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BRISBANE CITY COUNCIL  
SUMMARY MINUTES

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**CITY OF BRISBANE CITY COUNCIL  
SPECIAL MEETING  
THURSDAY, JULY 12, 2018  
BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE**

**6:45 P.M. CLOSED SESSION** *(To Be Held in the Large Conference Room Immediately following the Brisbane Housing Authority Closed Session at 6:30 p.m.)*

- 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)**

**REPORT OUT FROM CLOSED SESSION**

City Attorney Roush reported that no action was taken in regards to the potential initiation of litigation.

**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: Councilmembers Cunningham, Davis, Lentz, O’Connell & Mayor Conway  
Councilmembers absent: None  
Staff present: City Manager Holstine, City Clerk Padilla, City Attorney Roush, Administrative Services Director Schillinger, Community Development Director Swiecki, Police Chief Macias

## **ADOPTION OF AGENDA**

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

## **CONTINUED PUBLIC HEARING**

### **A. Baylands General Plan Amendment, Final Environmental Impact Report and Mitigation Monitoring and Reporting Program**

Mayor Conway asked for a staff report.

Community Development Director Swiecki began the staff presentation. [Note: the staff presentation is available [on the City's website](#).] He summarized the Council's feedback to staff at the June 7, 2018 meeting to increase the area dedicated to residential uses to north of the Main Street extension to allow flexibility in design and reduce the height and density of residential buildings. Council also requested that the proposed "mixed use" land use designation clearly differentiate where residential would be allowed or prohibited. He reviewed the key policy elements of the General Plan amendment. He introduced Lloyd Zola of Metis Consulting, consultant to the City.

Mr. Zola reviewed the Environmental Impact Report (EIR) findings in regards to significant impacts of the General Plan amendment. He said the findings conclude that the EIR is adequate for adoption of the General Plan amendment but not a specific plan. He noted that the findings also indicate that the Oakdale Irrigation District is a reasonably likely source of water, which is adequate for adoption of a General Plan amendment, but does not constitute an assured water supply as required under State law to support approval of a specific plan. He reviewed the mitigation monitoring and reporting program which addresses how all the mitigation measures in the EIR would be implemented, most of which would be included in the specific plan. He reviewed the significant and unavoidable impacts of adoption of the General Plan amendment and the draft statement of overriding considerations that the Council must adopt with the General Plan amendment, which references the economic, legal, social, technological, and other benefits of the General Plan amendment.

City Attorney Roush reviewed the proposed ballot measure language for the November ballot. He explained that the Council's action on the General Plan amendment would not be effective unless ratified by the voters.

CM O'Connell noted the ballot measure referenced up to 7 million square feet of commercial without indicating how much square footage would be dedicated to a hotel.

City Attorney Roush said while the ballot measure language did not break out the individual square footages of hotel development versus other commercial uses, the General Plan amendment language did make that distinction.

Mayor Conway opened the public hearing.

Greg Vilkin, representing the applicant UPC, stated UPC supported the Council's requirement for remediation to a ground level residential standard and supported using Dr. G. Fred Lee to review the final remedial action plan (RAP). He stated commitment to cleaning up OU-1 and OU-2 once established RAP's are adopted. He stated commitment to providing at least 25% open space, and for the development to be complete and connected to the City. He stated following the election in November they would prepare a revised specific plan consistent with the General Plan amendment and would begin the community outreach process anew. He showed a presentation and stated limited the residential uses to north of Main Street would not allow for separations between residential and commercial land uses and would limit connectivity to Central Brisbane. He asked that residential uses be allowed south from the Main Street extension with density levels at 20-25 to the acre. He said density would be closer to 50-100 units to the acre if limited to north of the Main Street extension. He said they could design three-story buildings if residential was extended south of the Main Street extension, similar to the Bay Meadows development with commercial buildings buffering residential from the rail tracks, graduating to higher residential density and then lower residential density.

Peter Sutherland, Brisbane resident, stated there were too many missing answers and not enough clarity to move forward with a General Plan amendment. He said a neighborhood that looks like the South of Market neighborhood in San Francisco would not fit with Brisbane. He asked what was happening with high speed rail and why the Council wasn't waiting for the EIR for that project to be released.

