



**CITY COUNCIL/REDEVELOPMENT/GVMID**

**MINUTES**

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**CITY COUNCIL SPECIAL MEETING**

**JUNE 8, 2009**

*BRISBANE COMMUNITY MEETING ROOM, CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER/FLAG SALUTE**

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

**ROLL CALL**

Councilmembers present: Barnes, Bologoff, Conway, and Mayor Richardson  
Councilmembers absent: Waldo  
Staff present: City Manager Holstine, Community Development Director Prince, Deputy City Manager/Administrative Services Director Schillinger, City Clerk Spediacci, Principal Planner Swiecki, City Attorney Toppel

**WORKSHOP**

**A. Review and provide direction on Baylands Community Alternative - Policy Issues**

Mayor Richardson noted that the staff report identifies seven policy issues the Council needs to determine with respect to the community's preferred alternative for the Baylands.

Principal Planner Swiecki indicated that since early 2007, the City has been engaged in a process to arrive at a consensus about the key features the community wants to include in the Baylands development. He said that based on the results so far, there appears to be agreement that the development should be sustainable and environmentally responsible, include a substantial amount of open space at the southern end of the site, concentrate development toward the north near the transit hub, provide non-automotive access and connections with the rest of Brisbane, and have an on-site energy generation component. He stated that none of the three alternatives developed by the consultant fully capture all these elements, so the City needs to combine features from each alternative into a final version.

Principal Planner Swiecki noted that because public space was such an important consideration, the City hired a special consultant last fall to create a comprehensive public space plan for the Baylands, which was reviewed and approved by the City Council on April 13, 2009. He said the staff is working to incorporate the public space plan into the community's preferred alternative, and there are still several policy issues that need to be addressed. He requested City Council guidance on each of the policy issues identified in the staff report.

Principal Planner Swiecki advised that selection of the community alternative is a preliminary step in the overall review process. He emphasized that the City Council retains the ability to modify the alternative based on the environmental analysis provided in the environmental impact report (EIR). He recommended keeping the community alternative broad enough to include all uses and features the City wants to consider in the EIR, noting that the parameters can be reduced later if the Council deems that appropriate.

### **1. Project Square Footage**

Principal Planner Swiecki said the first issue has to do with project square footage. He noted that the applicant proposed a total of 8.3 million square feet of developable area, while the three alternatives ranged between 6 million to 8 million square feet. He advised that applying the floor area ratios in the 1994 General Plan to the Baylands site would result in over 13 million square feet of permitted building area. He observed that it was not possible to determine the exact amount of developable square footage to achieve an economically feasible project without knowing more about the specific infrastructure requirements and mitigation measures identified in the EIR, but staff recommends that the community alternative be within 5 percent of what the developer proposed to maintain maximum flexibility. Principal Planner Swiecki again emphasized that the square footage can be reduced from the maximum evaluated in the EIR.

CM Conway suggested taking comments from the public before engaging in Council discussion. He noted that one citizen had requested an opportunity to address the Council before proceeding with the workshop.

Linda Salmon, Brisbane resident, said she learned earlier that day that the developer had a new proposal that was being reviewed by the City staff but not shared with the public. She expressed concern that the alternative process should be suspended until the community knows what the new specific plan is. She pointed out that the community alternative is supposed to be a reaction to what the developer proposed.

Principal Planner Swiecki explained that as discussed in the January workshop, the developer would be analyzing infrastructure needs and modifying the project description in response to feedback from the community process. He said the developer had submitted technical work on the infrastructure for the staff to review, and particular technical deficiencies had been identified and discussed. He advised that the developer will be submitting a formal updated version of the

project description for the City's review.

City Attorney Toppel commented that the developer has the right to make modifications to incorporate public feedback, and the City has the ability to propose its own specific plan without any application or proposal from the developer. He noted that it was more efficient to make modifications before defining the project to be analyzed in the EIR. He stated that the staff was reviewing technical and engineering information that needs to be taken into account regardless of the nature of the proposal. City Attorney Toppel emphasized that there was no impropriety in the ongoing technical discussions between the staff and the applicant.

City Manager Holstine clarified that the staff anticipates presenting the revised project description to the City Council and the public in September.

