, , 4.5 million square feet of commercial/office space on both sides of the rail line, and up to 500,000 square feet of hotel to balance of housing and commercial and ensure the Baylands development is fiscally positive to the City.

Mr. Zola said the General Plan Amendment requires a specific plan to include remedial action plans for OU-1 and OU-2 and a Title 27 closure plan approved by all regulatory agencies and a schedule for the physical remediation of OU-1 and OU-2 and the Title 27 closure of the landfill with specific means the City would have to enforce adherence to the schedules. Prior to specific plan approve, agreements and contracts guaranteeing a reliable water supply for the project would be required, as well as engineering and design of the water supply system. Residential development would be limited to the northwest portion of the site (OU-1) and would be required to be remediated to a level to allow daycares, playgrounds, and other uses to support residential.

All physical infrastructure would be done at the expense of the developer. Assurances of the ongoing performance of site remediation and performance bonds would be required as determined by the Council. The General Plan Amendment would require the principles of the Sustainability Framework be incorporated into the specific plan, and that the site be energy neutral. Key habitat areas including Ice House Hill, the lagoon and adjacent areas would need to be preserved. The Roundhouse would need to be stabilized and restored. The specific plan would need to take into account flooding due to sea level rise over 100 years. The General Plan Amendment would also amend the Land Use Element Table 5 to include the development density and intensity for the Baylands and would require a minimum of 25% of the land area within the Baylands be set aside for open space or open areas to be defined in the specific plan. The General Plan Amendment would also delete Policy Baylands 5 (previously 231) that prohibits housing on the Baylands. Additionally, any soil moved on the site would be tested in a manner approved by the City.

CM Lentz asked how tall potential residential buildings would be.

Director Swiecki said many factors would impact building height, including unit size, open space and roads, but generally 6-8 stories would be common for that density in the northwest quadrant, similar to the buildings approved in the Schlage Lock development in San Francisco to the north.

CM Lentz asked if the footprint of land remediation of the residential area, at the highest standards, would extend beyond the areas where housing was allowed?

Mr. Zola said that any proposed residential development area would be remediated to that highest “ground floor” standard.

CM Lentz asked what the remediation standard was at Schlage Lock.

Mr. Zola said podium-style housing, above the ground, was the same as the standard for commercial uses. It is different from the standard for typical single-family development with ground level housing.

CM Lentz asked if requiring a “housing” remediation standard would include the highest level of remediation.

Mr. Zola said residential uses could be permitted at a lower level of remediation, which is why the General Plan Amendment specifically requires the standard for remediation to be that for ground level residential uses, the highest remediation standard.

CM Lentz asked the City Attorney if Senate Bill (SB) 35 would apply to the Baylands.

City Attorney Roush said his office as well as consulting legal counsel for the Baylands project agree that the Baylands would not be affected by SB 35 for many reasons, including that only a small portion would be designated for residential uses and only if a specific plan is approved. Without a specific plan, there are no objective zoning or design standards with SB 35 requires. Additionally, OU-1 and OU-2 are classified as hazardous waste sites which precludes SB 35.

CM Lentz asked if the General Plan Amendment passes in November whether the Council would need to bring any changes to the General Plan back to the voters.

City Attorney Roush said any change to a provision adopted by the voters would have to go back to the voters for approval.

CM Davis asked if SB 35 would apply to the Baylands OU-1 and OU-2 after the land is remediated.

City Attorney Roush stated that a development agreement in place would preclude SB 35 or other laws from applying to the development.

CM Davis asked if the voters did not approve a General Plan amendment if that could open up the possibility for SB 35 to apply later down the line.

City Attorney Roush said it was possible that State legislation could impact Baylands development if there is not something in place that is acceptable to the legislature.

CM O'Connell stated that would not be SB 35 but another piece of legislation.

City Attorney Roush said that was correct, future legislation created by the legislature.

CM O'Connell asked if they are in compliance with the Regional Housing Needs Assessment (RHNA) numbers the General Plan Amendment would meet the City's RHNA.

Director Swiecki said the City has not yet met its lower income housing requirements under the RHNA, and was subject to SB 35 as a jurisdiction. Any SB 35 eligible projects would have to be affordable to lower income households at a 50% minimum ratio.

CM Davis asked if SB 35 only would allow an SB 35 eligible project to provide as many units as the City was deficient in its RHNA.

Director Swiecki stated that was his understanding but staff would come back to confirm that officially.

CM Cunningham asked Mr. Zola to clarify the two remediation standards discussed for residential.

Mr. Zola said cleanup standards are measured in excess cancer deaths for a population, which is constant contact with the ground with the contaminated soil, regardless of remediation, that someone is consuming, touching, and breathing the contaminated dirt for a number of years, how many cancer deaths would result from that exposure. It was a very conservative standard.

CM Davis asked staff to provide conceptual renderings of what 1800-2200 housing units could look like in terms of height and form so the Council could get a better picture of what it would look like and how much room would be available for open space, similar to what was done for Parkside. She asked if the Council decided to reduce the density so it would be in the 3-5 story

range, how much land would that cover if it spilled into OU-2.

City Manager Holstine said staff could come back with those scenarios.

Mayor Conway opened the public hearing.

