



CITY COUNCIL/REDEVELOPMENT/GVMID

ACTION MINUTES

CITY COUNCIL SPECIAL MEETING

May 24, 2010

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

CALL TO ORDER/FLAG SALUTE

Mayor Conway called the regular meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL

Councilmembers present:	Bologoff, Lentz, Richardson, Waldo, and Mayor Conway
Councilmembers absent:	None
Staff present:	Public Works Director Breault, City Manager Holstine, Police Commander Macias, Administrative Services Director Schillinger, City Clerk Spediacci, Interim Community Development Director Swiecki, City Attorney Toppel

CM Richardson asked that Oral Communications be added to the beginning of the agenda so that former Mayor of Burlingame Joe Galligan could address the Council. CM Waldo noted there would be an opportunity for public comments after the presentation, and he questioned the need to modify the agenda. CM Richardson indicated that Mr. Galligan's remarks had nothing to do with the presentation, and she recommended allowing him to speak at the beginning of the meeting.

CM Richardson made a motion, seconded by CM Lentz, to add Oral Communications to the meeting agenda. The motion was carried, 4 – 1 (CM Waldo opposed).

City Attorney Toppel advised that the Council could take comments Mr. Mr. Galligan without opening Oral Communications to other members of the public.

ORAL COMMUNICATIONS NO. 1

Joe Galligan, former Mayor of the City of Burlingame, asked for the Council's endorsement of his

candidacy for San Mateo County Treasurer/Tax Collector.

There were no other members of the public who wished to address the City Council.

PRESENTATION

A. Presentation by Universal Paragon Corporation on their updated project description for the Baylands Specific Plan

Mayor Conway explained that Universal Paragon Corporation representatives would be presenting an updated project description of the proposed Baylands development for informational purposes. He emphasized that this plan was not the City's plan and that Councilmembers would not be taking any action at this meeting. He proposed that the Council listen to the presentation and take public comments afterwards.

City Manager Holstine indicated that the staff would update the City Council about the next steps in the process in June or July.

Jonathan Scharfman, Universal Paragon Corporation (UPC), introduced the members of the UPC's project team. He said his presentation would cover key elements of the proposed development and portray UPC's regenerative vision for the Brisbane Baylands. He traced the history of the Baylands and noted that UPC will engage in substantial remediation efforts to address the contamination present at the site. He reviewed and discussed project goals.

Mr. Scharfman said achieving sustainability will require a balance of environmental goals, community needs, and feasibility. He noted that the proposed development will feature plenty of open space, community amenities, alternative energy, and diverse uses that include retail, office, entertainment, and housing. He observed that inclusion of housing at the Baylands is necessary to provide an adequate supply of housing for workers and reduce greenhouse gas emissions.

Mr. Scharfman stated that the responses to UPC's recent community survey identified four prerequisites for considering housing at the Baylands: 1) voter approval; 2) rigorous remediation standards; 3) energy neutrality; and 4) public transportation improvements. He emphasized that UPC's proposed remediation program will ensure that the land will be safe for housing and the other proposed uses. He identified sources of contamination at the Baylands and discussed UPC's remediation plans in more detail.

Mr. Scharfman advised that the Baylands development will provide many community benefits, including play fields, areas for active and passive recreation, parks, public open spaces, a nature interpretive center, a charter high school, world-class buildings, sustainable infrastructure, and a large solar power plant. He noted that the costs of the benefits and the remediation program drive the size and intensity of development. He reviewed the estimated costs of open space, the solar

energy plant, the charter high school, infrastructure, highway and transportation improvements. He said the community alternative identified last August includes about 8 million square feet of development with retail, office, hotel, and entertainment uses. Mr. Scharfman indicated that UPC's estimated costs have increased considerably since the Specific Plan was first presented in 2005 and 2006.

Jim Stickley, Project Planner for WRT, discussed the proposed land uses in different portions of the Baylands. He noted that density will be concentrated in the north near transportation sources, while open space will be concentrated in the southern portion of the site. He pointed out sites for housing, offices, mixed retail uses, entertainment facilities, R&D campuses, parks, solar farm, the charter high school, recreational facilities, and open space around the lagoon. He showed diagrams depicting land uses looking from the south and from the north. Mr. Stickley described the major components of the project in more detail.

Mr. Scharfman concluded the presentation by noting that the size and scope of the plan are necessary to fund the goals of the project. He pointed out that UPC is devoting 33 percent of the site to open space and another 5 percent to the solar power plant and ecological corridor, for a total of 38 percent, which exceeds the City's 25 percent requirement. He acknowledged that certain aspects of the project may be controversial, and said UPC looks forward to working with the staff and the community to conduct a thorough environmental review of the alternatives and arrive at a sustainable and beneficial development. Mr. Scharfman invited questions from members of the public.

Mary Gutekanst, member of Brisbane's Open Space and Ecology Committee and the Community Advisory Group, expressed concerns about cleaning up the contaminants on the Baylands. She questioned whether there was adequate characterization of the waste at the site and whether there were effective remediation technologies, especially for the proposed housing use. She urged UPC to go beyond the clean-up standards of regulatory agencies to make sure toxic substances will not create health impacts. She noted that the methods for removing diesel fuel and VOC's at the Schlage Lock site were not sufficient to abate the hazards those substances pose.

