

BRISBANE PLANNING COMMISSION  
Summary Minutes of November 4, 2015  
Special Meeting

A. CALL TO ORDER

Chairperson Do called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners Anderson, Munir, Vice Chairperson Reinhardt and Chairperson Do.

Absent: Commissioner Parker (arrived at 7:35 p.m.).

Staff Present: Community Development Director Swiecki and Associate Planner Capasso.

C. ADOPTION OF AGENDA

Chairperson Do called for a motion to adopt the agenda. Vice Chairperson Reinhardt moved and Commissioner Anderson seconded to adopt the agenda. The motion carried 4-0.

D. NEW BUSINESS

1. PUBLIC HEARING: Brisbane Baylands Final Environmental Impact Report and related Planning Applications (Baylands Concept Plan, Brisbane Baylands Specific Plan, General Plan Amendment Case GP-01-06). Specific topics include: Aesthetics, Land Use and Planning Policy, Population and Housing, Alternatives; Universal Paragon Corporation, applicant; Owners: various; APN: various.

Director Swiecki introduced Lloyd Zola of Metis Environmental Group, consultant to the City for preparation of the Baylands Environmental Impact Report (EIR). Mr. Zola presented the staff report.

Chairperson Do reviewed the Commission's guidelines for public comment and invited public comment from the audience.

Michael Lane, representing the Non-Profit Housing Association of Northern California and the Housing Leadership Council of San Mateo County, encouraged the City to include a significant amount of residential in the Baylands development. He stated sustainability is a core community value, and balanced and healthy neighborhoods include a residential component. He added that the jobs-housing imbalance throughout the Peninsula is driving traffic congestion and vehicle miles traveled throughout the region.

James Ruigomez stated he represented the San Mateo County Building and Construction Trade Council, headquartered in Foster City and comprised of 22 construction unions and 16,000 union members in San Mateo County. He said a project like the Baylands provides hundreds of hours of work close to home. The Trade Council members support the project and encourage a recommendation of approval of the project as proposed, including housing. He attended a

meeting on affordable housing in San Mateo County that found San Mateo County is 70,000 homes short for low-income households.

Cynthia Gomez stated she represented Unite Here, Local 2 which represents more than 13,000 hotel and restaurant workers in San Francisco and San Mateo counties, headquartered in SF and Burlingame. She said this job has the potential to create between 200-1000 hospitality jobs. Her union hasn't taken a position on the merits of the project but they note hotel construction can have important impacts on communities and workers. She said the union recommends that cities require hotel developers to secure a conditional use permit to retain control and oversight over specifics of hotel projects, especially regarding protections of employees and residents. She stated her organization could work with the City to craft those regulations.

Evelyn Stivers said she works with the Housing Leadership Council of San Mateo County, headquartered in South San Francisco, which works with communities to create and preserve quality affordable homes. She urged the Commission to think as Bay Area residents as San Mateo County has added 40,000 new jobs and only 3,000 new homes in the last three years which has created pressures throughout the Bay Area, including rising rents, traffic congestion, and overcrowding. She said it is difficult for a small community to make a decision that could impact the entire region but said that as Bay Area residents every decision made matters. She encouraged housing to be included in the Baylands and to adopt an affordable housing impact fee for new commercial development. She gave Chairperson Do a written comment letter.

Ben Paul said he represented Cushman and Wakefield, headquartered in NY with offices in Burlingame focusing on commercial real estate, primarily office and biotech, for both local and global tenants. He shared that one technology tenant was presented all available commercial sites south of San Francisco down to San Jose, but the tenant told them to come back and present only options with residential adjacencies. Corporate users want commercial space with areas where housing can be built. He thinks the Baylands is one of the most exciting sites in Northern California to locate jobs, housing and public transportation.

Matt Regan said he works for the Bay Area Council, a 70 year old employer-sponsored advocacy organization with offices in San Francisco. He reiterated the business argument for more housing adjacent to potential jobs. 300 member companies are surveyed every year for critical issues for expansion and retention of workforce and this year housing was the biggest concern. Some companies can't expand or grow in the region because they can't afford to house people here. He said any future development plans with a jobs component should be complemented with a considerable housing component. He shared a Legislative Analyst's Office report on housing costs in California with Chairperson Do that addressed coastal California communities' reluctance to build new housing. He said that the roots of income inequality and poverty lie in the shortage of available housing increasing the cost of housing. He stated CEQA was written in the 1960's before global warming was a largescale problem and is focused on local impacts. He said the environmentally preferred alternative is to put housing near jobs as the largest source of greenhouse gas emissions is from traffic congestion from commuters coming into the Bay Area who live outside of the region.