Marc Salmon, Brisbane resident, said he was concerned with the quality of life impacts of pile driving. He said the EIR did not include data on toxic leaching from the lagoon into the Bay and he wanted data on that in relation to fishing in the lagoon.

Bill Dettmer, Brisbane resident, said moving housing into OU-2 could be a good idea if done safely. He said areas farther south from Geneva were protected from the winds. Moving residential closer to Brisbane would help with connectivity. He advocated for housing and said while doubling the size of the town was scary it was more scary to be a renter and face large rent increases. He said building more housing would help loosen the tight housing market and more housing may be required.

Michael Barnes, Brisbane resident, read from his written statement. [Note: Mr. Barnes' statement is attached to these minutes.]

Linda Seekins asked what the landfill cap would consist of. She stated as a seismologist, she worried Brisbane would be the experiment for what happens when capped liquefiable material is subject to large accelerations.

Mina Richardson, South San Francisco resident, said South San Francisco was overwhelmed with residential development and thanked the Council for building housing in Brisbane. She asked the Council to consider traffic impacts of new housing.

Dana Dillworth, Brisbane resident, said Ray Miller's edits were not incorporated into the General Plan land use maps she had seen. She said the map was not included in the notice distributed to the public. She said the Council had not considered any alternatives. She proposed doubling the amount of housing allowed in Brisbane on land, rather than on fill, so everyone could benefit. She said allowing housing on the Baylands is only one solution for one speculator. She said the Council had not required clean-up to occur first. She said the EIR was not sufficient and it was not acceptable for the Council to defer certification of the EIR. She said the plan ignores health risks from the tank farm. She said vapor extraction technology is subject to failure. She has submitted examples of the State Department of Toxic Substances Control not being adequate in protecting human safety. She said the General Plan amendments ignore sea level rise and storm surge. She said the risk was greater than the reward and she opposed the City using funds for election materials. She said Roundhouse renovation should occur first.

Mayor Conway confirmed with staff that the General Plan land use map was included in the packet.

Linda Salmon said she helped author the 1994 General Plan. She said it was unclear who would pay for rising sea remediation and the developer should. She said she did not see the statement of overriding considerations. She said the design was ugly and sprawling. She said the FARs in the current General Plan are wild because they wanted beautiful architecture. She said without a specific plan they do not need to amend the General Plan. She proposed live/work dwelling units that were small and temporary for people working in the offices not for families on poison land. She said the proposed wetland extension encroaches into habitat. She said UPC poisoned an area that formerly was habitat to red legged frogs. She said she was not opposed to housing but she did not want ground level residential on poison land.

Sarah Sieloff, Executive Director of the Center for Creative Land Recycling, acknowledged that Jonathan Scharfman joined their board in April but his presence did not impact the organization's comments. She said residential uses require the strictest cleanup to the strictest standards. She said the RAP's must be approved by the State regulators, and the remediation process requires a clear understanding of what toxins are there and how to remediate them. She said approving more land for housing could reduce housing density and remediate larger areas of land to the highest standard. She said safe housing is often built on former rail yards. She said the Carson landfill was categorized as more hazardous than the Baylands landfill and had been entitled for hundreds of housing units, but not on the landfill portion.

Michele Salmon, Brisbane resident, said the RAP needs to be done before the specific plan, yet it had been said previously that the community couldn't have answers to their questions about the cleanup without a specific plan. She asked how the Council could do a RAP if they don't know what will be built. She asked how the EIR could be adequate for adopting the General Plan amendment and not for the specific plan. She said allowing housing would only line the pockets of speculators. She said the onus was on the City to determine the EIR to be adequate and it would be the City's responsibility if it is found to be inadequate in the future. She said cancer was not the only health condition resulting from toxin exposure, such as brain damage. She said increasing the land area designated for housing was unacceptable and

increasing permitted commercial development would not make up for the increase in services. She said there were thirty thousand empty residential units in San Francisco. She said they had not discussed high speed rail and it would impact the Baylands. She said Tuntex knew the property was toxic and not zoned for residential when it purchased the land. She said the property owner had infiltrated housing advocacy organizations to obtain the housing rights to increase profits when selling the land. She said the Baylands was unique relative to other brownfields. She said she'd rather take her chances with the State legislature than write a blank check to the developer. She said she cannot support the General Plan amendment as modified because there was no requirement for affordable housing and no cap on square footage.

