

Brisbane Baylands

Planning Commission Deliberations

Potential for Housing within the Baylands

March 10, 2016

Question for this Evening:

Should residential use within the Baylands be further explored in subsequent planning and environmental policy discussions?

Basic Principle

“Ensure that the site is safe for the future uses approved for development by the City...”

Thus:

Any residential use within the Baylands would be based on the requirement that the site is made safe during construction and over the long-term.

Issues for Consideration of Housing in the Baylands

- Safety/Site Remediation.
- Existing General Plan Policy Prohibiting Housing.
- Community Survey Results.
- Role of housing in a sustainable development; environmental considerations.
- Overall need for housing.
- Effects on community character.
- Municipal cost-revenue characteristics.

Safety / Site Remediation

Regulatory Authority for Site Remediation

- California Environmental Protection Agency,
Department of Toxic Substances Control (DTSC)
for OU-1.
- California Environmental Protection Agency,
Regional Water Quality Control Board (RWQCB)
for OU-2.

Regulatory Agency Responsibilities

Ensure that the site is safe for the uses determined by the City to be appropriate for the Baylands.

- Review existing studies and require any needed additional studies to characterize the site.
- Set risk-based cleanup goals through a human health risk assessment.
- Review and approve remediation plans to achieve those goals.
- Undertake project-level CEQA review for remediation.
- Oversee physical site remediation.
- Certify completion of remediation.
- Undertake needed post-remediation activities.

Site Characterization

- Describe the nature and extent of contaminants.
- Undertake human health risk assessment.
- Set risk-based cleanup goals.

Human Health Risk Assessments

- Set risk-based cleanup goals.

Risk-Based Remediation Standards

- Site-specific standards based on:
- Types and concentrations of contaminants.
- Future intended use of property.
- Expected population that may be exposed during construction and long-term use.
- Anticipated exposure pathways.

Differences between Residential and Commercial Risk Analysis

Residential

- Population at risk
 - Construction workers
 - Residents
- Exposure of residents:
 - From birth to age 30
 - 24 hours / 7 days per week / 50 weeks per year
 - Assumes continuous consumption, inhalation, contact with contamination
- 1 in 1,000,000 risk of adverse effect
- Accounts for exposure to multiple toxins

Commercial

- Population at risk
 - Construction workers
 - Onsite workers
- Exposure of onsite workers
 - 25 years as an adult
 - 250 days per year
 - Assumes continuous consumption, inhalation, contact with contamination
- 1 in 100,000 risk of adverse effect
- Accounts for exposure to multiple toxins

Ensuring Safety During Site Construction

- BAAQMD Regulations
 - Rule 80-40-306
 - Rule 80-40-402
 - Rule 80-40-405
- Soil Management Plan
- Occupational Safety and Health CFR Title 29
- Federal EPA Standards
- USDOT Standards
- California Code of Regulations Title 8
- California Code of Regulations Title 22

Long-Term Liability

- Liability rests with the property owner.
- Merchant builders purchasing property from developer will undertake due diligence, including review of site remediation.
- Owners of individual buildings would also undertake due diligence.
- City could require property owners association to undertake long-term monitoring, such as is occurring at Sierra Point.
- Regulatory agencies reserve the ability to request additional characterization and/or remediation if additional contaminants are discovered associated with past site use after closure.

General Plan Requirements

- **Policy 172:** Remediation is highest priority.
- **Policy 173:** No approval of development until after approval of remediation plan by regulatory agencies.
- **Policy 174:** Include requirements of regulatory in development approvals.
- **Policy 328 (Northeast Bayshore):** Control handling of toxic materials and site remediation through regulatory agencies.
- **Policy 368 (Baylands):** Comply with remediation plan requirements of regulatory agencies.

General Plan Requirements

- **Policy 370** (Baylands): Provide risk assessments in order to mitigate and disclose characteristics of the land and its suitability for development.
- **Policy 371** (Baylands): Disclose underlying assumptions of all risk analyses.
- **Policy 391** (Baylands): Work closely with regulatory agencies to encourage remediation and ongoing monitoring by those agencies.