Leora Tanjuatco said she was a third generation Bay Area resident and her mother lives in Brisbane. She reiterated the previous speakers' statements regarding the jobs-housing imbalance and generational poverty driven by the lack of access to housing. She shared that her peers are looking to relocate outside of the Bay Area because housing was unaffordable. She said housing is driving the inequality gap in the Bay Area and she wanted to be an advocate for younger adults who want to buy housing and remain in the Bay Area and for the next generation.

Lou Covey said he was a Redwood City resident. He said the city of Houston, TX has built more homes in the past two years than California has in the past 10 years. He said he understand building 4,400 homes in a city the size of Brisbane is scary but from his experience in Redwood City, if housing isn't built now Brisbane won't like what happens later. Supporters of development in Redwood City near transit are now complaining about the inconvenience of building commercial development without housing. Many future employees will not be able to use public transit to get to jobs in the Baylands because they have to live far away from local transit and must commute by car from outside the region. Cities in the Peninsula are building offices but not housing. He asked Brisbane not to follow those communities' example and start building homes.

Mark Moulton said he was a Redwood City resident and small business owner of a green business for wastewater reclamation, based in Santa Cruz and looking to expand into the Peninsula. He said the company is growing but the availability of housing in San Mateo County is greatly impacting that growth due to lack of housing affordability and availability. The business generates engineering jobs, but also many maintenance service jobs that aren't as highly compensated as engineers. Residential land use in the Baylands would be important to his company's success considering its location at the gateway to San Francisco. He asked that the city consider a substantial amount of housing on the Baylands site.

Daniel Camp, a renter in San Francisco, said he was encouraged by the Baylands project's focus on sustainability compared to other projects in the region. He supported residential development in the Baylands. He shared a documentary available on YouTube.com that profiled "super commuters," who commute long distances to their jobs due to lack of affordable housing near those jobs. Allowing residential development in the Baylands would help decrease greenhouse gas emissions from these long commutes.

Tim Colen, executive director of San Francisco Housing Action Coalition, said tonight's hearing was regionally important. The Coalition's work focuses on supporting affordable housing in the Bay Area. He urged the Commission to support the applicant's proposal as it supports Environment, Economy and Equity. The applicant's proposal for the Baylands would combine jobs, housing and transit and will help reduce the region's carbon footprint. He reiterated previous statements regarding the desire of commercial tenants for housing near job centers and the existing jobs-housing imbalance in San Mateo County. He said that a project like the Baylands if properly designed would make Brisbane a more desirable place.

Noveed Safipour said he lived in San Mateo and was President of the Peninsula Young Democrats for San Mateo and Santa Clara County but was speaking as an individual. He said he spoke partially on behalf of young people and people of a progressive mindset. He reiterated

support to amend the General Plan to allow housing development on the Baylands and previous speakers' comments. He said when housing is developed in suburban areas outside of the region, it is developed as sprawl which encourages destruction of natural habitats elsewhere. He said San Mateo County Supervisor Tissier was recently quoted as saying that open space in San Mateo County might need to be reconsidered to allow future development if infill housing isn't built.

Byron Anderson, Brisbane resident, said many of the previous speakers had valid points but he doesn't understand how more housing would be better than renewable energy. He said many of the speakers lived outside of Brisbane and have some profit motive.

Jacob Angel said he was Executive Director of the Military Health Project, a nationwide veteran advocacy organization. He said 32,000 veterans live in San Mateo County and are growing in population. He said the regional housing shortage and high cost of housing is pricing out veterans as it is difficult to procure government secured loans. He supported residential development on the Baylands on behalf of the region's veterans.