Aaron Klevin, Brisbane resident, said he was not opposed to housing but he had questions that needed answers. He asked what would happen if Brisbane residents vote against the General Plan amendment. He asked what the remediation standards are for mixed-use development. He asked if development moves forward and a significant amount of people get cancer, or there are problems with liquefaction during an earthquake, who would be liable? He said almost everyone who spoke on either side of the issue acknowledged the size of the project compared to the existing population of Brisbane and that was significant. He said it would transform the City. He said there will be no turning back at a certain point, no matter how successful or unsuccessful the project is. He asked the Council to take care in making that decision.

Prem Lall said the developer's presentations should not show trees, because trees could not be planted above a landfill cap. He said he observed pile driving at Sierra Point which was very noisy and emitted visible smoke fumes. He said pile driving on the Baylands would generate a lot of particulate matter that residents would breathe and coat cars and structures. He said he and others wonder about the correlation between the rush to make a decision and the likelihood that by increasing the value of the land that benefits only UPC, while the taxpayers would bear the cost of buying the land.

Nancy Lacsamana, Brisbane resident, supported the General Plan amendment to require remediation which was the number one desire of the community. She said the dump had been closed for 50 years and the risk is greater to do nothing to an uncapped dump. She said there were many eyes on the City as to the future of the Baylands. She said change was not easy and she understood her neighbors' concerns, but the toxic dump needed to be remediated. The level of remediation should be the highest possible. The City should demand accountability but they needed to move forward. She said Ray Miller suggested extending the area where residential uses were permitted south to Main Street and she supported that. She supported comments asking for smaller live/work units for employees. She said that all remediation timetables must be documented and a monitoring manager would be great.

Barbara Ebel, Brisbane resident, said the whole site is landfill. She said capping the landfill is not really cleaning the contamination. She wanted to know which impacts would not be mitigated even with reduced development levels and the public needed to know. She asked for creativity in housing options. She said she was confused that the residential area now covers about the same area as UPC asked for and in their plan they could put 4,400 units on

that property but now it is too small. She said there was a logic gap there. She said extending the permitted residential area south of OU-1 would not be smart. She asked that construction be carbon neutral. She shared a statistic that the Bay Area has added two jobs for every housing unit built since 1990. She said 1.8 jobs per housing unit is the standard baseline and she wondered if there was a housing problem. She is disappointed with the General Plan amendment because the City had the moral responsibility to fix the jobs-housing balance to the highest degree and increasing the commercial square footage would maintain the status quo.

Beth Grossman said that the Planning Commission did not recommend housing on the Baylands after studying the issue in depth. She found many residents echoed the data gaps found in the EIR have not been adequately addressed. She said questions remain about remediation, the true economic impact to Brisbane, liability in case people get sick, quality of life. She said the pile driving at Sierra Point was resulting in noise pollution and dust pollution. She asked where the water would come from and how traffic would be addressed. She was concerned with earthquake, sea level rise, liquefaction, and cap failure. She supported Michele Salmon's comments. She said if the City certifies the EIR and deals with the data gaps until the specific plan is submitted then the City has no way to enforce conditions and requirements. She wanted the developer to address the data gaps and incorporate real solutions into a specific plan before the General Plan is amended. She said there was no bill from the legislature for the City to approve housing and she couldn't understand why the legislature would do so. She said it would be complicated if the City approved housing somewhere that high speed rail eventually takes over. She asked to protect Brisbane's interest and hold on to their bargaining chips- the EIR and the General Plan.

Lori Liu said the question was not whether they want housing or not, but whether they want control over Baylands development. She said the threat from the State was real and compromise was necessary to preserve what is best for Brisbane. She said the revised General Plan land use map was responsive to the comments heard at the June 7 meeting, by spreading out the units over a larger area of land to allow for less dense housing. She said spreading housing on both sides of Geneva would make it more transit-oriented. She said increasing the amount of commercial space would provide more economic benefit to the City. She said in considering the developer's request to extend housing even further south of Main Street, the Council should consider the density of housing the Council envisioned. She asked the Council to make sure that future residents retain the values of open space, community, and environmental safety.