CM Barnes noted that the developer's modifications were being done at the City's request. He recalled that after the specific plan was submitted, the City had asked the developer to plan the entire project area, not just the portion of the site covered in the specific plan.

Mayor Richardson welcomed Council discussion on the issue of square footage. Principal Planner Swiecki recommended keeping square footage close to what the developer proposed, noting that the square footage can be reduced after the EIR is completed.

CM Conway commented that it seemed premature to set a policy on square footage before the developer's proposal is analyzed in the EIR. Principal Planner Swiecki explained that in order to have a meaningful EIR analysis, the developer's proposal and the community's alternative need to be defined more precisely, and the maximum amount of square footage is an issue that should be resolved before the EIR commences.

City Attorney Toppel noted that the EIR will look at a range of alternatives. He clarified that the staff was trying to define the parameters of the community's preferred alternative separate from what the developer proposes.

CM Barnes asked if the City could propose an alternative representing 75 percent of the square footage proposed by the developer. Principal Planner Swiecki cautioned that the amount of square footage needs to result in a feasible project, so it would be better to have a broader range for the EIR to analyze. He said the EIR will analyze impacts of a reduced intensity project. CM Conway proposed focusing on the 6 million to 8 million square footage range identified in the community alternatives regardless of what the developer was proposing.

CM Barnes said he liked the idea of analyzing a range, and he expressed support for this approach. He commented that the actual size of the project will be limited by the availability of water and housing. He noted that the eventual project is likely to be better than the generous limits contained in the 1994 General Plan.

Mayor Richardson invited comments from members of the public.

Linda Salmon observed that what she was hearing at this meeting contradicted what the Planning Commission was told when it was working on the 1994 General Plan, which was that nothing could be planned on the Baylands until a specific plan was submitted by the developer. She said that ever since the specific plan was submitted, she had objected that the proposal was not specific enough. She agreed with CM Conway that setting square footage policy was premature without knowing what the developer was proposing. She expressed her opinion that the people first need to see what the buildings, streets, and height limits will look like before defining a community alternative.

Ken McIntire, San Bruno Mountain Watch, urged the City to maximize open space. He questioned how feasibility will be defined and determined. He noted that if the community alternative sets square footage too low, the effectiveness of the EIR will be undermined, but if square footage is too high, the developer might propose more development than is sustainable. He favored using the low end of what the community suggested as a baseline.

Michele Salmon, Brisbane, commented that the process seems backwards. She pointed out that it would make more sense to look at cubic footage than square footage, because the cubic footage represents the amount of space that will need to be heated and cooled and served by utilities and infrastructure. She suggested starting the EIR analysis by defining the energy and resources available, and then determining square footage from that based on what is reasonable rather than what is feasible. Ms. Salmon talked about Wilson's Law, which posits that concentrating only the physical world and overlooking the living world will result in losing them both. She urged the City to start with what is sustainable, not what the developer wants.

Michael Schumann, Brisbane, recommended using the lower range of square footage for the community alternative. He said following what the developer proposes and focusing on feasibility sets a tone that may not be what the community wants. He observed that people are concerned about the level of intensity, and he recommended studying the vision described by the community.

Mary Murphy, Gibson, Dunn & Crutcher, attorney for the developer, clarified that in determining feasibility, the developer will be considering the costs of the public benefits desired by the community, the open space, and the infrastructure, as well as the costs of the technology required to provide these items. She said the developer has been listening to the concerns of the public and looks forward to working with the staff to create a project that will be acceptable and beneficial to the community.

Ray Miller, Brisbane resident, said he appreciated the clarification of what the developer meant by feasibility. He expressed his opinion that the City Council should establish its own definition

of feasibility that goes beyond short-term economic factors. He emphasized that the Baylands project will last over fifty years, so long-term issues also need to be considered.

Mr. Miller commented that the 1994 General Plan never contemplated 13 million square feet of development. He said the floor area ratio was established as an outside limit, but the intent was that traffic impacts would determine the size of a development. He again urged the Council to conduct its own analysis of feasibility.

Dana Dillworth, Brisbane, observed that safety should be the City's primary consideration. She questioned the accuracy of City decisions without having adequate information about risks from contamination and geologic conditions. She provided an article about sand boils, and noted that these soil disturbances can bring toxins to the surface if they are triggered by earthquakes.