Clara Johnson, Brisbane resident, read from her written statement. (Note: Ms. Johnson's written statement is attached to these minutes.). She added that she hoped that DTSC would be making judgments on contamination and remediation issues.

Nancy Lacsamana, Brisbane resident, said she supported housing in the Baylands with full remediation and open space, but putting all the housing in one zone would separate residents from the City. She said the City should require that all residential development be remediated to the highest standard. She said allowing housing in OU-2 would allow for more community connections with the Roundhouse and Horse Hill, and connections between commercial and residential uses. Housing in OU-2 would support public transportation. If high speed rail locates a maintenance yard in the area, then the City should get a fiscal benefit from that. She said the commercial portion should be a range, not a maximum.

Kima Hayuk, Brisbane resident, said any remediation standard lower than ground level residential would be unacceptable. He agreed with Ms. Lacsamana that limiting the residential to only OU-1 would be problematic and the City should make sure that housing would never be built on unremediated land if the State takes control. He said Brisbane should build consistent with its value of having a connected community.

Luc Bouchard, Brisbane resident, read from his written statement. (Note: Mr. Bouchard's statement is attached to these minutes).

CM Davis asked how many stories would feel like "Brisbane" to Mr. Bouchard.

Mr. Bouchard said if 1800-2200 housing units were spread across a larger area, the density would go down. Three stories felt acceptable to him, the lower the better.

Prem Lall, Brisbane resident, said OU-1 is in an area like most of the Baylands of a very high risk of liquefaction. If development is built, he wondered how that would be revenue positive for Brisbane in the case of soil liquefaction during an earthquake. He said that in the Hunter's Point development, soil remediation never occurred or occurred at a lesser extent than it was reported, and people now reside on toxic land. He wondered if that could happen on the Baylands. He said the CREBL plan for renewable energy development on the Baylands was a better use.

Dan Carter, Brisbane resident, said the Northeast Ridge development can feel disconnected from Central Brisbane despite everyone's efforts, and he agreed that new housing in the northern corner of the Baylands would feel isolated. He supported housing development in OU-1 and OU-2 and thought it would be more attractive and more like Brisbane. He said there could be a resurgence of commercial business in that area as well.

Anja Miller, Brisbane resident, echoed Mr. Lall's statements regarding CREBL's plan for the

Baylands which had community support. She said energy production on the Baylands would be a benefit to the City. She said a solar farm had low employment demands and would not make the jobs-housing balance worse. She said the Council had been ordered to include residential development but had not been ordered to not include solar energy production.

Ray Miller, Brisbane resident, stated he provided a written copy of his suggested revisions to the General Plan Amendment language to the City Clerk to make it clearer, more precise, and better organized. He said the City should be careful using the M-U designation because that covered all of the Baylands and includes residential. He suggested the residential area be expanded so that the bottom of the area would be approximately where Main Street hits Bayshore. He suggested retaining the Trade Commercial land use designation for the non-residential areas of the Baylands. He suggested expanding the Heavy Commercial land use designation. He said Recology might move some facilities closer to the east which would free up some of the area of the eastern side of Caltrain. He said Ice House Hill and the River Park were in the 2001 Open Space Plan and should be included on the Land Use Map. He said SB 35 relies on clearly stated objectives in the General Plan. He suggested that the conceptualization of the housing units should include 1800 as the base density with a 25% bonus for affordable housing since the idea is to have space for more affordable housing. He said he had numerous other suggestions for rewording the General Plan Amendment.

CM Davis asked Mr. Miller if he was suggesting the residential portion be expanded to the south compared to what is shown on the General Plan Amendment.

Mr. Miller confirmed it would be approximately after the Roundhouse.

CM O'Connell said the ballot language is limited to 75 words, so his revisions may not fit within that limit.

Bill Dettmer, Brisbane resident, said the proposed density may not be enough to give the project life. He asked the Council what the future residents would want and what would be important to them. He thought they would want amenities, places to go, things to do, and parking. He said the City hadn't asked what would make their lives better. He said taller buildings could get great views and make more walkable neighborhoods. He said it wouldn't be Brisbane as we know it. He said if the lots had been much larger in the early 1900's when the City was first platted, the City as it is today would not exist.

Mayor Conway announced a brief break.

After reconvening, Mayor Conway asked the next speaker to approach the Council.

Barbara Ebel, Brisbane resident, said she did not support housing on the Baylands. She said housing surrounded by Superfund sites and other industrial land uses was not great. She feared that the development would not be what anyone wanted. She said a development plan should not rely on deals with termed out representatives at the risk of future legislation taking their power away. She said it is possible to build a great deal of housing without changing the General Plan by building efficiency worker housing units. She said corporate housing would allow deeper pockets to deal with known issues such as liquefaction and contamination as well as known

issues. She said residents working at the site would have fewer vehicle trips. She said efficiency units are permitted in commercial districts under State law and such units are preferred by tech workers and young professionals. She said this option allows the City to limit the exposure of children to contaminants, would not make homeowners fiscally responsible, and would positively increase the housing stock. The City would need to make this development a part of the community.