Community Survey Results

- 55% of residents somewhat or strongly **oppose** housing.
- 42% of residents somewhat or strongly **support** housing.
- Reasons for opposition to housing:
 - Changes in Brisbane's character;
 - More pressing needs for other uses;
 - Safety in relation to existing site contamination; and
 - Increased traffic congestion.

Community Survey Results

- **When provided with information on the:**
 - Existing General Plan prohibition against housing,
 - Number of housing units existing within Brisbane (approx. 2,000); and
 - Number of units proposed by the applicant (4,400)
- Respondents were asked how many housing units would be appropriate within the Baylands.

Number of Units	Response
Zero	43%
1-500	15%
501-1,000	13%
1,001-2,000	10%
2,001-3,000	6%
3,001-4,000	3%
4,001-5,000	2%
5,001 or more	1%
No answer provided	6%

Baylands Sustainability Framework

Key Performance Indicators

- Seek the the highest practical standard for remediation.
- Consult a credible independent third-party for recommendations.
- Seek regulatory recommendations for best practices for testing, remediating, and monitoring.
- Install permanent testing and monitoring stations.
- Engage a third-party testing body to perform regular testing and provide an annual report.
- Establish a financial mechanism for long term monitoring.

Baylands Sustainability Framework

Implementation

- Install toxics monitoring equipment.
- Prove annual reporting in locations required to be monitored by DTSC, RWQCB, and San Mateo County.
- Engage a third-party testing company to provide annual testing and reporting.
- Demonstrate an enforceable, ongoing financial mechanism to support the annual testing and reporting requirements

Baylands Sustainability Framework

“There will certainly be differences in standards and application; standards and expectations will need to be negotiated with City, developer and agencies.”

Sustainability Framework suggests the City be an active participant in remediation review, approval, and implementation by working with regulatory agencies to:

- Independently review studies, plans, and remediation standards and provide comments;
- Seek the highest practical standard for remediation;
- Implement third party testing and long-term monitoring.

EIR

Mitigation Measure 4.G-2a

Sets forth a process consistent with General Plan Policy 173 to ensure remediation precedes development:

- City identifies appropriate land uses within the Baylands;
- Applicant prepares Remedial Action Plans;
- Regulatory agencies review and approve Remedial Action Plans;
- Applicant prepares Specific Plan for City review and approval.
- Applicant undertakes site remediation subject to regulatory oversight.
- Applicant prepares site-specific development plans for review and approval by City.

Overall Framework for City Participation in Site Remediation

- Define types, intensities, and location of land uses as the basis for site remediation;
- Provide input to regulatory agencies, including engaging third party technical professionals to assist in:
 - Seeking best practices for testing, remediating, and monitoring;
 - Seeking the highest practical standard for remediation of the Baylands;
 - Reviewing remediation studies, plans, and actions;
 - Providing comments to regulatory agencies;
 - Negotiating any differences in standards or implementation requirements between the City, regulatory agencies, and developer;
 - Performing regular testing, monitoring, and providing an annual report; and
 - Establishing a financial mechanism to support long term monitoring;

Overall Framework for City Participation in Site Remediation

- Ensure that site remediation is completed and approved by regulatory agencies prior to City approval of a specific plan for the Baylands;
- Ensuring that approved specific plan(s) are consistent with General Plan policies and approved site remediation plans;
- Ensuring that site remediation is completed prior to development:
 - For OU-1, before site-specific development within OU-1; and
 - For OU-2, before site-specific development within OU-2.
- If it is determined to be infeasible to remediate the site to accommodate any particular land use approved by the City, the appropriateness of that land use would be re-evaluated.

Other Considerations for Housing

Current General Plan Policy Prohibits Housing

- Policy 330.1 prohibits housing within the Baylands.
 - Applicant has the right to apply for removal of this prohibition.
 - Commission has the obligation to consider the applicant's request.