Dana Dillworth, Brisbane resident, read her comment letter [attached as an addendum to these minutes.] She said the Mitigation Measures in the Final EIR were inadequate. She recommended review of San Francisco's Healthy Buildings Ordinance for air ventilation near particulate matter sources. She said the environmentally superior alternative is 100, 200, or 300 acres of renewable energy. She said transit hubs are noisy and dirty and housing shouldn't be put near them. She said Measure A identifies the Geneva Extension as a Tier 3 project. She said San Francisco also wants a corporation yard for their Bus Rapid Transit (BRT) project on Geneva. The General Plan established a range of 0-2.4 and 0-4.8 FAR. She was offended that the well-thought out things in the General Plan are just "aspirational goals."

Prem Lall, Brisbane resident, said many speakers supported housing but he didn't hear a mention of short-term rentals. He said if new housing was built, the questions must be asked of who would buy the housing and who would use it. He said San Mateo County has no renter protections, and if the housing units are bought by outside organizations who convert them to short term rentals, what would be accomplished? He said San Francisco's battles with short-term rentals shows how strong the lobby for supporting short-term rentals is. He said Brisbane is too small now to be worth the time of that lobby, but if new housing is built at the Baylands that could change. He supported the renewable energy alternative. Solar and wind power could sustain Brisbane and surrounding areas' energy needs.

Thomas Gonzalez said he represented the San Francisco Bay Area Renters Federation and was an Oakland resident. He said he wanted to represent the younger generation and reiterated previous speakers' comments regarding the San Mateo County jobs-housing imbalance. He said he is a progressive environmentalist and it's important to defer to experts to understand what chemicals actually do in the environment. Regarding short-term rentals, he said that his friends use short-term rentals to help make their rent as a last resort rather than a profit generator. He said the applicant proposed potentially 20,000 new jobs by the applicant and approval of less than 10,000 units of housing would be irresponsible and exacerbate the jobs-housing imbalance. He suggested to reduce VOC's near housing, the development should be designed with pedestrian-only streets and moving parking and auto traffic to the outer fringes.

Barbara Ebel, Brisbane resident, had empathy for the housing crisis and shared her story of moving to San Francisco as a student and paying  $\frac{3}{4}$  of her income on housing. She said housing on the Baylands would not make housing more affordable in the Bay Area. She said there were 40,000 units being built in the surrounding area and there would be tremendous impacts from those other units. She supported low-income housing. She said the electricity demand in San Francisco is 1.5 GW and statewide only about 2 percent of our energy is renewable. She said renewable energy was needed even more than housing in the Bay Area. She supports building housing somewhere in Brisbane to accommodate a portion of the need, but she is concerned with toxicity in the Baylands and the risk to future residents. Brisbane residents have responsibility to people who would be subjected to the risks. She attended a conference on climate action planning and part of the discussion addressed how mixed use development does not fix our problems. She paraphrased a report by Helen Jarvis in the Journal of Housing Studies (2003) that said assumptions about auto travel patterns related to mixed use development don't materialize because of how households make their life decisions. She said housing on the Baylands won't cure our carbon footprint.

Tony Verreos, Brisbane resident, said he supported UPC's right to develop their land and for the city to make sure the community gets the best result possible. He did not support housing in the Baylands and would want to see new housing pushed into San Francisco. He shared his experience living in San Francisco in the past and the cost of housing. He said nothing built on the Baylands would solve the Bay Area's housing crisis. He supports renewable energy but does not want to look at solar panels on the Baylands out of his window.

Debbie Horen, Brisbane resident, highlighted her take on the community's core values: safety, community, health and well-being, and environmental protection. She referenced the Baylands Sustainability Framework finalized by the City Council in October and said it was a fantastic guideline for land use on the Baylands. She quoted the introduction to the document referencing community values. Regarding housing, she said there is significant adjacent housing planned at Schlage Lock, UPC's Executive Park, and other nearby cities. She referenced the Regional Housing Need Allocation for all of San Mateo County for 2014-2022, of which Brisbane's share is 83 units. She said the community needs to meet the State mandated requirements for low cost housing, but not high density, high rise luxury housing. She said the developer is willing to pay to remediate the toxins in the Baylands if it pencils out for them, and recommended renewable energy with commercial space for clean technology on the Baylands with some housing, where safe, but not high rise housing. She supports wind and solar farms and open space and said the City should partner with the developer to become the greenest city in the Bay Area.

