



CITY COUNCIL/REDEVELOPMENT/GVMID

MINUTES

CITY COUNCIL SPECIAL MEETING

JULY 28, 2008

BRISBANE COMMUNITY CENTER/LIBRARY, 250 VISITACION AVENUE, BRISBANE

CALL TO ORDER/FLAG SALUTE

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

ROLL CALL

Councilmembers present: Bologoff, Conway, Richardson, Waldo, and Mayor Barnes
Staff present: City Engineer/Public Works Director Breault, City Manager Holstine, Community Development Director Prince, Administrative Services Director Schillinger, City Clerk Spediacci, Principal Planner Swiecki, City Attorney Toppel, Senior Planner Tune

Mayor Barnes noted there had been a number of requests to speak on the freight forwarding proposal and on the Baylands. CM Waldo recalled that the City Council had closed the public hearing on the freight forwarding project. He said he would prefer to proceed with Council discussion and a vote. CM Bologoff agreed.

CM Conway and CM Richardson indicated they had no objections to taking more public comments on the freight forwarding matter. Mayor Barnes proposed setting a time limit for each speaker to ensure enough time for discussion of Baylands alternatives.

Mayor Barnes said one person had requested to speak on an unrelated matter, and he proposed taking those comments first.

Alan Taylor, Brisbane, said he noticed that crosswalk barricades were being installed along Visitacion, and he questioned the need for this expenditure. He observed that the Council approved \$100,000 for trees and the crosswalk improvements, but at the same time, services were being cut.

Mayor Barnes stated that the crosswalk improvements were part of a grant project, and he asked City

Engineer/Public Works Director Breault to provide more details.

City Engineer/Public Works Director Breault confirmed that the project was being funded by a 100 percent Safe Routes to School grant. He said Brisbane was one of two agencies in San Mateo County to receive a grant, and Brisbane received the largest amount. He noted there would be no City funding involved.

Mayor Barnes thanked City Engineer/Public Works Director Breault, the parents, and the school district for their efforts.

OLD BUSINESS

- A. Consider appeal of the Planning Commission's conditional approval of Design Permit and Use Permit to replace existing 130,674 sq. ft. office/ warehouse with 90,000 sq. ft. freight forwarder facility at 325 Valley Drive with 20,000 cu. yds. of cut/fill**

Mayor Barnes proposed taking the staff report first, followed by Council discussion.

Community Development Director Prince noted that the staff report responds to specific comments and issues raised at the last meeting. He offered to answer questions from Councilmembers.

CM Conway noted that Item 14 calls for Chamber of Commerce regulations, and another item deals with additional regulations on diesel truck emissions. He asked about the status of AB 32. Community Development Director Prince stated that AB 32 is proposed greenhouse gas legislation. He said the staff report mentions the possibility of other state and federal regulations in the future.

CM Conway drew attention to Condition DD on Page 9 of Exhibit A, requiring the property owner to pay for 24-hour traffic monitoring once the site is occupied to verify estimated levels of service at nearby intersections. He asked if the "24-hour" monitoring meant one 24-hour day or a longer period. Community Development Director Prince said he understood that traffic counts would be taken for 24-hour periods. He pointed out there are other conditions limiting the hours of operation. He added that the purpose of the condition is to provide follow-up information on freight forwarders and monitor compliance with conditions.

Senior Planner Tune recalled that the traffic monitoring condition was added by the Planning Commission before the applicant eliminated nighttime operations. He clarified that the 24-hour reference pertains to the time of day the counts would be taken, and the number of days would depend on the traffic.

CM Conway asked what would happen if the traffic study indicated the applicant was generating more traffic than anticipated. Community Development Director Prince said the information from

the traffic study will add to the City's information on freight forwarding as a use. He noted that the traffic consultants were unable to base projections on other freight forwarding operations because of the lack of data on comparable facilities. He added that the results of the study would not be applied retroactively against this applicant.

City Attorney Toppel referred to Condition JJ on Page 8, standard language giving the City jurisdiction to modify the conditions. He advised that if the results of the traffic monitoring are drastically different than anticipated, the City could consider modifying the conditions for this applicant, reducing the freight forwarding cap in Crocker Park, and changing the standards applicable to future developments.