Deb Horen, Brisbane resident, said Brisbane residents understand the significance of this project to their lives. She read the EIR and understands how serious the impacts are. The statement of overriding considerations seemed like a leap of faith to be worked out in the specific plan. She didn't trust the developer to have the City's best interests in mind over their profits. She said the City could lose control if it changed the General Plan without a specific plan. She said there were many risks and serious impacts that haven't been addressed. She said extending the residential south of Main Street would bring it closer to a toxic Stofford site. She said certifying the EIR with a leap of faith was premature. She said UPC bought the land in the 1980's and promised to remediate it at that time. She said the Council ran on "no

housing platforms” and asked how they got here. She said the City’s argument is that the only protection the City has is to allow 1,800- 2,200 units of housing. She said Jerry Hill’s draft bill would have forced the City to build 4,400 homes. She said it was never introduced and the City made a deal to build 1,800-2,200 units instead. She said Jerry Hill was supposed to be the City’s advocate in future legislative efforts to reduce local control, but he was one senator among 40 and he was terming out in January 2020, before the next Regional Housing Needs Allocation was formulated.

Mayor Conway announced a brief break. He asked staff to address the public’s questions when they reconvened.

After reconvening, Mayor Conway invited further public comment.

Linda Salmon said she spent months drafting the General Plan to protect Brisbane and put the responsibility for screwing up on the developer and the General Plan amendment would reverse that. She said the current General Plan requires a specific plan, which has not been submitted in 20 years. She said UPC did not intend to build housing but to increase the land value. She said the City should not make the same mistake it did for the Northeast Ridge.

Michele Salmon said the State uses minimum densities to determine whether land is zoned for affordable housing. She said affordable housing is high density and transit oriented. She said housing in OU-2 would not be transit oriented. She said 2,200 units in OU-1 would be high density and adjacent to major transit nodes that currently exist. She said the developer’s illustrations do not look like Central Brisbane or the Northeast Ridge. Allowing 2,200 units of housing without specifying the maximum square footage could allow development of 7,000 square foot homes.

Beth Grossman asked what happens if the residents approve the General Plan amendment in November. She requested that the public comment period remain open during staff responses.

City Attorney Roush said if the Council adopts the General Plan amendment and puts it on the ballot and the voters do not pass it, the Council would continue to process the current application with the existing General Plan language.

CM Davis asked what the consequences would be if the General Plan amendment was voted down.

Tom McMorrow, consultant to the City, said Senator Jerry Hill hijacked a bill sponsored by other legislators that would have fast-tracked UPC’s proposal for 4,400 units as part of the 2017 State legislative package. He said it was unknown whether Governor Brown would have signed the bill, but it seemed likely. He said the General Plan amendment was a good faith gesture offered by the City to prevent the bill from being introduced. Senator Hill accepted the compromise on the behalf of other legislators who wanted to introduce the bill. He said that is why the General Plan amendment is before the City in 2018. He said after Jerry Brown and Jerry Hill are out of office, the players would change and the most practical way for the City to control its own destiny was get to the table on reasonable terms. Even when the 1,800 unit

compromise became more palatable, the legislators requested that it not go to the voters, but the Council stood firm on that. He said the General Plan amendment also brought UPC to the table to consider a compromise. He said the EIR for high speed rail would be released in 2021 or 2022 and stated the high speed rail website contains out of date information. He does not think the rail yard location is as certain as it was two years ago. He said the City did ask why the State would want to enrich UPC, by allowing residential uses to be permitted in a location under consideration for a high speed rail maintenance yard.

CM O'Connell said the local policy maker high speed rail group had been told the high speed rail EIR would be released in 2020.

Mr. McMorrow stated a recent press release pushed that to 2021.

CM O'Connell said San Francisco wanted to dispose of the Caltrain rail yard, so even without high speed rail, a new rail yard would be needed.

CM Davis asked staff to address how an east or west side rail yard would impact the City and UPC's plan.

Mr. Zola said if a specific plan is approved and a rail yard is subsequently sited in the Baylands, the specific plan would have to be amended. If a rail yard is approved before a specific plan is approved, that specific plan would have to accommodate that rail yard. He said General Plan policy was not a development entitlement. The General Plan establishes the appropriate land uses, their intensity, and their general distribution. The General Plan amendment would require UPC to submit a specific plan that meets the policies it contains because the specific plan they proposed did not meet those policies.