Ms. Dillworth objected to using a gridded pattern in the development, noting that this concept was never presented to or approved by the public.

John Christopher Burr, long-time resident of Brisbane, expressed his opinion that the developer's specific plan does not meet the statutory requirement for a specific plan because it lacks details about circulation and financing. He observed that the developer's inadequate plan is actually a concept proposal for new legislation. He recommended that the City determine what would be best for the community rather than being limited by anything the developer proposed.

Mr. Burr provided the City Council with information about alternative energy. He stated that the amount of square footage affects the development's capacity for wind and solar power. He noted the airport's wind data indicates that Brisbane has significant wind resources.

Mr. Burr presented an article from *Popular Science* magazine about vertical-axis wind turbines. He observed that certain kinds of wind turbines work well, even in low wind conditions.

Mr. Burr recommended incorporating sustainability and agricultural resources throughout the development.

Mayor Richardson asked Mr. Burr to limit his remarks to square footage and save additional comments for the discussion on alternative energy.

Terry O'Connell, Brisbane, reiterated that cubic footage is more important than square footage because it better reflects visual impacts and energy usage. She urged the City Council to use the low range of square footage in the community alternative.

Linda Salmon said some square footage could be taken up by openings between buildings, making this measurement inaccurate. She emphasized the need to see what the developer was actually proposing before setting limits.

Mayor Richardson asked the staff to comment on square footage versus cubic footage. Principal Planner Swiecki clarified that height, bulk, and intensity are factors the Council should discuss as part of the second issue identified on the agenda. He said the California Environmental Quality Act (CEQA) requires an analysis of existing system capacity in the EIR, a difficult determination for vacant parcels without any existing infrastructure.

CM Conway asked how the staff would recommend evaluating feasibility. Principal Planner Swiecki stated that feasibility was difficult to assess without knowing more about the infrastructure requirements, the costs of City services, and the cost of public benefits, all of which will be addressed in the EIR.

CM Conway commented that it was difficult to conceptualize how large 6 million to 8 million square feet would be without having a comparison. He asked what the comparative size of Sierra Point would be at its ultimate build-out. Community Development Director Prince estimated that Sierra Point has the potential for about 2 million square feet of development.

Community Development Director Prince cautioned against defining too small a project to be studied in the EIR. He stated that the economic analysis will only be possible after the EIR has been completed. He noted that the purpose of requiring the developer to create a specific plan is to avoid creating a community proposal that would turn out not to be economically feasible. He expressed his opinion that it would be preferable to over-estimate and err on the side of economic feasibility at this stage in the process. He pointed out that reducing the scale of the project would be a better option than producing an inadequate EIR and having to redo it.

Community Development Director Prince observed that the three alternatives developed by Dyett and Bhatia based on feedback from the public were in the 6 million to 8 million square footage range, and he recommended that the community alternative have close to the square footage proposed by the developer.

CM Bologoff asked if the community alternative was supposed to represent a project the people wanted or would find acceptable. Community Development Director Prince said the process has two phases: first, the developer proposes a specific plan, and then a community preferred alternative is developed. He noted that if the developer's proposal and the community's proposal are analyzed in the EIR, the City will have a comfortable range of parameters within which to define the actual project. Community Development Director Prince commented that the community's eventual preferred alternative will reconcile the difference between 6 million and 8 million square feet by arriving at a preferred alternative that incorporates features from the three alternatives.

CM Bologoff suggested using 7 million square feet, the midway point in the range, for the community's preferred alternative.

CM Barnes noted that if particular proposed land uses turn out to be impractical in the EIR due to environmental impacts or high costs, those components of the development can be scaled back. He asked if other uses could be scaled up to cover their costs. Community Development Director Prince stated that certain mitigation measures may be feasible only if they reach a certain size. He said that if the project description becomes different from what was analyzed in the EIR, the environmental analysis would need to be supplemented to cover the new proposal.

CM Conway recommended using 8 million square feet as the parameter to be studied in the EIR. He commented that it makes more sense to use the larger figure to ensure the adequacy of the EIR, and the actual amount of square footage can be reduced more easily than expanded.