John Burr, lifelong resident of Brisbane, presented the Council with a document outlining applicable planning and zoning laws and reviewed provisions describing what specific plans must include. He noted that UPC's Specific Plan is inconsistent with the General Plan approved by the voters, which prohibits housing. He observed that the Specific Plan does not show who will pay for clean-up efforts and infrastructure such as a dike to protect the development from seawater intrusion. Mr. Burr expressed concern about making sure the contaminated areas remain above sea level so toxins do not migrate into the Bay. He expressed his opinion that the City should not make exceptions for this applicant.

Mr. Burr noted that Tuntex, UPC's predecessor, accepted liability for cleaning up the site when it purchased the land, and he urged the City to insist on remediation before allowing any development.

He commented that the investigation of contaminants needs to be much more thorough in order to adequately characterize the waste to determine what remediation efforts should be used. For example, he pointed out that old tires, household waste, and industrial pollutants present at the site contain harmful carcinogenic substances. Mr. Burr recommended requiring UPC to open its files so the community can see what information already exists. He also requested details about the company's ownership and organizational structure.

Mr. Burr expressed his opinion that UPC's Specific Plan represents a legislative proposal that is inconsistent with the City's General Plan. He warned that the contaminated site will never be safe for human occupancy. He said UPC is either committing fraud or negligence by insisting otherwise, and he cited a legal case against Southwest Diversified containing a clear description of corporate actions that constitute fraud and negligence. He asked the City Council to insist on a complete clean-up of the site before allowing any development.

William Knack, San Mateo County Building and Construction Trades Council, asked the City Council to direct the staff move forward with the EIR process so contamination issues, transportation impacts, economic impacts, and open space and recreational opportunities can be analyzed. He said the Baylands needs to be cleaned up and appropriately developed, and proceeding with the EIR will allow that process.

Clara Johnson, former Brisbane Mayor, commented that UPC's updated Specific Plan was specific enough to allow the City to make a detailed analysis of project impacts. She asked when UPC would actually be submitting its revised Specific Plan to the City. She recommended requiring UPC to submit its full plan before asking for voter approval of the development.

Ms. Johnson expressed concern about the long-term safety of the Baylands for residential use. She noted that UPC has refused to allow contamination monitors in the apartment buildings to be constructed on the Schlage Lock site, and she questioned the Department of Toxic Substances Control's reasons for not requiring this kind of ongoing safety measure. She expressed concern about the amount of methane that might be released from the contaminated portions of the Baylands.

Ms. Johnson commented that the proposed development will have a huge amount of square footage compared to the total land area. She urged the City to look at long-term health and fiscal impacts of allowing the development.

Ms. Johnson objected to creating dense and crowded neighborhoods in a small community like Brisbane. She questioned the placement of housing near the railroad tracks because of potential sound impacts. She said the transit hub should serve businesses, and the Council should not feel pressured to allow too much housing. She recommended working instead to preserve the town's character and quality of life.

Ms. Johnson noted that the proposed development will cut off views of the Bay and lagoon from Central Brisbane. She asked for more details about building designs and visual impacts and noted that the architecture should reflect Brisbane's history and character. She recommended investigating the feasibility of the alternative energy generation facility and considering long-term fiscal issues when analyzing the overall sustainability of the development. She emphasized the need to scrutinize remediation programs, drainage plans, and long-term funding sources to operate and maintain the infrastructure and facilities like a charter high school. Ms. Dillworth questioned the proposed placement of a wildlife refuge in such close proximity to contaminated areas. She noted that earthquake safety and global warming are important issues that need to be examined in light of the contamination at the site.

Ms. Johnson urged the Council to follow the General Plan, which reflects what the people of Brisbane truly want.

CM Lentz remarked that UPC should have enough time to respond to the questions and concerns being raised by members of the public. Mayor Conway suggested that UPC respond in writing at a later time. City Manager Holstine clarified that UPC had not yet submitted its revised Specific Plan to the City. He said the staff will be coming back in a month or so with its reactions to UPC's presentation and written material, and it might be helpful to have UPC's responses at that time as well.

Dana Dillworth, Brisbane resident, observed that many of the statements made by UPC were false. She stated that UPC does not know the extent of contamination or effective ways to remediate the problems at the Baylands, as evidenced by its efforts at the Schlage Lock site. She clarified that methane emissions were not actually decreasing. She asked for more information to substantiate UPC's contention that the Rand Corporation finds dense urban housing an appropriate on land subject to liquefaction. Ms. Dillworth disputed UPC's claim that having housing close to the transportation hub will reduce air pollution; she pointed out that a more effective strategy would be focusing on the primary source of pollution, diesel emissions from trucks, and suggested using electric-powered railways as an alternative. She objected to placement of open space over leachate wells, noting that open space should not be used as a substitute for proper clean-up.

Ms. Dillworth stated her opinion that the Specific Plan fails to meet the guidelines for specific plans. She noted the proposed size of the project has increased substantially, and she urged the Council to only approve a development that meets the City's standards and protects the people and the environment.