Greg Anderson, Brisbane resident, said the jobs-housing imbalance was the main reason why the housing crisis existed and why residential development was being considered on the Baylands. He was concerned that there was no housing on the east side, and that the current plan was slightly positive in terms of jobs-housing balance, but if a tech center was approved on the east side, the jobs-housing balance would be out of whack. He said the tech center should be moved to the west side and the City should be specific in terms of what would be done on the east side that would be viable. He said solar panels would be ideal. He was concerned with the remediation. Experts have noted that the area was susceptible to liquefaction, despite verbal testimony to the contrary at a previous public hearing, and he wanted the Council to have documentation about the stability of that land before a vote. He said he was concerned with the financial viability of the plan and whether it would be affordable for residents. He said they know about some toxic contamination, but underground tanks existed in unknown numbers and locations. He asked how much a repair to the landfill cap would cost. He wanted a 10-50 year analysis of the costs to maintain and monitor the landfill closure. He said if someone was going to take the financial risk for the situation, it should be on the property owner or developer, not an individual homeowner.

Lori Liu, Brisbane resident, said the City had the opportunity to have a sustainable development that fits the town character that is integrated into the community fabric. The proposed General Plan Amendment does not achieve that. Brisbane currently has about 1800 units and placing that number of units in OU-1 would be very dense. The community values open space, connectivity, and walkability, as was done for the Parkside Plan. The Geneva Avenue extension will become a transit hub, and placing development to the south in OU-2 on would allow for the density to spread out.. She supported a range of 5-7 million square feet of commercial to allow room to negotiate with the developer. She said the current ratio of residential to commercial development in the City should be used as a guide. The ballot language should be right the first time and allow flexibility. The General Plan Amendment does not seem consistent with the Sustainability Framework. She wanted new residents to feel connected to Brisbane.

Kyle Corbitt, Brisbane resident, said he recently moved to Brisbane and loved its character. He asked the City Council to keep in mind when crafting the requirements for the developer that the developer will pass on high development costs to future property owners. The development should not get so expensive that people cannot afford to live there.

Michele Salmon, Brisbane resident, said central Brisbane can't be recreated on the Baylands, unless it wasn't toxic or former landfill. OU-1 and OU-2 are "operating units" that are separated because they have different contamination characteristics with different remediation issues, some of which the City isn't aware of yet. She said it was hubris to assume remediation can be achieved without knowing the contamination. She said high density housing was being required

by the State because of the housing crisis. She said future residents may not want to recreate Central Brisbane and may be interested in living in a higher density neighborhood with building amenities. She would rather have a safe community than a low-density community. She didn't want any housing on the Baylands because of how sick the land was, but if they need to build housing, she wants to limit it to OU-1. She said spreading residential development into OU-2 would not bring the new neighborhood much closer to Central Brisbane. She agreed with the comments of Ms. Johnson, Mr. Miller, and Ms. Ebel.

Kevin Fryer, Brisbane resident, read from his written statement. (Note: Mr. Fryer's statement is attached to these minutes.)

Sarah Sieloff, Executive Director of the Center for Creative Land Recycling, said Jonathan Scharfman of UPC recently joined the Board of the Center for Creative Land Recycling, but that did not influence her comments this evening. She suggested raising the maximum floor area ratio to encourage transit oriented development. She suggested allowing residential development east of the rail line and stated prior railyards have been safely remediated and redeveloped with housing, including Sacramento. She said CCLR was available to provide resources to the City throughout the remediation process. She said CCLR was organizing a statewide conference in October.

CM Lentz asked Ms. Sieloff if the City of Carson in California redeveloped a landfill recently.

Ms. Sieloff stated she thought it would be redeveloped as commercial, not residential.

Ross Dykes, Brisbane resident, said he was concerned with the location of residential and the remediation process. He supported allowing transit-oriented residential development on the Baylands and wanted a mix of housing types. He said the proposed General Plan Amendment doesn't leave space for neighborhood services like grocery stores or a library. He said there would be a big difference in character between the new neighborhood and "old" Brisbane which could create a divide between the two and change the character of the town as a whole. He said spreading out the housing density would make the neighborhood fit with Brisbane and not feel separated.

Maurice Quillen, of Recology San Francisco, asked that the southern boundary of the Beatty Heavy Commercial zone be adjusted to go around existing parcels and not bisect them. He said Recology did not have an opinion regarding the residential land use, he did have an issue with residential development adjacent to heavy commercial operations.

Ken Walker, Brisbane resident, asked where the residential unit range of 1800-2200 units came from. It felt arbitrary and he wanted to understand why they needed that amount of housing and why it needed to be in that particular location. He said community and connectedness was a community value. He said residential structures should be a mix of heights. He said incorporating open space and open areas was important for residents to feel connected to nature and the community. He was worried the new neighborhood would be a silo.

CM Davis asked staff to address where the residential density range originated from.

City Manager Holstine stated it was a negotiated number from the City Council's discussions with Assemblymember Hill. The location of housing was up to the City's discretion.

CM Davis said the Assemblymember initially requested 4,400 units to be provided as proposed by the developer.

Benjamin Smith, Brisbane resident, said the City had the chance to shape the future and he encouraged the City to review studies regarding how bike lanes increase traffic fatalities and for the City to consider separate bicycle facilities from vehicle traffic lanes as San Francisco is doing.