CM Barnes said he was comfortable with that approach to ensure the community alternative will be feasible.

CM Conway made a motion, seconded by CM Bologoff, to use 8 million square feet of development in the community's alternative.

## **2. Project Form and Intensity**

Principal Planner Swiecki said the community consensus is that development should be intensified in the northern portion of the site near the transit hub, while the southern end should be primarily open space. He welcomed guidance regarding building height and intensity in the northern part of the development. He suggested thinking in terms of two zones, one within  $\frac{1}{4}$  mile of the multi-modal station and an outer ring  $\frac{1}{2}$  mile from the hub. Within that area, the development would be characterized by a walkable grid with smaller blocks, wide sidewalks, buildings along the street, minimal surface parking, and taller buildings. Principal Planner Swiecki stated that the staff recommends 8- to 12-story buildings in the transit core with floor area ratios of 1.0 to 2.5; outside the core, building heights would be 2 to 5 stories, and floor area ratios would range between 0.30 to 0.75.

Principal Planner Swiecki again proposed that the City Council establish maximum intensities and building heights to be analyzed in the EIR, noting that the actual project can be scaled back after the EIR has been completed. He reminded the Council that if building heights and floor area ratios in the transit core are less, the cumulative square footage would be spread across the rest of the site, which would result in a less concentrated and accessible pattern of development.

CM Barnes expressed support for the staff recommendation. He said he believed the community preferred to concentrate development around the transit hub in exchange for more open space at the southern end of the site.

CM Bologoff asked about the height of the buildings at the Schlage Lock site across the northern

boundary with San Francisco. Principal Planner Swiecki replied that 8- to 10-story buildings are proposed for that site.

CM Conway asked what was the tallest existing building in Brisbane. Principal Planner Swiecki said the Hitachi building was the tallest structure. CM Barnes noted that the Hitachi building is 13 stories.

Mayor Richardson welcomed comments from members of the public.

Anja Miller, Brisbane resident, commented that the City does not have an accurate description of the proposed project because the developer's specific plan is incomplete. She said that without more detailed information, the discussion of alternatives was premature and ineffective, and the EIR will not analyze all possible impacts. Ms. Miller observed that the community alternative is just one alternative the EIR should study, and the law also requires analysis of the no-project alternative as well. She urged the City Council to halt the process until the developer submits a complete specific plan.

Michele Salmon agreed with Ms. Miller's comments. She questioned how an EIR can be done without a complete project description. Ms. Salmon said she did not recall anyone at the community workshops advocating a 6-million-square-foot project, and she asked why that was considered the low end of the range. She cautioned that the loss of biodiversity by the destruction of natural habitats will take millions of years to correct, and noted that this decision will affect generations to come. Ms. Salmon recommended looking at less development in the site rather than the parameters proposed by the developer.

Dana Dillworth noted that the issue of project form and intensity should lead to a discussion of how to make the Baylands project unique. She said the proposals presented so far reflect the same trends and ways of thinking as those that characterized the 1950's and 1960's. She encouraged the City Council to focus on ways of highlighting Brisbane's uniqueness and creativity. She recommended elevating all walkways and streets to avoid the risk of liquefaction and soil failure during major earthquakes. She suggested requiring planting and landscaping wherever feasible, integrating renewable energy into building designs, and designing the buildings themselves to function as wind turbines. Ms. Dillworth objected again to the idea of putting square boxes on top of toxic soil because that is what the developer wants.

Robert Howard, Brisbane resident, said the high-speed rail authority held a public meeting in April to gather feedback from affected communities about what they wanted to see in the high-speed rail system, but no one from Brisbane attended or spoke. He emphasized the importance of participating in these regional proposals and providing input from Brisbane's perspective; otherwise, he noted, Brisbane's preferences will be overlooked.

John Christopher Burr recommended that the City consider rezoning the entire Baylands site as



open space, reflecting its highest and best use. He asked who would pay for moving the railroad station south, an issue not addressed in the developer's incomplete specific plan. He pointed out that the financing of infrastructure is a critical issue that needs to be considered and analyzed in advance. He questioned what would happen to the community's alternative if the railroad station is not moved.