CM Bologoff noted that Condition NN sets a limit on hours of operation of 5:00 a.m. to 10:00 p.m. He asked how the City would respond if the applicant violated this provision. City Attorney Toppel said the City has adopted restrictions on night operations in other sections of Crocker Park located within 300 feet of residential areas, so Condition NN is not unusual. He stated the City has the ability to enforce this condition and other conditions when violations are found, and the use permit could be revoked if the applicant does not comply.

Mayor Barnes proposed reopening the public hearing and allowing members of the public to speak for three minutes.

Michele Salmon, Brisbane resident, observed that there are no conditions limiting the number of trucks that can come to the proposed freight forwarding facility. She noted the estimate could be far different from actual traffic, regardless of how many hours the facility operates per day.

Ms. Salmon questioned the basis of the baseline estimate of truck trips. She said she reviewed the documentation herself, and found mention of 2003 truck traffic studies from Montana and Georgia, which do not apply to Brisbane.

Ms. Salmon urged the City Council to serve the community rather than outside business interests. She stated that the proposed freight forwarding use is not good for the people of Brisbane in terms of health and air quality. She recommended protecting citizens and rejecting the proposal.

Peggy Corlette, Brisbane, said she came to express her concerns and those of five other parents about potential health impacts because of the proximity of this facility to local schools, the community pool, and the soccer fields. She summarized the feeling of many people that this project represents the wrong business and the wrong place. She recommended not allowing the project. Ms. Corlette presented some posters designed by kids expressing opposition to diesel emissions.

Linda Salmon, Brisbane, observed that if Brisbane decides that diesel and traffic and noise are acceptable for the community, then a higher use for the property would be for playing fields. She said the site is large enough for a full track field, soccer field, and baseball field. She suggested

considering this use rather than more diesel trucks.

Bob Dettmer, school board president, expressed the school district's opposition to allowing a freight forwarding facility so close to the school. He reported having received numerous calls from parents expressing their concerns and urged the City not to support the project.

Terry O'Connell, Brisbane, thanked the City Council for reopening the public hearing to allow additional comments from members of the community. She said she was worried about the absence of a limit on the number of truck trips as part of the permit. She observed that the applicant has never responded to her previous inquiries about how many trucks the facility expected to handle. Ms. O'Connell expressed concern about approving this use and recommended denying the project now.

Ms Tay Via spoke on behalf of Dan Johnson, the project sponsor, who was unable to attend. She stated that the applicant has faced community resistance many times before and has earned a great track record of quality projects. She assured the Council and members of the community that the intent is to remodel an old and inefficient facility to make it more efficient and attractive.

Ms. Via noted that the project is likely to generate only a small, incremental increase in truck traffic over past uses. She urged the City Council to examine the record thoroughly. She said there is no evidence that would support denying the permit, and she requested the Council's support.

There being no other members of the public who wished to address the City Council on this matter, CM Richardson made a motion, seconded by CM Waldo, to close public hearing. The motion was carried unanimously and the public hearing was closed.

CM Richardson thanked the applicant for demonstrating a willingness to work with the City to address the community's concerns, and she expressed her appreciation to the staff for their efforts. She said her decision was based on what she thought was right for her constituents; she expressed opposition to allowing any more freight forwarders and recommended denying the project.

CM Conway acknowledged that this project had generated strong feelings on both sides. He expressed concern about health impacts and agreed with CM Richardson that the project should not be approved.

CM Waldo observed that the proposed facility represents a \$9 million capital contribution to the City's tax base. He pointed out that the building will be smaller and more efficient than the old structure, and the applicant has voluntarily agreed to comply with Brisbane's green building ordinance. With respect to noise impacts and diesel emissions, he noted that if the project is turned down, some kind of trucking business other than freight forwarding could occupy the site. In that case, the City would have no regulation over the amount of truck traffic.

CM Waldo said he saw no basis for treating this freight forwarder any different from other applicants, noting the project complies with the City's existing regulations and fits within the 20 percent limit on freight forwarders in Crocker Park. He noted that issues of health and air quality are regulated by state and federal agencies, and the City lacks the expertise and ability to adopt its own standards.

CM Waldo concluded that he would balance all these factors in the applicant's favor and support approval of the project.