Housing can be part of Sustainable Baylands Development

- Sustainability Framework does not preclude housing in the Baylands.
 - Includes provisions related to housing should it be permitted.
- Provision of housing in proximity to employment will tend to reduce *average* commutes.
- Brisbane currently has far more jobs than workers living in the City.
- Adding more employment in the absence of adding housing will tend to increase *average* commutes.

Housing can be part of Sustainable Baylands Development

- Findings of EIR regarding walking and bicycling to work are consistent with 2010 Census findings:
 - 6.0% of Brisbane workers reported walking or biking to work;
 - 11.9% of Brisbane workers reported taking transit to work; and
 - 2.3% of Brisbane workers reported working at home.
- By increasing proximity of housing and jobs, these numbers can be increased.
- Compared to not having housing and jobs in close proximity, having jobs and housing in close proximity would reduce:
 - Energy consumption
 - Air pollutant and GHG emissions.

With Substantial New Housing Approved to the North, is there a Need for More?

Bayview/Hunters Point/Candlestick Point PDA and the San Francisco portion of the Bi-County PDA

- 16,150 new housing units (2010 – 2040)
- 10,530 new jobs (2010 – 2040)

Cities of San Francisco, Daly City, Brisbane, and South San Francisco

- 103,960 new housing units (2010 – 2040)
- 209,237 new jobs (2010 – 2040)