Mr. Burr stated that no one from the public advocated 6 million to 8 million square feet of development. He questioned the wisdom of this concept, given the sea level rise predicted by scientists, and noted that this kind of impact will likely increase water and sewer bills by huge magnitudes.

Jonathan Scharfman, Universal Paragon Corporation, stated that Universal Paragon takes transit-oriented development and the ecological impact of more than 15,000 future jobs very seriously. He emphasized that these aspects of the project need to be balanced very carefully with access to transportation and infrastructure on the site. He noted that the ½-mile radius from the proposed relocated Caltrain station actually extends eastward to the Bay and southward to the northern edge of the flood plain of the existing Visitacion Creek. He asked the staff to reconsider the radius shown in the diagram to make sure the diameter is accurate.

Linda Salmon remarked that it would have made sense to talk about the location of the Caltrain station, an item later on the agenda, before this discussion. She noted that the fifth alternative she submitted includes many ideas about the project form and intensity. She expressed her preference for very few, but much larger, beautifully designed buildings rather than blocks of densely designed development. She said she found it impossible to make further suggestions without knowing what the developer was proposing. Ms. Salmon recalled that the community came up with many types of alternatives to what was shown in the specific plan. Because the developer's plan was changing, she urged the Council to suspend the process and hold off on any further studies until the developer submits an actual specific plan.

CM Conway asked who would be paying for the EIR. City Manager Holstine replied that all costs of the EIR and the community planning process were charged against the applicant's account.

CM Conway clarified that the community-based alternative was separate from anything the developer will be proposing, and noted that the developer was in the process of amending the specific plan to cover the entire site. City Manager Holstine confirmed that understanding. He said the typical development process begins with a proposal from the applicant, which is reviewed in an EIR, and then brought to the Planning Commission, where the project may be revised and modified. In this case, he noted, the community has been involved in developing an alternative earlier in the process. City Manager Holstine observed that there will be many opportunities at later stages for members of the public to provide further input on the proposal. He added that the City has learned a great deal about what the public wants as a result of the

public workshops, guest speakers, and working with the consultants.

CM Conway remarked that members of the public had raised many good points about placement and orientation of buildings in relationship to energy conservation, use of sustainable building materials, creation of wind tunnels, and innovative designs. Principal Planner Swiecki commented that grid patterns can be modeled and tested to determine the most favorable orientations for wind and solar exposure. He noted that the design of specific buildings will come after a more detailed specific plan and the overall EIR analysis.

CM Conway asked about Brisbane's participation in planning for the high-speed rail system. City Manager Holstine advised that the planning process is in its initial phases, and there will be many more meetings and studies, as well as an EIR. He indicated that he and other staff representatives have attended a number of meetings about the high-speed rail system. He observed that the major impacts on Brisbane will not come from the rail itself, but from the potential of a railyard, and the Baylands has been identified as a possible site. City Manager Holstine acknowledged that use of any portion of the Baylands would have a significant impact on the proposed project and other uses near the site. He added that no siting decisions have been made.

Mayor Richardson noted that the scavenger company is also considering expanding into the Baylands. She recommended focusing on what uses the community wants in order to ensure that whatever happens reflects that vision.

CM Bologoff commented that the Southern Pacific Railroad moved its railyard from Brisbane to San Jose, making San Jose a more suitable site for the high-speed rail system's facilities. City Manager Holstine said proponents of the system have indicated that they want a facility closer to the end of the line in San Francisco. He noted there are sites within San Francisco being considered. He pointed out that the Baylands is vulnerable because it is a large vacant site that has not yet been planned or developed.

CM Conway acknowledged the threat of global warming and sea level rises, but expressed optimism that steps can be taken to abate the problem before disaster occurs. He noted that Brisbane can do its part by limiting greenhouse gas emissions and controlling the kinds and intensity of development that take place. He observed that energy neutrality is a goal for the Baylands.

Community Development Director Prince pointed out that state and local governments will be building dikes and other fortifications in coming years as sea levels rise. He pointed out that Highway 101 is likely to be protected because it serves as an important transportation lifeline connecting the Bay Area with the rest of the state.

CM Barnes said he had no objections to the building heights and floor area ratios proposed by

the staff. He stated that he did not particularly like the concept of a gridlike street pattern, and recommended exploring paseos, promenades, bike paths, and pedestrian walkways. He noted that these details can be determined later in the process.