Coleen Mackin, Brisbane resident, said speakers from other communities were asking Brisbane to accommodate their own communities' short sightedness in building new jobs without housing. She said the Baylands represented valuable natural habitat and no amount of housing built locally will stop people from seeking more affordable housing based on their lifestyle. She said it was a myth that people living in housing built near transit hubs will work in the neighborhood. The developer's proposal represents 33% of the housing for the bi-county Priority Development Area and she questioned why Brisbane is being asked to provide that housing. Plan Bay Area only projects 250 new housing units in Brisbane which will be accommodated through the Parkside Plan's proposed zoning overlay. If housing is approved and built, the land might not get

remediated. Brisbane has a history of well-managed growth and other communities must do their part if they build new job centers.

Linda Dettmer, Brisbane resident, said she agreed with the previous speakers who do not support housing on the Baylands, who are all Brisbane residents. She said the Brisbane community must protect its values and not fall under outside pressures.

Joel Diaz, Brisbane resident, said Brisbane is not anti-growth but rather judges a project on its merits and the community's interests. He noted his concerns with the sustainability of water supply. He referenced the recent community survey that found a majority of residents do not support the number of housing units proposed by the developer. He encouraged consideration of reducing consumption by building less. He said the developer's plan was inconsistent with General Plan Policy 130 regarding water resources and Policy 337 regarding project phasing. He questioned the photos used in the staff report that showed views from high elevations and asked for visual simulations of views from Central Brisbane. He questioned Mitigation Measure 4.A-4b regarding reflective materials in new buildings and thought more stringent limitations were appropriate.

Thomas Gonzalez said that all the concerns he heard could be addressed at the development level and shouldn't stop land use approvals. He said housing advocates speak to all communities in the Bay Area, not just Brisbane, and the Baylands is one of the largest available development sites in the Bay Area.

Jacob Angel said particulate infiltration into homes near transit corridors could be easily addressed by using heavier HVAC filters in ventilation systems. He said housing in the Bay Area may historically have been more expensive than the nation but in recent years the cost of housing has risen exponentially.

Byron Anderson said the earth was becoming overpopulated and there is a need for housing everywhere. He said Brisbane residents value its small town character, and if resident wanted to live in a dense environment they wouldn't live in Brisbane.

Noveed Safipour said solar panels could be built on top of structures rather than building a dedicated renewable energy farm. He said the Baylands was not a wildlife epicenter like San Bruno Mountain. He said water supply was a significant concern. He discussed supply and demand economic theories related to housing. He said mixed use development isn't the solution to climate change, but it could have real benefits at the Baylands. Short-term rentals can be a problem, but can be regulated. Other communities need to build housing too, but every city has the excuse to avoid building housing. If toxins at the site can't be cleaned up properly, then no commercial development should be built there either.

Barbara Ebel said both solar panels and wind energy are viable at the Baylands site per a study by Environmental Protection Agency's National Renewable Energy Lab. The Baylands is uniquely suited to renewable energy development as it has a substation with capacity for the energy generated. The renewable energy alternative is the superior alternative.

Byron Anderson reiterated his earlier comments about Brisbane residents' support for renewable energy on the site.

Joel Diaz said the developer's proposal was inconsistent with General Plan policy 340.1 regarding the Geneva Avenue extension. He supported revising the concept plan to incorporate renewable energy. He discussed economic theories of supply and demand in relation to housing.

Lloyd Zola addressed the issues of glare from new buildings, the photos used for the visual simulations regarding aesthetics, the need for development at the Baylands to provide water for any project, project phasing, and regional plans for the Geneva Avenue extension that occurred after the General Plan's adoption.

Director Swiecki said a study was currently underway by the City of San Francisco regarding a Bus Rapid Transit (BRT) line along Geneva Avenue.

Joel Diaz said views of the Bay from Central Brisbane should not be obstructed and encouraged maximum reduction of glare from any new development.

#### E. CONSENT CALENDAR

Chairperson Do noted there were no items on the consent calendar.

#### F. ORAL COMMUNICATIONS

None.

#### G. WRITTEN COMMUNICATION

Chairperson Do acknowledged written communications received that were not on the agenda.

#### H. ITEMS INITIATED BY STAFF

Director Swiecki discussed the anticipated schedule for community presentations at upcoming Planning Commission hearings.