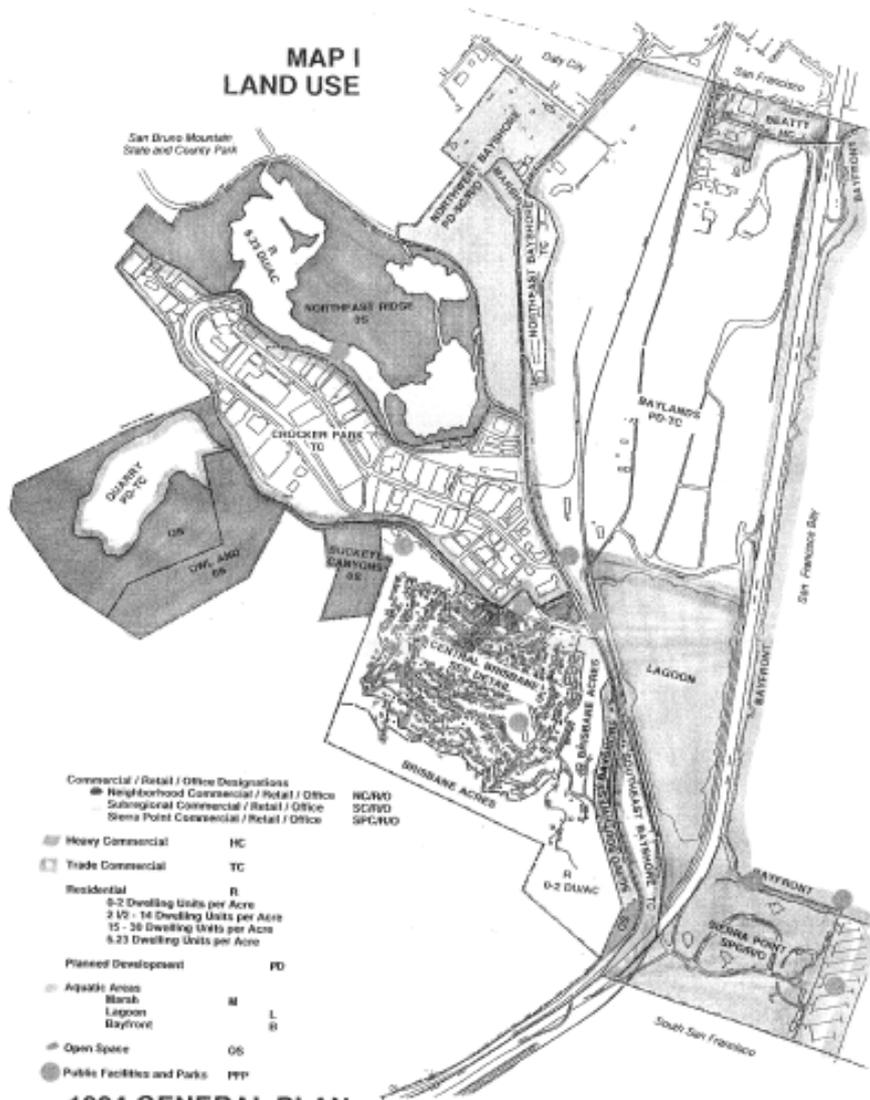
Effects on Community Character

- Style and character of residential development
 - Baylands: (multi-family attached units in an urban mixed-use setting) would be substantially different than the more suburban character of existing Brisbane residential neighborhoods.
- Residential development within the Baylands would be physically separated from other Brisbane neighborhoods.
- The extent to which these factors might impact community cohesion/character cannot be fully known or quantified.
- Intensity and scale of any permitted future development (e.g., building height, number of units) would be discussed in subsequent deliberations.

Municipal Cost Revenue

- In California, residential uses typically do not pay for themselves.
 - Costs to the City of providing services to residences would be expected to exceed revenues to the City generated by housing.
 - Completion of fiscal studies is pending.
 - No evidence has been presented which demonstrates Baylands housing would have a different fiscal effect on the City than the typical pattern.

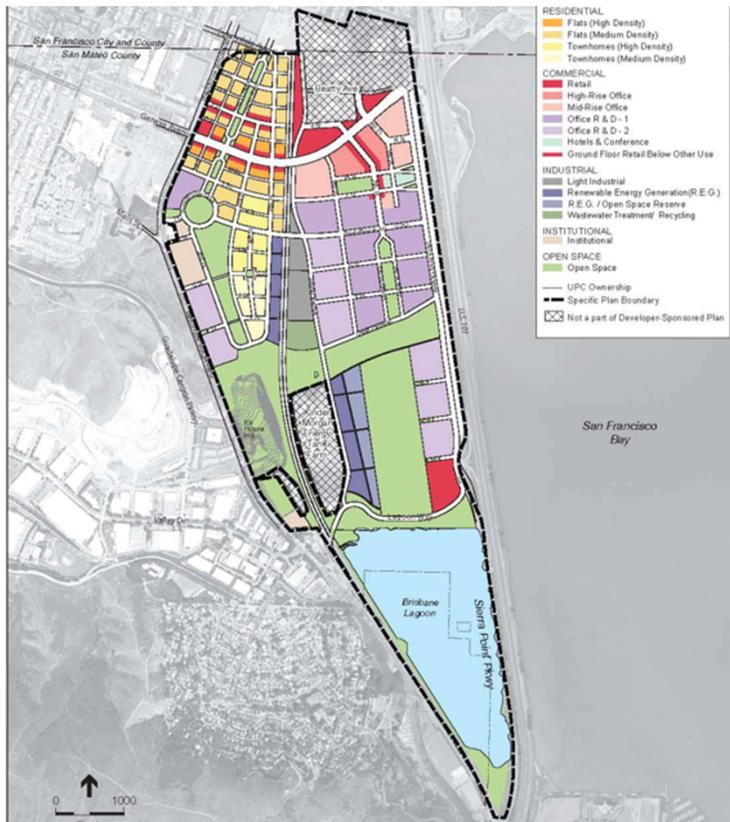
MAP I LAND USE



- Commercial / Retail / Office Designations**
- Neighborhood Commercial / Retail / Office
 - Subregional Commercial / Retail / Office
 - Sierra Point Commercial / Retail / Office
- Residential**
- Heavy Commercial HC
 - Trade Commercial TC
 - Residential R
 - 0-2 Dwelling Units per Acre
 - 2-10 - 14 Dwelling Units per Acre
 - 15 - 30 Dwelling Units per Acre
 - 6.23 Dwelling Units per Acre
 - Planned Development PD
 - Aquatic Areas
 - Marsh M
 - Lagoon L
 - Bayfront B
 - Open Space OS
 - Public Facilities and Parks PFP
- Other Designations**
- NCNU
 - SCNU
 - SPCNU