CM Bologoff acknowledged that Brisbane has had to deal with quarry dust, truck traffic, and diesel fumes for many years, but expressed concern about allowing another freight forwarder, given the proximity of the site to local schools. He noted there are a number of questions about health impacts that have not been resolved.

CM Bologoff expressed his preference for setting a limit on the number of trucks for any kind of facility in Brisbane. He said he sympathized with the applicant and also understood the concerns of neighbors.

Mayor Barnes asked whether the Council would need findings to justify a denial. City Attorney Toppel recommended that the Council articulate the reasons for denial in a set of findings. He clarified that the matter before the City Council was the appeal of the Planning Commission's decision to grant the permits approving this use, and the basis for overturning that decision should be clear. Mayor Barnes drew attention to the finding requiring that the proposed use not be detrimental to public health and welfare; he noted that this could be the basis for a denial. City Attorney Toppel said the Council's findings should be set forth in a resolution.

CM Bologoff expressed discomfort with the City's lack of control over the specific tenant that would occupy the building. City Attorney Toppel clarified that speculative projects like this are not unusual, and he cited the Sierra Point biotech campus as an example. He noted that the City deals with the land use and design of the project, not what goes on inside. Community Development Director Prince added that the City has additional restrictions that apply to certain types of business.

Mayor Barnes observed that CM Richardson and CM Bologoff indicated they were inclined to uphold the appeal. CM Richardson confirmed her opinion that the use was detrimental and should not be allowed.

CM Waldo questioned the City's authority to deny a project based on diesel emission and truck traffic as detrimental conditions. He pointed out that this would be applying different standards to similar businesses. He noted that a more logical solution would be to prohibit trucks.

CM Conway said he was a member of the council that adopted the 20 percent cap on freight forwarders in 1999 after imposing a moratorium. He recommended that the Council revisit the

ordinance and consider lowering the cap or applying the same standard to freight forwarders and all other businesses that use diesel trucks.

CM Conway indicated that he considered the health impacts the most important factor. He stated that he would rather err on the side of safety than make a mistake that would harm the community. He noted the data is clear that diesel emissions are unsafe.

Mayor Barnes asked if Brisbane could adopt a more stringent standard than the state. City Attorney Toppel noted that imposing more restrictive standards might subject the City to legal challenges.

Mayor Barnes read a prepared written statement expressing his views. He cautioned that decisions should be based on evidence rather than fear. He acknowledged evidence regarding health impacts from diesel emissions, but noted the City's consultants considered those studies, adopted conservative assumptions, and still concluded that impacts from the proposed project would be insignificant. He noted that the applicant is also offering \$30,000 to install better filtration at the school. Mayor Barnes pointed out numerous other businesses using diesel vehicles, and noted that Brisbane residents are exposed to many other sources of air pollution.

Mayor Barnes recognized that most of the people who spoke were opposed to the project and wanted the Council to uphold the appeal. He concluded that in light of the community's vehement opposition, and because the health impacts from diesel emissions have not been fully identified, it would be better for the Council to deny the use based on health concerns. He pointed out that this finding would apply to future businesses using diesel vehicles. He recommended upholding the appeal.

CM Richardson made a motion, seconded by CM Conway, to uphold the appeal and deny the use. The motion was carried, 4 - 1 (CM Waldo opposed).

At 8:30 p.m., the Council took a brief recess. Mayor Barnes reconvened the meeting at 8:37 p.m.

B. Receive Presentation on Baylands Specific Plan EIR Alternatives

Community Development Director Prince noted the City's consultants, Dyett & Bhatia, presented three alternatives to the Baylands Specific Plan to the City and the community for input. He said the consultants are currently developing the community's preferred alternative, which will be analyzed in the EIR at the same level of detail as the developer's specific plan.

Community Development Director Prince advised that the staff was prepared packets of reading materials on topics like sustainability, transit-oriented development, small- and large-scale parks, urban planning, and other issues to stimulate thinking on various aspects of the alternatives.

Community Development Director Prince invited the consultants to discuss the information they

gathered on the alternatives.

Rajeev Bhatia, Dyett & Bhatia, reviewed the steps in the process of soliciting community input, defining guiding principles and goals, and developing the alternatives to the Baylands Specific Plan. He described and compared the three alternatives in terms of amount of development, amount of open space, and traffic impacts. He said the alternatives were presented to the City Council, City advisory groups, and citizens for input.