CM Davis asked if high speed rail took the west side where housing is proposed, would housing be required to be relocated on the east side, and if high speed rail took the east side where commercial is proposed, would the commercial development be required to be relocated on the west side.

Mr. Zola said any potential land condemnation resulting from high speed rail would not occur for some time after the high speed rail EIR is released in 2021. If the General Plan amendment is approved in November, and high speed rail later proposed a plan that takes up half the residential area, the voters would then have to amend the General Plan to allow that change.

Mayor Conway asked if the voters' action on the ballot measure would be binding.

City Attorney Roush indicated the November ballot measure would be a binding vote. He said the City would not expect that to claim eminent domain damages unless the City had a true property interest.

City Manager Holstine agreed with City Attorney Roush but added that the City has an economic interest in commercial land use in that location and there would need to be some compensation to the City, if not through eminent domain then through other municipal fees.



CM Lentz asked if the City could request compensation from UPC if high speed rail exercised eminent domain.

City Attorney said the Council could raise that in a development agreement negotiation.

Mr. Zola said the EIR contains mitigation measures regarding pile driving, including pre-drilling which would reduce the time to drive piles and use of alternative technologies such as “drill and cap in place.” He said CEQA could not fix existing problems related to lagoon water quality. Existing conditions were baseline conditions against which project impacts were measured. CEQA could address project-related impacts such as capping the landfill to prevent leachate leaving the landfill, or treating water running off-site so as not to increase the hazards going to the lagoon. Fixing existing problems can be done via aspirational General Plan policies. The Council could consider a proactive water quality campaign to deal with the existing lagoon contamination. Regarding the relationship between the landfill cap and liquefaction, because the City does not have a formal Title 27 closure plan, they are not considering site-specific projects. The Council is considering General Plan policies to put performance standards in place consistent with State law which requires every building on the Baylands to be designed to meet the applicable building code in regards to liquefaction. The cap would be designed to be impermeable, and the General Plan amendment language would require the applicant’s specific plan to demonstrate how that standard will be met. He said future development plans for site specific projects would be required to demonstrate how each building would be protected from liquefaction. The EIR contains performance standards for sea level rise, and the General Plan amendment requires the site to be protected from 100 years of projected sea level rise including 100 year floods based on available regulations and guidelines at the time a development project is submitted.

City Attorney Roush said the regulatory agencies will approve the remediation and landfill closure. When the Council considers a specific plan with the remediation and closure plan, it exercises discretionary immunity under the law. Financial infrastructure will be established so if something goes wrong there will be money to address the issue.

Mr. Zola said a General Plan amendment EIR is more general than that for a specific plan. He said landfill contaminant characterization based on studies done to date did not preclude remediation of the site to be safe for future uses. He said for a General Plan EIR, a water supply had to be reasonably likely, not assured. He said because engineering work had not been done and could not be done until a specific development was proposed, the EIR could not be certified for a specific plan. He said a RAP could not be prepared without knowing the intended land uses. He said the area labeled on the General Plan amendment land use map as “residential permitted,” indicated where land must be remediated to the highest residential standard to inform a forthcoming RAP. The General Plan amendment does not commit the City to approve any specific plan. It directs the applicant to prepare a specific plan that complies with the policies and prepare a new EIR. He said a forthcoming specific plan must contain a timetable for remediation and capping each operating unit, based on an approved RAP. He said the General Plan amendment would require the applicant to pay for all infrastructure costs and that every increment of development be revenue positive to the City. He said the General Plan amendment would also require phasing to be incorporated into the

specific plan. He said the General Plan amendment would require testing of soil before it was removed from the site. He said the statement of overriding considerations was detailed in Attachment B to the staff report.

CM Davis asked staff to describe what the term “mixed use” meant.

Mr. Zola said the Municipal Code defines mixed use generally as a mix of residential and commercial uses on a given site. The General Plan controls the zoning, so if a General Plan policy prohibits residential development on a certain geographic area, it is prohibited. Regarding commercial development, ultimately it seemed most important for UPC to provide a specific plan that spreads commercial east and west of the rail line for the City to consider.