#### I. ITEMS INITIATED BY THE COMMISSION

None.

#### J. ADJOURNMENT to the Regular Meeting of November 12, 2015 at 7:30 p.m.

Commissioner Anderson moved and Commissioner Reinhardt seconded to adjourn to the regular meeting of November 12, 2015. The motion carried 5-0 and the meeting adjourned at 10:48 p.m.

Attest:

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John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at [www.brisbaneca.org](http://www.brisbaneca.org).

Comments on FEIR Hazardous Materials, Air Quality etc. (11/4/15)

NOV 0 2015

Comm. Dev. Dept. Brisbane

Thank Mr. Zola and others for bringing many details and requests to light. I appreciate that Mr. Zola informed us that we have the opportunity to set higher standards than this DEIR recommends. We can also deny the application as being insufficient and not recommend changes to our General Plan.

This is the time to assert local authority and the study by Dr. G.F. Lee and the findings of the European Union on chemical toxicities all point to the fact that, in the Public's interest, we need to proceed with caution about the assumptions made in this document.

- 1.) There is the mistaken assumption that the Baylands are stable land. It is high in salt, corrosive to building materials and the high groundwater levels make it unsuitable for dense development.
- 2.) A reason to have a Peer/Community Advisory Board rather than leave details to State regulatory agencies and City employees is because standards change over time. The Water Board and DTSC do not have the ability to remedy things once developments have occurred (cite examples of Midway Village and Alameda Waterfront housing.) Additionally exposure levels can be manipulated numerically a number of ways including comparing to background levels, dividing/multiplying by unknown variables to the level of "less significant," but doesn't multiple and synergistic effects.
- 3.) The term Cleanup is a misnomer. Currently there are no permanent remediations out there. They are all interim remediations. The methane burner for the landfill doesn't cover the whole area and the equipment is often in shut-down, or disrepair. There is insufficient mapping of the toxic burners, or future burners that are secretly considered for Recology expansion, and certainly no discussion of what MIXED-Uses are appropriate near toxic gas burners.
- 4.) The State of California recommends wetland buffers and wetland natural attenuation as mitigation for toxic soils, but the plan includes taking water from the Visitacion watershed and piping it northward. Correct planning would be watershed-based and keep that precious Public resource of rainwater exposed in a natural system. That is a poor infrastructure design.
- 5.) Biological Resource studies are inadequate, especially for the baseline year suggested. There should be multi-season, multi-year studies of wildlife. Ice House Hill should not be the only resource to be considered for environmental impacts to wildlife. As Barbara Ebel pointed out, there are frogs near the roundhouse and many both migratory and resident birds.
- 6.) You need to review the language in the actual so-called Specific Plan. It says that all land uses and scenarios can change (at will) based on market and other factors. You may not want that provision. You may not want to certify this planning document.

7.) I too am concerned about the flagrant use of over-riding considerations and who determines that impacts have been reduced to the level of insignificance.

You can reduce impacts by not allowing the use. You can reduce traffic impacts by reducing the project. You can reduce carbon usage by requiring an internal, all electric vehicle system. You can reduce the impact of night glare, by not allowing lights to be on at night. It is really refreshing to be able to see the stars... that is an impact that your suggested mitigation, special down-lights, will not render insignificant.

8.) I thank Mr. Zola for recommending LEED Silver, but why not platinum? It's 50% better. What is not understood is that Mr. Zola said that this DEIR looks at buildout, but that the Specific Plan is not available to understand what buildout would be. That sounds like an admission that this product isn't adequate and one should err on the side of what's best for the community, what's best for the planet.

In closing, I think you should look at how Universal Paragon has acted in the past. At the Schlage Lock site, they proposed something grandiose. They said they would not put housing below the ground. The community asked for vapor monitors in the buildings regardless of use, but were denied.

The final approved plan was reduced and EIR certified. But before a shovel hit the ground, Universal Paragon came back and asked for more housing and to drop the buildings below the surface. There were no mitigation measures in place for housing below ground level. That was also the time they proposed swapping the most toxic core of land to become the playground.... Their reasoning was because kids won't be there 24-7... You have to ask yourself, is this responsible planning at the hands of a state agency? Will this happen here? And if the answer is yes, even maybe, then the mitigation measures that are proposed in this EIR are not adequate.