Mr. Bhatia stated that from the comments provided by the City Council, City advisory groups, and members of the public, it is clear the preferred alternative should have more open space, especially toward the southern portion of the site, and multi-use development clustered toward the north to maximize transit access. Mr. Bhatia reported that about half the respondents expressed a preference for Alternative 1 and half preferred Alternative 3.

Mr. Bhatia indicated there was mixed reaction to retail and restaurant development around the lagoon, as well as to the idea of a housing component at the Schlage Lock site. He acknowledged that some people expressed concern about limiting the height of buildings. Mr. Bhatia said there was support for restoring and maintaining the freshwater wetlands, focusing most of open space and recreational uses in the south, while integrating open space throughout the developed area as well, and including a renewable energy facility on the site.

Mr. Bhatia noted that many people who attended the community workshops were interested in the specific land uses and occupants of the development. He said many people expressed support for local retail uses rather than big-box stores, having more of a mix of uses, an entertainment component, making the urban section more walkable, moving the Caltrain station farther south, and on-site renewable power and waste treatment, but opinion was split on the issue of having housing.

Mr. Bhatia observed that the community seems to agree on certain components of the preferred alternative: keeping most of the land south of Visitacion Creek as open space, and integrating open space throughout the development; having a compact, clustered, transit-oriented development in the north; maintaining clear views of the Bay; more entertainment uses; civic amenities and community facilities; sustainability and energy generation; and alternative transportation systems.

Mayor Barnes thanked Mr. Bhatia for his presentation. He invited brief comments from members of the public.

Ken McIntire, San Bruno Mountain Watch, referred to the letter from Jim McKissock, Earth Care, identifying the boundaries of the wetlands area at the Baylands. He noted the letter mentions illegal drainage activities that have destroyed the habitat of vulnerable tadpoles, fish, migrating birds, insects, and other wildlife. He said the wetlands at the Baylands is a unique environment that should be protected from development and preserved for future generations. He observed that the area has excellent potential for a low-maintenance park featuring native vegetation. Mr. McIntire expressed

opposition to bisecting the land with a storm drainage channel, noting this would rob the wetlands of its essential water source and introduce contaminants.

Anja Miller, Brisbane resident and member of the Committee for Alternative Energy for the Baylands, thanked the consultants for taking the community's input seriously. She urged the City Council to recognize the advances in alternative energy technology that are likely to occur in future years and maintaining enough flexibility so they can be incorporated as they become available. She encouraged the City to zone sufficient land for light industrial use so it can be used for renewable energy production and recycling.

Ms. Miller provided some U.S. Fish and Wildlife statistics indicating that cats kill 39 times more birds than windmills.

Ray Miller Brisbane, reminded the Council about the reasons for prohibiting housing on the Baylands. He said the 1994 General Plan was based on a population survey showing that the vast majority of citizens did not want housing at the Baylands, probably for safety concerns, and this position was endorsed by two-thirds of the voters in the later referendum on the General Plan. He recommended going back to the public if a change in this policy is being considered. Mr. Miller expressed his personal opinion that housing should be a component of sustainable development, as long as the use is safe.

Mr. Miller noted that the statement in staff report contains a misleading statement that transportation is the biggest contributor to greenhouse gas emissions. He said the Air Resources Board's Website indicates that while transportation represents 38 percent, buildings contribute 48 to 54 percent from industrial uses, residential uses, and energy generation.

Mr. Miller said he was pleased to hear the consultants acknowledge the importance of sustainability, but cautioned that the economic feasibility analysis of sustainability should include long-term conservation savings as well as short-term costs. He noted that LEED is deficient in this respect, so life-cycle assessment and other methods should be used to identify better alternatives.

Mr. Miller emphasized that the environmental impact report needs to recognize the complexity of sustainability and look at various metrics to assess real long-term costs and savings.

Richard Cutler, Brisbane resident and member of the Citizens for Brisbane High School, a group of about 30 people, noted the idea of a local high school has the support of many people in the community. He requested that the City include a high school in the environmental impact report.

Cliff Lentz, Brisbane, indicated that he had received considerable feedback over the past 12 years about two issues: the safety of the Baylands development and sustainability. He noted the staff report talks about defining sustainability and identifying appropriate measurements, and there were various speakers on these topics that made presentations to the community; he asked how the

information from the experts was being applied to the process so far.