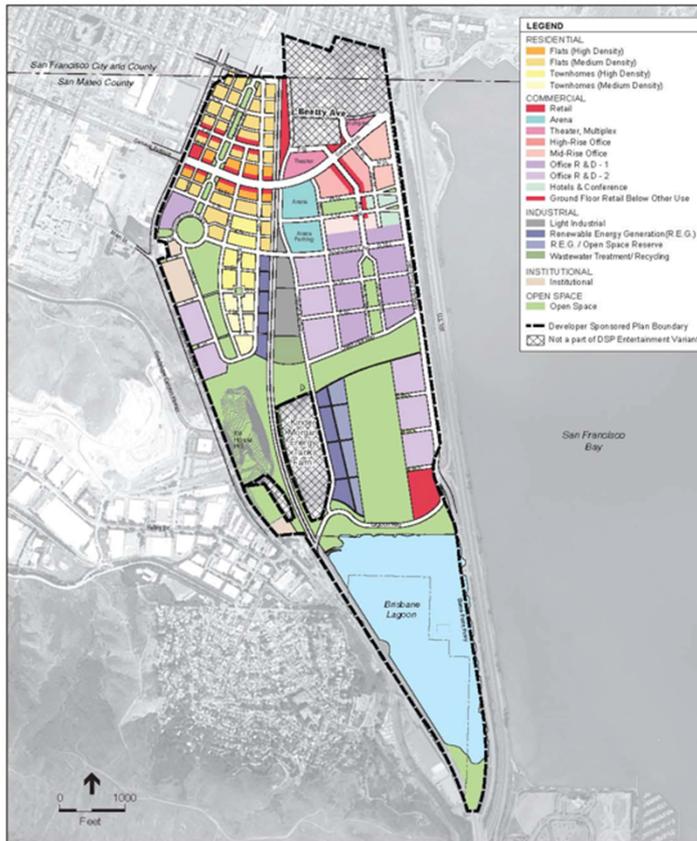
1994 GENERAL PLAN City of Brisbane

DSP Concept Plan Scenario



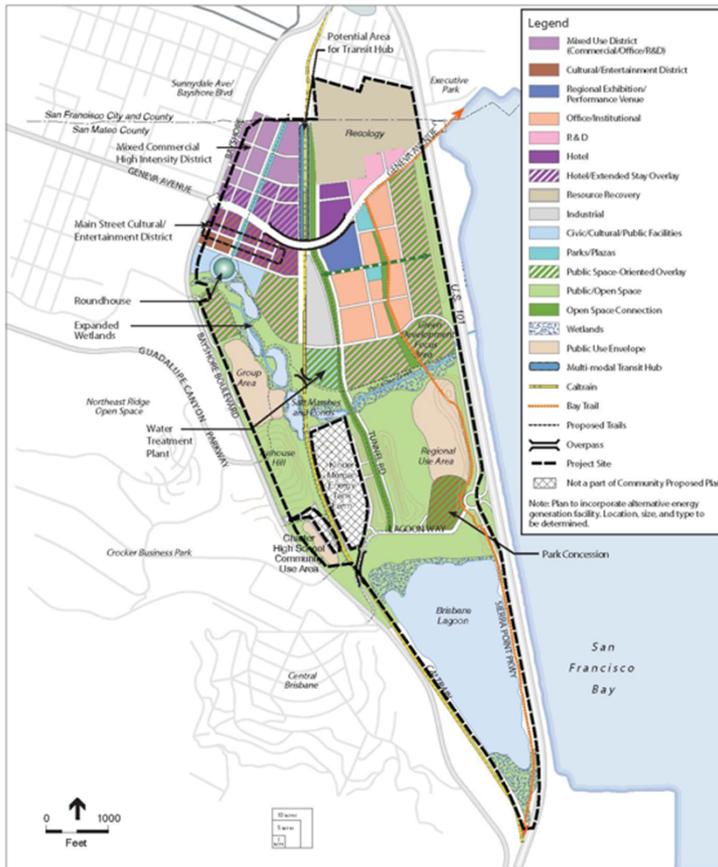
- 4,434 dwelling units
- 7,088,400 sf Non-residential
 - 566,300 sf Retail
 - 3,328,300 sf R&D
 - 2,762,000 sf Office/Institutional
 - 28,200 sf Civic/Cultural
 - 142,500 sf Industrial
 - 369 Hotel rooms