Leesa Greenlee, Brisbane resident, said with a smaller residential footprint, there would be more space for open space. If a taller building allowed more open space around it, she supported that, but she wanted to see a mix of building heights. She was concerned with affordability as building more houses did not make them affordable, and wanted the Council to require provision of affordable housing. She suggested community gathering spaces. She wanted the Baylands to be remediated.

Jonathan Scharfman, representing the applicant UPC, introduced Greg Vilkin, UPC Board member, and urban design lead Peter Calthorpe.

Mr. Vilkin and Mr. Calthorpe presented information regarding their experience and role in the project. (Note: UPC's presentation is available online in the meeting video: <http://brisbaneca.org/city-council-meeting-06-07-2018>). He stated he wanted to end the animus between the City and UPC. He has experience in mid- and high-density development in San Francisco, and mid- and high-rises in Los Angeles, Oakland, San Jose, and other California cities. He had experience in historic rehabilitation, including historic structures in the Presidio National Park. He also had experience in urban renewal, including in downtown Oakland. He shared his first redevelopment project of the former 4700 acre Stapleton airport in Colorado into a mixed-use development, part of which was a Superfund site. He said redevelopment of contaminated sites like the Baylands has happened before and the technology exists.

Mr. Calthorpe shared his value system for designing communities, based on the principles of connectedness, diversity and balance of land uses, human scale (walkable neighborhoods and non-vehicular circulation), conservation and restoration to repair the damage done to the environment by making the community a place people want to protect. He shared recent projects in redevelopment, including the City of Concord formal naval station. He said restoring the open space in the Baylands to ecological health will be a challenge. Some open space areas will be for recreation. At the transit oriented development area, there should be a variety in housing type and scale with the densest buildings at the core. He shared the restoration of two creeks that had been paved over through the Stapleton airport, Colorado project referenced by Mr. Vilkin. He discussed the strengths of the Stapleton airport redevelopment plan, including its provisions for community gathering. He shared his experience designing the Bay Meadows (San Mateo) master plan, which buffers the railroad tracks with commercial buildings. He supported creating a "24 hour" community with a mix of uses. He said the Bay Area had a "missing middle" problem, and townhome development could help solve that. He shared a model created by his firm called

“Urban Footprint,” provided by the State of California, that allows a City to measure social and ecological impacts of a development. He suggested the General Plan Amendment leave as much flexibility as possible.

Paul Bouscal, Brisbane resident, asked if it had been researched whether hazardous waste soils could be relocated via conveyor through the landfill closure process rather than truck them into other communities. He suggested floating structures be considered on Visitacion Creek, which was supported by prior Bay Conservation Development Commission Director Will Travis in conversation between the two of them, which would be sea level rise adaptable. He stated new residents in the Baylands would be in the Bayshore School District. He said the developer could strike up a deal with the State to move the housing development to the Cow Palace location, and then an event center could be built on the Baylands. He encouraged the Council to get creative. He said high density housing was not affordable housing to middle income families. He said the City was currently at the end of the energy grid, and putting solar energy on the Baylands would put them at the front of the grid. He said the City was not required to building housing in the Baylands and has planned for its RHNA. He said the attorney hired by the City told the City it does not have a choice, but that is not ok and contrary to the principles of the City’s founding fathers.

Megan, Brisbane resident, encouraged the Council to look at the projects UPC’s board members have done, which look wonderful on the screen, but may not highlight the issues that happened throughout the process. She asked the Council to talk to the City Councils of those communities to understand their experience and avoid the issues they may have encountered.

Tony Attard, Brisbane resident, said Brisbane went through a 30 year fight to save San Bruno Mountain. San Bruno Mountain Watch takes care of San Bruno Mountain. The City got Mission Blue Center from the Northeast Ridge development. Restoration of the Roundhouse would benefit UPC because it would be a showcase. He suggested 125 acres of land for clean energy production which would provide more electricity than needed on the Baylands and the rest would be returned to the residents so they could benefit. Energy neutrality was a good idea, but an energy positive development would be a good gift to the community. CREBL’s goal was to get the City off of coal and dirty energy. He said most community members supported that goal. Rich, Brisbane resident, was concerned with controlling light pollution. He encouraged achieving energy neutrality for the entire city, including electric vehicle charging.

Barbara Ebel reiterated her suggestion for efficiency corporate housing, which would increase the rental housing stock and provide high density, low rise units. She was concerned with liquefaction and high rise buildings. She could see bringing housing further south if the Caltrain station was also moved south and OU-2 was made safe. The proposed housing-commercial ratio only meets 33% of the housing needs. If the City is doing housing, she would rather have a project that is jobs-housing neutral and benefits the region. She wanted the City to consider less commercial and more energy generation and storage. She wanted to define what “reliable water supply” means. A handshake deal between the applicant and the Oakdale Irrigation District is not reliable and it must be upfront before a vote. She suggested imposing a maximum CO₂e per capita instead of requiring energy neutrality, as required by the Bay Area Air Quality Management District. The California Preservation Society told her the degradation of the

Roundhouse was demolition by neglect. The City must require UPC to secure the Roundhouse now, not after the vote. She asked for Recology's Zero Waste plans, recycled water, wetlands preservation, 25% open space, preservation of the train tracks functionality, and fiber optics to be accommodated.