Emile Manara, Brisbane, asked how many of the UPC staff people present at the meeting lived in Brisbane. Mayor Conway asked Mr. Scharfman to respond, and Mr. Scharfman replied that no members of the project team lived in Brisbane.

Amy Dondy, Brisbane resident, asked questions about the density of the project, the number of

housing units, the size of the office buildings, who would pay for the infrastructure, and what would happen if the Geneva Avenue extension is not built. She expressed concern about allowing the project to move forward without ensuring adequate roads and transportation networks. She noted that liquefaction and other seismic safety issues also need to be addressed. Ms. Dondy emphasized that the project should be evaluated in terms of its impacts over the next century, not just the next twenty or thirty years.

Carolyn Parker, Brisbane, asked for clarification as to what was considered open space. She questioned the characterization of the 5-acre water treatment plant and the 25-acre solar farm as open space.

Michele Salmon, Brisbane resident, expressed her opinion that energy for the project should be generated on-site rather than purchased from off-site facilities. She questioned the feasibility of commuting to the Baylands using existing transportation systems and asked if there will be shuttles available to take workers to and from the transit hub. She observed that the proposed project ignores the possibility of wind power and actually blocks the wind corridor. Ms. Salmon how the proposed 12 million square feet of development compare to the current size of the down.

Ms. Salmon said she agreed with Ms. Parker that the definition of open space should not include the water treatment plant or energy generation facilities. She noted that even soccer fields and other improved areas should be excluded. She expressed her opinion that open space should be only natural areas like the habitat on the mountain. She pointed out that even if the areas around the lagoon and creek are restored, the land may not support wildlife habitat.

Ms. Salmon recommended requiring UPC to clean up all the contamination before even considering housing on the site. She observed that a better use of the Baylands would be to generate alternative energy for the entire region.

Terry O'Connell, Brisbane, noted that UPC has increased the size and density of the project to pay for the higher-than-anticipated costs of remediation and infrastructure. She contrasted Brisbane's goals of protecting the environment and the people with UPC's goal of maximizing its profits. She said Bay Area traffic is already congested, and adding 4,000 more homes will not improve safety. She also pointed out that building housing units without other attractions does not lead to active and vital communities.

Ken McIntire, San Bruno Mountain Watch, asked whether the alternative energy proposal would be evaluated in the EIR. He asked if the gray water treatment plant would handle wastewater from all of Brisbane or just the Baylands. Mr. McIntire suggested considering a full brown water system for Brisbane to avoid having to expend energy to send wastewater to San Francisco. He also asked if transportation was included in the energy neutrality calculation.

Paul Bouscal, Brisbane resident, recommended mining the Southern Pacific site to help offset the

cost of remediation and suggested investigating the feasibility of this idea. He stated that he would support housing at the Baylands if the site was clean. Mr. Bouscal said he was surprised about the size and scale of the area UPC was proposing for housing because he expected a higher-density housing development with a smaller footprint like the dense neighborhood being built on the Schlage Lock site.

Mr. Bouscal said that although Bay Conservation and Development Corporation will not allow floating buildings on any portion of the San Francisco Bay, low-lying land areas could be excavated and floating housing and office buildings constructed on top to avoid problems with liquefaction and sea water intrusion. He recommended that landowners explore this possibility.

Mr. Bouscal recommended finding a way to eliminate the Kinder-Morgan tank farm and its pipelines, possibly through eminent domain. He cautioned that allowing public facilities like a state university campus at the Baylands could diminish Brisbane's control over its own fate. He opposed using redevelopment funds to pay for clean-up. Instead, he urged the City to work with UPC, Southern Pacific, and other landowners to find creative solutions to pay for remediation and removal of contaminants.

Mr. Bouscal said he shared other speakers' concerns about the definition of open space. He clarified the distinction between "open space" on public land and "open areas" on private land.

Mr. Bouscal pointed out that use of huge solar arrays is old technology, and he proposed looking at smaller and more efficient and facilities such as bloom boxes.

Mayor Conway clarified that all of the Baylands was a redevelopment area.

Robert Howard, Brisbane, commented that UPC's presentation seemed to be designed to appeal to people's emotions. He noted that using the land for housing will increase greenhouse gases because the houses will have garages and people will use private vehicles for commuting. He expressed his opinion that it would be best for Brisbane to prohibit housing at the Baylands and provide limited parking to encourage people to use public transit.

Mr. Howard noted that bloom boxes use fuels like natural gas, so photovoltaic systems are actually more beneficial for the environment.

There were no other members of the public who wished to make comments.

Mr. Scharfman stated that UPC would be submitting a revised Specific Plan in the next 90 to 120 days. He added that he would bring back written responses to the issues raised at this meeting.

City Manager Holstine clarified that the alternative energy proposal would be analyzed in the upcoming EIR. He noted that the staff would be coming back to the City Council in the next 30 to

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45 days to discuss the next steps in the process.

ADJOURNMENT

The meeting was adjourned at 9:41 p.m.

ATTEST:

Sheri Marie Spediacci
City Clerk