CM Conway observed that the site of the train station, as Ms. Salmon mentioned, is an important factor that will determine the exact location of the transit hub and its surrounding development.

### **3. Housing**

Principal Planner Swiecki said there has been considerable discussion about including a housing component at the Baylands. He noted that objections include concerns over safety due to the presence of toxic contaminants and impacts on Brisbane's community character; proponents cite environmental benefits of reducing vehicle miles traveled by co-locating housing and jobs close to transit. He advised that because CEQA requires the EIR to study a reasonable range of alternatives, the City Attorney and the EIR consultants recommend including a housing component in one of the alternatives to be analyzed.

CM Barnes observed that the staff made a presentation at the last meeting about the update to the Housing Element, and a number of potential housing sites were identified, including parcels in Crocker Park that could be rezoned for mixed-use development. He cited concerns about carbon dioxide and methane emissions, and emphasized the severity of the threat in terms of sea level rise, climate change and weather disasters, and extinction of many plant and animal species. He said that if current trends continue, the earth will reach a tipping point before the end of the 21st century. CM Barnes said people in Brisbane place a high value on maintaining small-town character, preserving open space, and ensuring sustainable development. In light of these concerns and goals, he advocated using the Baylands to create open space, restore native habitat, and provide housing close to jobs and transit.

CM Barnes remarked that housing near central Brisbane and across from the Community Park would not be close enough to mass transit to help reduce vehicle trips. He expressed his opinion it would make environmental sense to include housing at the Baylands. He clarified that he was not recommending housing on the San Francisco Muni dump area, but would like to consider it for the perimeter of the site along Bayshore Boulevard.

CM Conway commented that housing should not be put at the Baylands unless there were definite guarantees of safety. He noted that Brisbane's General Plan prohibits housing, and changing this policy would require approval by the voters. He said that a comprehensive survey would need to be undertaken to ascertain public opinion on this issue.

CM Conway observed that there may be enough housing supply in surrounding communities to meet the needs of the people who will fill the 15,000 jobs created at the Baylands. He said 1,200 units are planned for the Schlage Lock site, 6,500 units are planned for Candlestick Point, and

Daly City has plans for development along Geneva Avenue. He advocated a regional housing-jobs balance along the transit corridor. He recommended not allowing housing at the Baylands without voter approval.

CM Bologoff said he favored following the General Plan.

CM Barnes pointed out that the General Plan was currently being revised to incorporate the results of the Baylands EIR, and whether to include housing should be decided before starting the EIR.

Mayor Richardson invited comments from members of the public.

Marisa Cravens, regional planner from the Association of Bay Area Governments (ABAG), expressed enthusiasm for Brisbane's planning process and commitment to sustainable development. She said the purpose of her remarks was to provide a regional perspective on the community's goals of sustainability and environmental responsibility.

Ms. Cravens indicated that ABAG has been watching the Baylands specific plan process since Brisbane nominated the Baylands as a Regional Priority Development Area. She explained that this designation covers infill areas planned near transit in existing communities and are generally proposed for more housing. Ms. Cravens noted that sustainable development within RPDA's is intended to help the Bay Area reduce total greenhouse gas emissions, reduce dependency on automobiles, and provide thriving walkable neighborhoods for current and future residents. She stated that ABAG makes planning and capital funding available exclusively for RPDA's to assist with creating and implementing plans. She advised that ABAG is contributing funds for the Bayshore Caltrain station access study, for example.

Ms. Cravens encouraged Brisbane to proceed with an alternative that includes housing. She acknowledged that while a commercial development would encourage many people in the region to use mass transit to commute to their jobs, the Baylands would probably be the most sustainable site for the 401 units that represent Brisbane's share of the regional housing needs allocation. She pointed out that placing housing units close to transportation will help reduce greenhouse gas emissions and provide convenient access to jobs and other amenities.

Carolyn Parker, Brisbane resident, noted that the people of Brisbane need to consider the impacts of sea level rise and unite to maintain a viable way of life. She observed that centering the community around a small area near downtown provides a better defensive position, and she recommended keeping the 401 units close to central Brisbane for that reason. She pointed out that having housing at the Baylands will require greater efforts to protect homes and maintain transportation links. She expressed her opinion that having a centralized residential area would be safer, more viable, and more community-oriented. Ms. Parker advocating keeping Brisbane local.