Mr. Lentz encouraged Councilmembers, staff, Planning Commissioners, and interested citizens to attend the annual Green Building Conference in late September to extract ideas about best practices that can be implemented in the community's preferred alternative.

Michael Schumann, Brisbane resident, said he was generally pleased with the work done by the consultants. He observed that the total square footage of development in the three alternatives is close to what was proposed by the developer, and he recommended looking at a significantly smaller development, if feasible, to reflect the wishes of the community. Mr. Schumann noted that people in Brisbane want the Baylands development to be unique and noteworthy.

Mary Gutekanst, Brisbane, expressed concern about the introduction of housing as a component of a sustainable transit-oriented development. She cautioned that no development will make the whole community sustainable, but the goal of the preferred alternative should be a development that makes the whole community better. She noted the Baylands needs to be integrated with the rest of Brisbane.

Ms. Gutekanst stated that until more is known about the toxins at the Baylands, it is premature to talk about exposures and health effects, especially for sensitive people. Given this constraint, she noted, housing should not be considered. Ms. Gutekanst pointed out that the development start is not starting from a clean, neutral state; rather, the land has to be cleaned up before building, a process that could take many years. She advocated remediation and restoration of habitat for tadpoles, birds, and other wildlife.

Ms. Gutekanst said the ultimate outcome of the Baylands development should be approved by a vote of the people, and she urged the City Council to ensure that process.

Michele Salmon, Brisbane resident, observed that although the damage done in the past to the Baylands cannot be undone, people have a moral, social, and environmental responsibility to do what they can to heal the land and the watershed. She agreed with Ms. Gutekanst that much more needs to be done to clean up the area before any development can be considered. She urged the City to focus on toxic remediation first.

Mayor Barnes noted that some citizens had also requested an opportunity to make brief presentations, and he invited Dana Dillworth to make her presentation first.

Dana Dillworth, Brisbane, said her presentation was being made on behalf of a group called Alternative for Brisbane, an organization of citizens formed after the consultants presented the three Baylands alternatives. She noted each of the three alternatives developed by the consultants missed the mark on some important environmental issues, and the presentation addresses these omissions.

Ms. Dillworth discussed the concept of reconnecting watersheds and habitat to open watercourses and have them flow through Brisbane. She suggested using a star-shaped design to link the development with Brisbane's star symbol and create a more distinctive sense of place. She recommended relocating Kinder Morgan and other polluting industries, creating a retail district toward the north, with entertainment facilities and rail transportation.

Ms. Dillworth noted that wildlife was once abundant in Brisbane, but habitat has been lost as the lagoon and marshes have filled in. She advocated working to restore and revive the wetlands. Ms. Dillworth showed a video taken last spring of the tadpoles, sticklebacks, and insect species that inhabit the ditches and vernal pools. She also showed footage of ducks and migrating waterfowl in the tidal area and the lagoon.

Ms. Dillworth said the town of Brisbane already has a sense of place based on an appreciation of the environment and conservation. She urged the City to insist on a more definite renewable energy program from the developer that works toward an energy-neutral goal. To address traffic impacts, she recommended making better use of electric rail, providing docking stations for zero-emission vehicles, park-and-ride lots, and other pedestrian amenities.

Ms. Dillworth emphasized the need to address the pollution emanating from the Kinder Morgan tank farm. She said the plume of contaminants continues to migrate east and northeast. She stressed the importance of making sure the former landfill is made safe before any development occurs. She noted there are advances in bioremediation that should be considered in identifying mitigation measures.

Ms. Dillworth suggested a lights-out policy at night to eliminate glare and light pollution.

Ms. Dillworth talked about the possibility of using some the wetlands as a fish hatchery to help restore native fish. She said wetlands areas can also be used to grow plants used to weave baskets.

Ms. Dillworth recommended that the City Council seek an environmentally preferred alternative, formulate a watershed plan, and establish a stewardship authority to protect the land.

Linda Salmon, Brisbane resident, drew attention to the written materials she provided earlier. She thanked the Council for taking the time to consider other alternatives to the Baylands Specific Plan.