CM Davis moved to extend the meeting to 11 p.m. CM Cunningham seconded the motion and it was approved 5-0.

Michele Salmon asked when high speed rail would be discussed and if the General Plan Amendment passes at the ballot, and the developer doesn't agree to a developer agreement, what happens?

Greg Anderson said Senate Bill 828 recently passed and the City should analyze how it would affect the Baylands, especially if a range of units is approved instead of a specific number.

Nick, Brisbane resident, said they should create a Brisbane community not a San Francisco development. It was important to him that the entire west side of the Baylands be remediated to the highest housing standards. He wanted the community to have greater flexibility to plan for the entire Baylands through the General Plan Amendment.

Anja Miller recommended that the Council talk to Council members of other communities with similar projects. She said Tunnel Avenue's alignment was approved during her tenure on Council, which was maintained as a private road that is publicly accessible. At the time the Council asked the property owner to put in a separate bikeway, which was installed but has been allowed to be destroyed and the City did not enforce its maintenance. It should be required to be restored.

Deb Horen, Brisbane resident, supported Mr. Miller's points on the ballot measure language. She said once the General Plan changes and remediation occurs, the City is vulnerable to SB 35. She said the City should consider what future residents will want, which is more than amenities but safety and affordability.

Barbara Ebel reiterated Mr. Miller's comments regarding the "mixed use" designation on the General Plan land use map. She stated the EIR states that no trees may be planted due to their interference with the cap.

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

Mayor Conway directed staff to compile all the comments made and indicated the Council would discuss the issues raised at the following meeting.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reported that the Brisbane Got Talent Event was canceled and the next Council Meeting is the Budget Workshop on Saturday, June 9th.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

CM O'Connell reported on her activities in SFO Roundtable, Airport Noise, and the North County Fire JPA.

CM Davis reported on her activities in the History Subcommittee and the oral history video project.

CM Cunningham attended the San Mateo County Libraries JPA Meeting.

CM Lentz' reported on his meeting with the HEART Board meeting and the Home for All Event.

B. City Council Meeting Schedule

Two new City Council Meetings are being proposed on Thursday, June 28, 2018 and Thursday, July 12, 2018.

C. Written Communications

Non-Baylands related written correspondences were received by the City Council from May 17, 2018 to June 7, 2018 from the following member of the public:

- Kate Chatfield 5/26/18

Written correspondences about the Brisbane Baylands Project were received by the City Council from the following parties from March 22, 2018 to June 7, 2018:

- Ron Colonna 6/7/18
- Ray Miller 6/7/18
- Luc Bouchard 6/6/18
- Alex Coriano 6/6/18
- Esther Diane Schreiber 6/6/18
- Lise Dumont 6/6/18

- California Public Utilities Commission 6/4/18
- Jessica Aloft 6/4/18
- Lynn Grant 6/3/18
- Tony Verreos 5/17/18
- Dana Dillworth 4/21/18
- Dana Dillworth 4/17/18
- Linda Dettmer 4/4/18
- Adina Levin 3/22/18

ORAL COMMUNICATIONS NO. 2

Paul Bouscal stated that in the Land Use Map/diagram, Brisbane Acres parcels are not listed as open space nor is Ice House Hill.

ADJOURNMENT

CM Lentz motioned and CM Davis seconded to adjourn the meeting. The motion was approved 5-0 and the meeting adjourned at 10:52 p.m.



Ingrid Padilla, City Clerk

Kevin Fryer Statement
To the City Council
Housing on the Baylands
6/7/18

There are lessons to be learned from the development of the Northeast Ridge that I think can be instructive as we look at the challenges of housing and the development of the Baylands. Like the Baylands, the development of the northeast ridge was a hard fought and contentious issue that divided the community. I moved from a small apartment in central Brisbane to the northeast ridge in 2000. And in those first years as I became involved in our community, I became acutely aware of the divisions between Central Brisbane and the Ridge. Often when attending meetings, residents, unaware that I lived at the ridge, would express their unfiltered attitudes and resentments of the new development and the folks that lived there. I think this reaction is natural enough. Such a change and growth spurt in a small town takes time to absorb. The Ridge development is separated by geography. And there is a dissonance between the unified architecture of a development such as the ridge, and the organic look and feel of a town that has grown slowly over an 80-year plus time period. These created basic obstacles to overcome as Brisbane worked to absorb its new residents.

In a stroke of genius, the community leaders who worked on the Ridge Development created Mission Blue Center. Mission Blue Center has served as a focal point that bridges community members from the Ridge and Central Brisbane. My own contribution to softening these divisions was the creation of Live at Mission Blue. And in the early years of promoting this concert series, one of my key talking points was how the arts can serve as a bridge within our community. And indeed in the twenty years since people started making the Ridge their home the divisions and attitudes regarding the Ridge have softened, and community leaders have emerged from this new population who share in the small town values of Brisbane which include the environment, our schools, and the arts.

The challenges of the Bay lands development are far greater than those of the North East Ridge. This expansive tract of land has been largely derelict for decades and it is hard for us to imagine it as anything else. For many years we have debated what should and shouldn't be built there. And we have only recently begun to consider the implications of a housing component that will double the population of Brisbane. There will continue to be a long and difficult debate both between opposing views within our community and between our city and the developer. But in the future we will have folks making this new development their home. And they will in turn look to become involved in the city of Brisbane.