City Attorney Roush said many of Ray Miller’s suggestions were incorporated into the General Plan amendment land use diagram, including extending the area of residential to the Main Street extension. He said the map was also revised to clearly indicate where residential uses would be allowed and where they were prohibited. He said other word changes proposed by Mr. Miller and other community members were considered by the staff and Council before the revised General Plan amendment was brought forward.

CM Davis asked staff what would happen if all housing was designated as workforce housing.

Director Swiecki stated workforce housing was not a legal term. The term in the Health and Safety Code is “efficiency unit.” The City could establish a zone where efficiency units are allowed. The poison pill is that if the City chooses to allow those units it would lose control of the density within a half mile of transit.

CM O’Connell moved to extend the meeting to 11 PM. CM Davis seconded the motion and it was approved 5-0.

City Manager Holstine said staff would bring back the General Plan amendment to the July 19 meeting for Council action.

Mayor Conway asked if Council requested any additional changes to the General Plan amendment as drafted.

CM O’Connell stated her opposition to allowing up to seven million square feet of commercial, which was not necessary to have a financially stable development. She said the property owner knew the site was toxic when they purchased it and they were responsible to clean it, and costs have gone up because it was delayed. She did not think they needed to double the housing and commercial square footage originally contained in the General Plan amendment initiated by the Council. She said increasing commercial square footage would reduce the capacity for renewable energy generation. She wanted to require energy positive development, not just energy neutral. She asked for clarification on the residential density of 1,800-2,200 units as the developer stated could be up to 50-100 dwelling units per acre.

CM Davis asked if CM O’Connell could be comfortable with five million square feet of commercial.

CM O'Connell said it seemed the Council was pushing the boundary to maximize the current EIR which has data gaps. She wanted to reduce the unmitigable impacts as much as possible.

CM Cunningham said she did not believe the Council contemplated seven million square feet of commercial to benefit UPC. Rather, it was a decision to benefit the City and cover costs moving forward. She said she was proud of how the Council and staff had handled this project.

Mayor Conway asked how the General Plan amendment would translate to a specific plan proposal.

City Manager Holstine clarified that the General Plan amendment would allow up to seven million square feet of commercial development, but the Council was not obligated to approve seven million square feet when considering a specific plan proposal.

CM Davis stated Council had discussed the necessity for a specific plan to include development on both sides of the rail tracks. She asked staff if five million square feet of commercial development was allow for such a plan.

City Manager Holstine confirmed CM Davis's statement that the City wanted a specific plan for the entire site. He stated that staff would follow up on her request at the July 19 meeting.

CM Davis said her primary concern was that a project take up the entire site so that the dirtiest areas are not left for later remediation.

City Manager Holstine said the General Plan amendment language requires the project to be revenue positive to the City as it moves forward.

CM Lentz asked if a RAP indicates that the site cannot be cleaned to a ground level residential standard, would that prevent residential development from occurring on that area?

Mr. Zola confirmed that was correct.

CM Lentz said comparing the acreage to commercial square footage at Sierra Point compared to the Baylands, up to seven million square feet would not be dense commercial development. Both sides of the Baylands need to be planned for with smart development that incorporates open space between different uses. The Council has the authority to modify any part of the specific plan it sees fit.

Mr. Zola said that was correct, as long as the changes are consistent with the General Plan.

Mayor Conway asked for the density of Crocker Park.

Director Swiecki said Crocker Park was developed at a lower density than Sierra Point.

CM Lenz said he received information in the mail from UPC as a resident, but it appeared not every resident received the mailer. He said there were items in the mailer that bothered him. He said the City was putting forth a feasible plan. He said UPC made comments at the evening's hearing that he had not heard before, particularly acknowledging the significant growth and change the City was facing, and acceptance of the ground level remediation standard for housing, and that Dr. G. Fred Lee be the City's consultant. He asked the applicant to confirm that they were committed to 25% open space.

Mr. Vilkin, representing UPC, said seven million square feet of development on 25 million square feet of land area would leave millions of acres uncovered. He said 1,800 to 2,200 units on 200 acres west of the tracks would be less dense. He apologized for not being clear in previous statements about the difference between the terms "open area" and "open space" as defined in the General Plan.