Ms. Salmon expressed concern that the public process so far has not allowed the people of Brisbane to provide much input, and fewer people are attending the planning meetings. She noted that most people are waiting for a ballot measure to reject the proposal.

Ms. Salmon recommended having a single architect design the entire project. She said the alternatives prepared the consultants seem to be watered-down versions of the developer's proposal rather than a more community-based, sustainable, and environmentally sound project.

Ms. Salmon noted that there are still some major issues that need to be addressed, such as whether any type of housing should be considered, the specific architectural styles and intended uses of the buildings, and clean, open space for humans and habitat. She said people in the region need retail with office uses adjacent to Daly City and San Francisco populations.

Ms. Salmon recommended identifying an overarching purpose for the development, such as food production, and she referred to recent articles from the *New York Times* regarding urban farms; and suggesting considering facilities like a mega-spa or starlight theater. She recommended preserving the habitat areas below Ice House Hill, north and east of the tank farm, and sweeping out from the round house toward the east. Ms. Salmon observed that the alternatives show buildings instead for this area where the old railroad switching tracks were. She pointed out that rehabilitated wetlands are also absent from the proposed alternatives.

Ms. Salmon said the developer should stop degrading the freshwater wetlands habitat, assist in efforts to restore the quarry and improve the health of the lagoon, help acquire the balance of the lagoon properties for preservation, join in the effort to banish the tank farm, and make use of the existing rail lines for light-rail mass transit rather than building more polluting freeways. Ms. Salmon recommended a regular winding road connecting Geneva Avenue with Beatty, and then to the freeway. She urged the developer to assist the City's acquisition of the Levinson property for a small organic farm and ranch for horses and cattle, noting this would serve as an educational buffer between rural Brisbane and the urban mass toward the north.

Ms. Salmon urged the City to consider using property to the west of Valley Drive in Crocker Park for a full-size soccer field for the community instead of a freight forwarding facility.

Ms. Salmon said she would provide the Council with drawings of an alternative that better reflects her preferences in terms of colors, designs, connecting spaces, transit, and screening. She suggested having a discussion on architecture before the project goes further. Ms. Salmon talked about the region's demand for retail stores rather than housing. She recommended focusing on efficient public transportation, and noted that putting infrastructure underground can make more above-ground area available for open space.

Ms. Salmon showed a large map of the region and pointed out its major features. She offered to accompany interested Councilmembers and citizens on a tour of the rare wetlands area. She noted the map and other materials will be available at the offices of San Bruno Mountain Watch throughout the month of August.

Ms. Salmon read a brief excerpt from an article about a sustainable city in China and invited Councilmembers to contact her for further information.

CM Waldo proposed that the Council reflect on the alternatives and the comments made by members

of the public over the next month. CM Bologoff agreed.

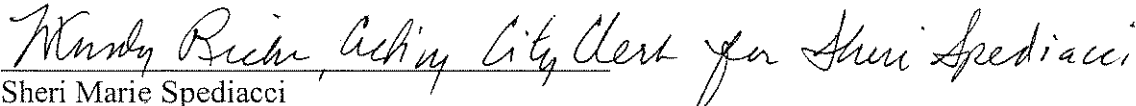
CM Conway said he had a few comments. First, he noted that housing needs to be addressed on a regional basis. He said there are major residential developments proposed for both the Schlage Lock site and Candlestick Point that will be integrated with the Baylands project. He expressed support for preserving Ice House Hill, determining how safe the land can be, establishing a wetlands river park integrating freshwater and tidal areas, keeping much of the southern portion as open space or open area, pursuing the Geneva Avenue extension, considering moving the multi-modal station south, including an energy production facility and sewage processing facility, restoring the round house, and considering life-cycle costing when looking at economic factors.

Mayor Barnes noted that life-cycle costing is a way of evaluating the energy use of a building, but it does not deal social and economic impacts. He observed that life-cycle costing is not necessarily a proven metric of sustainability. He recommended investigating the validity and feasibility of this methodology, with attention to possible unintended consequences.

ADJOURNMENT

There being no further business, CM Waldo made a motion, seconded by CM Richardson, that the meeting be adjourned. The motion was carried unanimously by all present and the meeting was adjourned at 10:15 p.m. with no announcements.

ATTEST:


Sheri Marie Spediacci
City Clerk