Paul Bouscal, Brisbane, expressed concerns about the safety of housing in the Baylands as well as the safety of older homes in central Brisbane. He said any house built before the 1970's likely contains lead paint and was exposed to other contaminants. He noted that mid-rise buildings tend to be safer because people are less likely to be working in their yards. He stated that he would rather see housing at the Baylands than dense development in Brisbane Acres or the Levinson property, both of which are natural habitat areas. Mr. Bouscal recommended preserving natural habitat as Brisbane's primary goal. He suggested encouraging developers to purchase parcels in Brisbane Acres and the Levinson property as part of density transfer arrangements to help protect sensitive lands.

Mr. Bouscal recommended looking at the possibility of building mid-rise floating condominiums, an idea he raised in the past. He urged the City to work toward a plan for housing that will not jeopardize habitat. He pointed out that Brisbane already has housing developments at the Northeast Ridge and live-aboard units at the Marina that are separated from the central part of town.

Linda Salmon observed that the current U.S. Geological Survey projections show that much of Brisbane will be underwater in about twenty years, making Mr. Bouscal's idea of floating houses a realistic option. She said she found information on the Internet about extensive housing development proposed for the area around the Schlage Lock site.

Ms. Salmon emphasized the important distinction between housing and dwelling units. She noted that dwelling units might be provided above small shops along Bayshore Boulevard, an arrangement that would reduce exposure to contaminated soil underneath. She said the term "housing" usually implies single-family units with yards and lawns, and she strongly objected to allowing those kinds of residences on contaminated land. She urged the City to uphold the policies of the General Plan.

Michele Salmon said the first time she visited New York City, she noticed that summer temperatures increased at night because of air conditioner exhaust. She expressed concern that building dense housing would have the same kind of negative environmental impacts. She warned that global change is already happening, and Brisbane needs to be prepared. She suggested using the Baylands for growing food and generating energy instead of housing or offices. She noted that open space is scarce in the Bay Area and is valuable to people throughout the region, and she expressed her opinion that open space was the highest and best use for the Baylands.

John Christopher Burr noted that the people of Brisbane have made it clear they do not want housing on the toxic waste dumps at the Baylands and Sierra Point. He commented that it seemed hypocritical for ABAG to be recommending housing, because ABAG's own maps indicate the Baylands is hazardous to humans. He expressed his opinion it was unreasonable and

unsafe to even consider housing at the Baylands. He warned that this could be the kind of galvanizing issue that would spur the voters to recall elected City officials. Mr. Burr urged the City Council to adhere to the General Plan.

Mr. Burr pointed out that any new development in the Baylands will use up more water and energy and burden existing infrastructure systems. He said using more of these scarce resources will likely result in higher bills for consumers. He recommended not considering housing and instead working to preserve the Baylands as open space. He agreed with Michele Salmon that this would be the most reasonable and responsible option.

Jonathan Scharfman, Universal Paragon Corporation, advised that the California Department of Toxic Substances Control will be publishing a draft remedial action plan for the Schlage Lock site within the next month that provides for clean-up of that site to residential standards. He added the Schlage Lock site is considered to be the most contaminated site in the area, and the state's plan demonstrates that remediation is possible.

Michael Schumann supported looking at the possibility of a housing component at the Baylands. He noted the applicant will be proposing housing, so it would be prudent to look at this option. He recommended not including housing in the community alternative because of public concerns about safety.

Terry O'Connell expressed concern about Mr. Scharfman's comment about the Schlage Lock site. She noted that although the land underneath the Schlage Lock property will be cleaned up, the contaminated plume extends a long way and continues to move. She recommended making sure this hazard is fully identified and studied.

Ms. O'Connell again pointed that the concept of an alternative is meaningless without having a specific plan. She objected to wasting time talking about a community alternative without knowing what the developer was proposing.

Ms. O'Connell cautioned that the creation of 15,000 new jobs at the Baylands will likely result in a higher regional housing needs allocation for Brisbane in the future. She proposed not making those jobs and instead keeping the Baylands as open space. She observed that the community might be better off having the state take the land through eminent domain and using it as a railyard.