How will we anticipate the natural divisions between this new population and our established community? What will be the features of this development that will connect or detach the new

Brisbane from the old?

The North East Ridge and the residents who live there, is a successful addition to our community. And it is in part due to the vision of the leaders of that time who fought hard for a development with amenities that were on a human scale and were in keeping with the values of Brisbane.

The proposed language of the ballot measure for approval of housing on the baylands that allows for housing only north of the Geneva extension is in my opinion a mistake. It will concentrate a new population more than a mile from Central Brisbane. South of the Geneva extension will then be developed for commercial use creating a further geographic barrier. It will isolate the new population from us and us from them. One of the greatest challenges of housing on the baylands is creating connectivity between the two populations. Please reconsider the language and intent of this ballot measure.

Kevin Fryer
414 Swallowtail Ct
Brisbane CA

Luc Bouchard Statement
CC Meeting June 7, 2018

This is our time: we have the ball, and it is up to Brisbane to state, as clearly as possible, what Brisbane sees itself becoming as it expands into the Baylands.

We cannot play defensively: the only way to retain control over the Baylands is to assert this control, now, by creating a clear vision of what Brisbane will become.. if we don't do that, no one will do it on our behalf..

The proposal as it stands does not look like Brisbane. On density, on the height of the buildings, on the fact that it places all new housing stock far, far away from Brisbane. On the fact that it will create an enclave that will, de-facto, be more attached to and feel more like San Francisco than Brisbane.

In my opinion,

- We should go on the offensive and be bold enough to propose what we really want as a community. I know full well there are multiple differing opinions on what that is. I also realize it is much easier to be against something than it is to rally a majority of our citizens around a proposal. But there are a few points that seem important to all of us:
 - Highest level of ground level contamination remediation.
 - A scale that makes it feel like Brisbane
 - A distance that lets us connect as residents with our new neighbors, lets businesses and their patrons connect, kids connect with their baseball and soccer fields.
- You are leading us: leadership in this case could be defined as creating the vision, and motivating us all to rally behind that vision. A vision that should in my opinion, consider two main points:
 - 1- allowing mixed use residential on both OU1 and OU2, so as to spread the housing stock, thus making its density lower and allow for more amenities and open spaces to be included in the mix, accessible directly to its inhabitants.
 - 2- Use the same residential stock/commercial ratio that we currently have in old Brisbane, as a starting point - this seems to be fiscally prudent.

Who came up with this plan?

What is the intent behind this particular layout (concentrating all the residential zoning to the farthest norther corner of the Baylands)?

Luc Bouchard

Clara Johnson
June 7, 2018

Comments on General Plan Amendment GP-1-18

While I appreciate the thought and effort that has created this General Plan Amendment, I disagree with the inclusion of residential use on the Baylands. I am speaking as an individual and a member of the BBCAG. I remind you that the BBCAG recommended against residential use because of the risk to human health. If you insist on the inclusion of housing then all we can do is to make it as safe as possible.

I would like to add my support to the following points made by former Mayor Ray Miller's in his comments. I have attached a copy of his comments to my own to make for easier reference: Page 1 add a General Plan use designation of PD-MU-RES. Page 2-Items e, f, g. Page 3 Items h, i, j, k, l, m.

I bring you the comments of another BBCAG member, Mae Swanbeck. She states that the wording of the fifth bullet on the back side of the General Plan Amendment text should be changed so that the intent is clear. It should begin with "Requirements and Responsibilities" instead of "Sufficient assurances" Her exact wording is attached. I agree with her request.

I noticed that the rail line does not appear on the "Proposed General Plan Land Use Diagram" an yet there is a reference to the rail line in the General Plan Amendment text., Attachment 1.

On Attachment 1

- Under item 2 on the front side of GPA text. I understood the City Council agreed to 4 million square feet of Commercial Space instead of 4.5 million plus 500,000 square feet of hotel space. I think it is prudent to limit the commercial space to 4 million.
- Under the only bullet point on the front side, an item (d) should be added to the list of what the Specific Plan shall include: (d) A 50 year bond to cover landfill leakage to avoid City responsibility for impacts of landfill leaks.

On the backside, it isn't clear whether the items bullet pointed on this side are intended to be part of the list of what shall be included in the Specific Plan or what they are intended to be. They need to be designated in the same way as the first three with a letter in parenthesis.

I made changes in bullet points 2,3,5,6,7,and 9 to make them more effective.

On Attachment 2, I would like to add to the Ballot Question the following wording. In the second and line

Clara Johnson

Second line, after residences, "doubling the current number of residences" (6 words) and in the fourth line after capped, "residences prohibited"

Thank you for giving my comments your consideration

.Clara Johnson

Attachment 1

GENERAL PLAN AMENDMENT NO. GP-1-18
FOR THE BAYLANDS, NORTHEAST BAYSHORE, AND BEATTY SUBAREAS
DRAFT 6/1/18

Chapter V: Land Use

1. General Plan Land Use Diagram. Revise as follows:

- a. Delete the Northeast Bayshore subarea and incorporate this former subarea into the Baylands subarea
- b. Revise the boundaries of the Beatty subarea to include the area bordered by the rail line on the west and the area south of a straight line extension of the existing Geneva Avenue right of way through the Baylands to the rail line, as illustrated in Exhibit 1.
- c. Redesignate the Baylands subarea as "Baylands Planned Development - Mixed Use."