CM Davis said the applicant's renderings show buildings covering the entire site. She said Title 27 closure needed to be added to the applicant's list.

CM Lentz said the Bayshore train station was disconnected from a planned bus rapid transit facility. He said he never heard a community member say they needed to increase commercial square footage to give UPC more money.

CM O'Connell said she did not imply that other Council members made that statement, but the Council had heard from many public speakers at past public hearings.

CM Lentz said increasing the maximum square footage of commercial would provide financial security and revenue to help fund unfunded capital improvements and pension liabilities. He said he would not put the City at financial risk.

Mayor Conway said he was looking for flexibility in the General Plan amendment. He wanted it to get passed and for UPC to come back with a specific plan to build a new community. They owed it to their citizens to build the best community possible. Flexibility is needed to do that, and to guarantee fiscal sustainability for the City. He asked if any Council members wanted to consider moving the residential any further south than the Main Street extension.

Council members indicated no interest.

Mayor Conway invited additional public comment.

Linda Salmon said for voters to approve the General Plan amendment, they would need to refer to the analysis contained in Attachment B to the staff report. She said the plan would destroy habitat that was cleaning contamination and asked the Council to review it carefully and not rubber stamp it.

Barbara Ebel asked why land would be zoned mixed use where no housing was proposed and said it seemed like a loophole. Staff's explanation did not make sense to her. She

requested a meeting with staff to discuss why efficiency units wouldn't work in the Baylands.

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

### **ADJOURNMENT**

CM Lentz motioned and CM Davis seconded to adjourn the meeting. The motion was approved 5-0 and the meeting adjourned at 11:15 p.m.

### **PUBLIC MEETING VIDEOS**

The replay schedule for public meetings can be found on the Live Streaming page <http://brisbaneca.org/live-streaming>. Past meetings will be replayed on Comcast Channel 27 and at <http://brisbaneca.org/live-streaming> and can be found on the All Meetings page (<http://brisbaneca.org/city-government/meetings>) once the video has been archived



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Ingrid Padilla, City Clerk

**Attachment: Statement from Michael Barnes**

Dear Mayor Conway and Brisbane City Council,

In 2012 the San Mateo County Superintendent undertook a Brisbane and Bayshore Elementary School Districts consolidation study.

In response to this thorough examination of elementary school district merger, Brisbane resident Jennifer Bousquet started an on-line petition opposed to the merger. Among the petition signatories were Madison Davis, Karen Cunningham and Cliff Lentz.

Clarke Conway publicly spoke against the elementary school district merger at a Bayshore Elementary School District board meeting. 4/5 of the current Brisbane city council killed the Brisbane and Bayshore districts merger in 2012, when merger, which I supported, was possible. You won, and Brisbane lost.

Bayshore recently told you that they are no longer interested in a school district merger or giving up their Baylands territory. Education code section 35700-35787 makes clear that without Bayshore's willingness to merge, redrawing Brisbane's school district boundary to include the Baylands is not feasible. Trying to grab the Baylands revenue now for only Brisbane schools is just selfish.

Misled Brisbane parents have sent the council 5 letters in the last three weeks asking for a Baylands school redistricting study. I urge you to tell the parents who want to redistrict the Baylands to talk to the proper government body, the Brisbane Elementary School District Board of Trustees.

Your job as the city council is not to administer the schools, but to approve the overdue Baylands EIR and General Plan amendment. I support the current proposal of up to 2200 housing units and 7 million square feet of commercial development. This will serve Brisbane, unlike High Speed Rail, to which I am opposed. It is very generous of Brisbane to offer doubling both its residential population and its commercial development. I know of no other Bay Area city doing this.

Comments on the General Plan Amendment:

Item 3. – suggest "...incorporate all applicable EIR mitigation, monitoring and reporting measures..."

Item 3.B. – "proposes" should be "proposed."

Regarding the "mixed use" designation for East Baylands – Title 17, Chapter 17.02.540 of the Brisbane municipal code reads: "mixed use means a combination of residential and non-residential uses that are located within the same structure or on the same site." If residential is prohibited, then by definition the area is not mixed use.

Please use another zoning designation for the East Baylands. Redefining “mixed use” without residential will have repercussions throughout the code.

Michael Barnes