Ray Miller reiterated CM Conway's point that the General Plan prohibition against housing at the Baylands should not be changed without voter approval. He said the people have clearly indicated that housing is not desirable at the Baylands, as reflected in the public's endorsement of the General Plan and a recent community survey. He urged the City Council to follow the will of the people and not include housing in the community's preferred alternative. He added that if the developer proposes housing, that use will be studied as part of the EIR, but it should not be

proposed by the City.

CM Barnes observed that some people in the community spoke in favor of housing, and housing was raised as a possibility during the community workshops. He reminded the City Council of the importance of fostering sustainability and combating global warming, and he remarked that housing at the Baylands was a better alternative than putting more housing in central Brisbane farther away from transportation and jobs. He recognized that housing was prohibited in the General Plan, but pointed out that the General Plan will be updated to incorporate the findings of the EIR. He added that he was satisfied as long as housing was analyzed as a possibility.

CM Conway clarified that he supported the concept of sustainability but wanted to make sure the voters approved of changing the General Plan. He recommended a comprehensive survey regarding housing at the Baylands as well as in the other locations identified by the Planning Commission. He noted the City can meet its regional housing needs allocation with infill development and rezoning, so there was time to further study the issue of housing at the Baylands.

Mayor Richardson said she would prefer to focus on open space, energy generation, and agriculture at the Baylands. She agreed with CM Conway that the voters should decide the issue of housing. She objected to using the Baylands for a railyard and recommended pursuing better uses.

Mayor Richardson pointed out that studying housing in the EIR does not commit the City to building any housing, and she expressed support for at least considering housing at the Baylands.

CM Conway observed that two Councilmembers seemed to favor studying housing. CM Barnes noted that housing was already part of the developer's alternative, so it did not need to be included in the community alternative. He suggested moving on to the other policy issues.

Mayor Richardson proposed taking the charter high school out of order.

## **5. Charter High School (Out of Order)**

Mayor Richardson commented that there seemed to be consensus about including a charter high school in the community alternative.

CM Bologoff asked if the school district should be making this proposal. CM Barnes pointed out that the City, not the school district, was in a position to negotiate public benefits such as a charter high school in a development agreement.

Councilmembers concurred that a charter high school should be included in the community alternative.

CM Barnes said he would prefer a location near the end of Industrial Way near the horse stables rather than the site of the native plant garden. He asked if two sites could be studied in the EIR.

CM Conway expressed support for studying alternative sites, and other Councilmembers agreed.

Michele Salmon recommended 325 Valley Drive as an ideal site for a community high school.

Dana Dillworth suggested broadening this option to educational institutions in general rather than limiting the topic to just a charter high school. She also noted the site shown on the map is the place George Hawawini wanted to have a gas station. She commented that the proposed site may be too small to accommodate any high school.

CM Conway clarified out the site identified on the map was Old County Road and Bayshore Boulevard.

CM Conway suggested postponing discussion of the remaining issues.

- 4. Caltrain Station Location**
- 6. Alternative Energy**
- 7. Retail/Entertainment District**

After some discussion, Councilmembers decided to continue discussion of the policy issues to June 22.

Dana Dillworth invited everyone to the next meeting of the Community Advisory Group, scheduled for June 16 from 7:00 p.m. to 9:00 p.m. at the Community Center. She said the meeting will feature a presentation from the Regional Water Quality Control Board representative about plans for Operable Unit 2, the railyard area. She noted that the plans call for leaving the contamination in place and injecting chemicals.

Tom Heinz, Brisbane resident, asked for more information about the update of the Housing Element. CM Barnes noted the Housing Element was the subject of the June 1 Council meeting. City Manager Holstine advised that the topic will be addressed again on June 15. He said the Planning Commission also held a number of meetings on the subject over the past year.

## **ADJOURNMENT**

There being no further business, CM Conway made a motion, seconded by CM Barnes, that the meeting be adjourned. The motion was carried unanimously by all present and the meeting was adjourned at 10:25 p.m. with no announcements.



*Brisbane City Council*  
*June 8, 2009*  
*Page 17*

ATTEST:

Sheri Marie Spediacci  
City Clerk