2. Land Use Designations. Add a Baylands Mixed Use land use designation to read as follows:

Baylands Mixed Use (BMU) provides for a transit-oriented mix of residential, employment- and revenue-generating uses; natural resource management; and public and semi-public facilities. A range of 1800-2200 dwelling units (the upper range of which must include, if applicable, all units permitted under the State density bonus or other law providing for affordable housing), up to 4.5 million square feet of new commercial development, and 500,000 square feet of hotel development shall be permitted. Non-residential development shall be distributed both to the west and to the east of the rail line. Development within the Mixed-Use designation shall be subject to the City's approval of a single specific plan for the entirety of the Baylands Subarea that is consistent with General Plan policies, incorporates all applicable EIR mitigation measures, and is consistent with the following standards:

- The single specific plan subject to City review and approval referenced above shall include:
 - (a) detailed plans for Title 27 compliant closure of the landfill and Remedial Action Plans for OU-1 and OU-2 that have been approved by all appropriate regulatory agencies, which include, but shall not be limited to, CalRecycle, the San Mateo County Environmental Health Department, the California Department of Toxic Substances Control, the California Regional Water Quality Control Board;
 - (b) a specific schedule establishing the time frames by which (i) the landfill must be closed in full compliance with Title 27 and (ii) the remediation of OU-1 and OU-2 must be completed; and
 - (c) specific means by which the City may enforce the applicant's adherence to the schedule for closure and remediation and specific consequences, e.g., monetary penalties, suspension of building permits, etc., that the City may impose on the applicant for failing to adhere to the schedule.

(d) a 50 yr bond to cover landfill leakage to avoid City responsibility for impacts of landfill leaks.

cc: [unclear]
The
4 mill.
of com.
space
should
include
hotels

It isn't clear that this list is included in the first bullet point's "shall include"

- A reliable water supply approved by the City of Brisbane to support proposed uses within the Baylands shall be secured prior to site development.
- Any proposed residential development shall:
 - Occur within the area west of the Caltrain rail line and north of a straight line extension of the existing Geneva Avenue right-of-way through the Baylands to the rail line as illustrated in Exhibit 1; and
 - Be designed and remediated to accommodate ground level residential uses and ground level residential-supportive uses such as daycare, parks, schools, playgrounds, and medical facilities.
- Each increment of development shall be provided with appropriate transportation related and other infrastructure, facilities, and site amenities as determined by the City. Such transportation related and other infrastructure, facilities, and site amenities (e.g., parks, open space preservation, habitat enhancement) shall be provided at the developer's cost.
- Baylands development shall be revenue positive to the City on an annual basis where all City costs (e.g., annual operating costs, maintenance and replacement of equipment, facilities, infrastructure, cultural resource and habitat protection and management etc.) are exceeded by project-generated revenues to the City (e.g., to the City's General Fund, enterprise funds, special funds, etc.) during all phases of development and upon final buildout.
- Sufficient assurances for the satisfactory ongoing performance of site remediation and site development (e.g. site monitoring, performance bonds, environmental insurance) shall be provided as determined by the City.
- The required specific plan for the Baylands shall include a sustainability program for new development consistent with the principles of the Sustainability Framework for the Brisbane Baylands, Final Report accepted by the City Council on November 5, 2015. Baylands development shall be designed so as to be energy neutral on an ongoing basis, including renewable energy generation that provides some energy to the community.
- Key habitat areas, including Icehouse Hill and Brisbane Lagoon and adjacent habitat shall be preserved, enhanced, and protected. Sufficient plantings on site should be designed to mitigate unavoidable air quality degradation.
- The historic Roundhouse shall be protected and preserved. The required specific plan shall ensure rehabilitation of the Roundhouse for adaptive reuse at the developer's cost.
- Development shall be designed to protect uses from the 100-year flood, including 100 years of projected sea level rise as determined based on regulatory standards or guidelines in effect at the time of project construction, with the reference to guidelines and sea level rise projections approved by the Director of Public Works/City Engineer based on context-specific considerations of risk tolerance and adaptive capacity.

comply with Cal EPA standards that allow

shall be a min of 35% of the land area (in 2018) Open Space

including sea level rise protective

Maes' comment

Requirements & Responsibilities

recommended by BCDC + Union of Concerned Scientists, another and

ATTACHMENT 2

Draft Ballot Question

Shall Brisbane's General Plan be amended to permit within the Baylands a range of 1800 to 2200 residences, up to 4.5 million square feet of new commercial development and .5 million square feet of hotel development, subject to these restrictions to protect Brisbane: land for housing must be certified safe for residential use; landfill must be permanently, safely capped; and development must abide by Brisbane's Sustainability Framework principles and produce net positive city revenues? [74 words]

• doubling the current number of residences, (adds 6 words)

* residences prohibited (adds 2 words)

Show original message

Good Morning Clara,

Re: General Plan Amendment for the Baylands, Northeast Bayshore, and Beatty Surareas Draft 6/1/18

Under proposed residential development: "Sufficient assurances for the satisfactory ongoing performance of site remediation and site development et. etc."