DSP-V Concept Plan Scenario



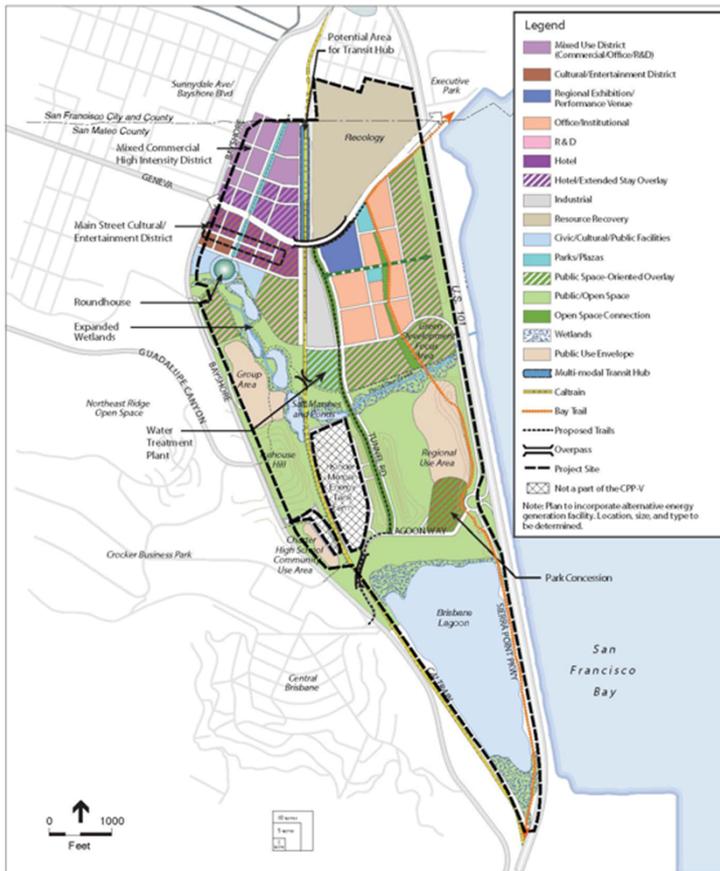
- 4,434 dwelling units
- 7,041,500 sf Non-residential
 - 283,400 sf Retail
 - 2,599,200 sf R&D
 - 2,363,100 sf Office/Institutional
 - 1,066,500 sf Entertainment/Civic
 - 142,500 sf Industrial
 - 719 Hotel rooms

CPP Concept Plan Scenario



- 8,145,100 sf Non-residential
 - 2,209,500 sf Retail
 - 2,007,000 sf R&D
 - 992,700 sf Office/Institutional
 - 1,074,500 sf Entertainment/Civic
 - 469,100 sf Industrial
 - 1,990 Hotel rooms, including conference facilities

CPP-V Concept Plan Scenario



- 8,215,100 sf Non-residential
 - 2,209,500 sf Retail
 - 1,672,200 sf R&D
 - 992,700 sf Office/Institutional
 - 1,074,500 sf Entertainment/Civic
 - 1,220,100 sf Industrial (primarily Recology expansion)
 - 1,500 Hotel rooms, including conference facilities

Renewable Energy Generation Alternative