Please get rid of the word assurance. To me it's a slippery loophole and should be replaced by "requirements and responsibilities" which actually gives assurance. The word assurances used alone alone is similar to the use of the word transparency which is everyone's politically correct mantra these days but is most often used without the accompanying directives of (1) accountability and (2) due diligence which are the actual nuts and bolts that make transparency a talking point other than a barroom joke.

Mae Swanbeck

Show original message

**Comments on and suggested modifications to
Proposed General Plan Amendment
For the Baylands**

June 7, 2018

Chapter V: Land Use

1. General Plan Land Use Diagram

a. Keep Northeast Bayshore subarea as Trade Commercial. (Maintain a viable small business section.)

WMA

b. New southern boundary of Beatty Heavy Commercial land use area should go straight across from current southwestern corner rather than angle up. (More flexibility for Recology)

c. Keep most of the Baylands land use designation as PD-TC (Planned Development - Trade Commercial). (Changing the entire area to the proposed Mixed Use [MU] in which residential is allowed is an invitation to the legislature to impose mandatory approval for thousands of additional units.)

d. Keep the Mixed Use Residential (PD-MU-RES) on the west side of the CalTrain right-of-way, but bring the southern boundary down to the level where Main Street intersects with Bayshore. (This change would allow for greater variety of densities and heights as well as more open areas.)

e. Designate Ice House Hill and the Wetland River Park as Open Space per the approved Open Space Plan (2001).

2. Land Use Designations

Add a new land use designation for the Baylands:

If RES
a must
then OK

PD-MU-RES: encompasses a transit-oriented primarily residential land use as well as some commercial, open space and areas, and public facilities. The maximum number of housing units would be 1,800 with a 25% bonus available for affordable housing units.

Up to 4 million square feet of new commercial development plus 500,000 square feet of hotel development is permitted in the Baylands areas designated as Trade Commercial (PD-TC).

Areas in PD-MU-RES and PD-TC shall be subject to the City's approval of a single specific plan. It should be consistent with General Plan policies, all applicable EIR mitigation measures and the following standards:

a. Remediation Action Plans (RAPs) for OU-1, OU-2, & the Landfill. The lead regulatory agencies responsible for developing the RAPs are the Department of Toxic and Substances Control (DTSC) and the Regional Water Quality Board (RWQB). The agency responsible for declaring compliance with Title 27 landfill closure requirements is the San Mateo County Environmental Health Department. Satisfying the requirements of other regulatory agencies may also be necessary. (The City will rely on its own professional consultant to make sure that nothing is overlooked in the inspections and remediation planning processes.)

b. The area designated for residential development (PD-MU-RES) shall be remediated to the highest residential level that is deemed safe for ground-level housing, schools, daycare facilities, playgrounds, parks, and medical facilities.

c. A schedule for completion of the remediation plans and landfill closure requirements shall be developed and any unexcused delays by the landowner/developer should be appropriately penalized.

d. No residential or commercial construction may begin until all of the remediation plans and landfill closure requirements have been declared completed by the responsible regulatory agency.

OK

e. The on-going performance of the remediation plans shall be closely monitored and any failures should be promptly corrected. A long-term (50 years), well-secured, financial plan must be approved by the City before any residential or commercial construction is permitted.

OK

f. Prior to the issuance of a grading permit to export soil or move soil from the existing landfill area to other areas in the Baylands, the soil shall be tested for contamination, including radioactivity. The City will not issue a grading permit until the soils involved are declared free of contamination.

OK

g. The Specific Plan for the Baylands shall include a sustainability program that is consistent with the principles of the Sustainability Framework as adopted by the City Council on November 5, 2015. The Specific Plan must include a renewable energy plan that covers 100%

of the needs of the Baylands and also contributes to the energy needs of the wider community.

OK

h. The developer must provide at each increment of the development all of the appropriate public infrastructure as determined by the City. That would include facilities for transportation, utilities, public safety, parks, etc.

OK

i. In cooperation with the City, the developer must provide a reliable long-term water supply to support all proposed uses within the Baylands. The water agreement must be approved by the City and all involved agencies before any construction can begin.

OK

j. The development must be designed to protect the entire Baylands from 100 year flooding that includes sea level rise. Guidance will come from the Bay Conservation and Development Commission (BCDC) and regional efforts to protect against sea level rise but the final approval will come from the City based on recommendations from the City Engineer.

OK

k. Key habitat areas, including Ice House Hill, the River Park, and the Brisbane Lagoon along with adjacent habitat shall be preserved, enhanced and protected.

OK

l. The developer shall rehabilitate, protect and preserve the historic roundhouse.

OK

m. The Baylands development shall be planned so as to produce an annual net fiscal benefit to the City from beginning of construction to final build out. Project generated revenue to the City's funds must annually exceed operating and capital costs.

3. Table 5 - 1994 General Plan: Land Use Designations and Density/Intensity by Subarea.

Table needs to be revised to be consistent with above changes in land use designations, especially housing units and maximum commercial square footage.

Draft Ballot Question