

DRAFT
BRISBANE PLANNING COMMISSION
Summary Minutes of November 12, 2015
Regular Meeting

A. WORKSHOP

Workshop for Planning Commissioners to meet with MIG, City's Consultants, for Parkside at Brisbane Village Precise Plan started at 7:00 p.m. in the Large Conference Room at City Hall.

B. CALL TO ORDER

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

C. ROLL CALL

Present: Commissioners Anderson, Munir, Parker, Vice Chairperson Reinhardt and Chairperson Do.
Absent: None
Staff Present: Community Development Director John Swiecki and Office Specialist Angel Ibarra

D. ADOPTION OF AGENDA

Vice Chairperson Reinhardt moved and Commissioner Anderson seconded to adopt the agenda. The motion carried 5-0.

E. OLD BUSINESS

1. CONTINUED PUBLIC HEARING: Brisbane Baylands Final Environmental Impact Report and related Planning Applications. Baylands Concept Plans, Brisbane Baylands Specific Plan, General Plan Amendment Case GP-01-06. Specific topics include: Traffic and Circulation Noise. Universal Paragon Corporation: Applicant. Owners: Various. APN: Various.

Director Swiecki indicated this was a continued item and there was no staff report to be presented.

Chairperson Do reminded the public of the framework established regarding how the public hearings will be conducted. She noted that adopted Planning Commission rules call for meetings to end at 10:30 p.m. unless otherwise extended by a majority vote of the Commissioners present.

Chairperson Do invited public comment from the audience.

Linda Dettmer read from her written comment letter [attached to these minutes as an addendum].

Anja Miller thanked Linda Dettmer for her hard work. Mrs. Miller then read from her written comment letter [attached to these minutes as an addendum].

Dave Gremaux is the Chair of the Traffic Subcommittee for the Citizens' review of the Draft EIR report. He wants the Commission to keep in mind that with the development of Schlage Lock, Hunter's Point and Candlestick, there will be an increase of a minimum of 16,000 new residential units impacting traffic circulation in the area. That does not include the potential 4,400 additional housing units that the developer is proposing for the Baylands.

Mr. Gremaux feels that the projections for those utilizing public transportation are highly optimistic, and, referring to Mrs. Dettmer's projections, the vehicle trips referenced in the EIR are predicted very low. He also states that the bicycle commuters for the City of Brisbane is 1.2% and San Francisco is at 3%. So, for the EIR to project bicycle commuters to be at 10% in the Baylands is not a logical projection. Also, he says that there cannot be any underground parking on the Baylands due to the debris and the contaminated soil, so the Commission needs to be cautious of the EIR's optimistic projections on commuter usage, and the amount of commercial and residential parking that is planned.

Mr. Gremaux expressed his support for the Geneva Avenue extension but added he was concerned about its width of 12 lanes. He noted he could not think of any nearby roadway being that wide. Also, in the Transportation section that discusses bicycles, the bay trail has a major gap at Brisbane's section caused by 101, and this needs to be tied in with the new Candlestick developments. He wants to encourage the Commission to promote excellent bike access. One last consideration that he would like to mention is the fact that with all of the nearby development and the Baylands development, Brisbane will be the entrance to San Francisco, and transportation will be a critical part.

Coleen Mackin expressed concerned that there are people outside of Brisbane trying to tell the citizens what is good for Brisbane, and telling Brisbane citizens that the General Plan is out of date and needs to be changed. She stated her opinion it is fine the way it is.

After reading the DEIR for months, Ms. Mackin says that it talks about development and relying heavily on other communities to develop transportation projects. As stated in the EIR for these projects, San Francisco's Candlestick Point, Executive Park, and Schlage Lock projects are all going to impact Brisbane's transportation so much that it may make it impossible going southbound on Bayshore Blvd. She also states that all of the Hwy 101 entrances in this area are all level F already. If Hwy 101 was to ever be expanded, it would not happen anytime soon. There is already an impact on Bayshore Blvd with taxi cab drivers and truck drivers speeding down it when Hwy 101 is backed up.

Ms. Mackin gave the Commissioners an article from 2013 entitled *40 Years of Ignoring Transit First*. The first transit policy was passed as a resolution by the San Francisco board of supervisors on March 19th, 1973. She says that clearly anyone could see the problems with transit in San Francisco with construction and overcrowding; however she says that she thinks

San Francisco has a good transit system. And in October, a poll was given to the citizens of San Francisco as to whether they would consider an additional half sales tax or increase in vehicle fee to fund the transit problems, but they did not want it.

Ms. Mackin also gave the Commissioners a copy of San Francisco Charter Transit First Policy, and highlighted, "The ability of the city and county to reduce traffic congestion depends on the adequacy of regional public transportation. The city and county shall promote the use of regional mass transit and the continued development of an integrated, liable, regional public transit system." San Francisco is promoting 15,000 units north of Brisbane, but yet cannot get funding for more roads and transit. She feels that outside groups are pushing Brisbane to build, but it is not good for Brisbane.

Ms. Mackin also wanted to clarify who the developer is. She says that Jonathan Scharfman is just the representative and it is actually a group of Taiwanese and Chinese investors, and they bought the Baylands knowing full well of the garbage dump and the contaminated soils. Brisbane residents are not responsible to make sure the developer earns his money. And if there is no project in the Baylands, there will still be lots of traffic coming from the north and south, and it is going to be significant and unavoidable. And she sites Recology's letter from the EIR, which stated that the developer's plan is going to interfere with their operation.

Ms. Mackin concluded that traffic on Bayshore will be at Level F, which will be a violation of the General Plan, and it's the Commission's responsibility to comply with the General Plan.

Linda Dettmer discussed the Modesto Irrigation District (MID) letter from the DEIR, and it says, "As MID understands the project, it depends upon a number of public agencies entering into an agreement with the city pursuant to the term sheet with Oakdale Irrigation District, the city is responsible for developing and negotiating each of the required agreements." She stated that MID has not been contacted by the City about this transfer. The FEIR response to comments said, "Brisbane must develop agreements with Modesto Irrigation District, Oakdale and San Francisco Public Utilities District." She states that none of these agreements have been developed yet and is concerned whether they can be met. Reading from MID's letter, she highlights that MID is mindful that CEQA is to be expansively interpreted in order to provide maximum evaluation and consideration of potential direct and indirect effects of a proposed project. She states that the DEIR identifies MID as a responsible agency, but yet the City ignored to include them as a responsible agency in the CEQA process. The project must consider the impacts to Modesto for these agreements (between Brisbane and MID) to be approved. She feels that the projected 2 million gallons per day that the developer's scenario will need cannot be met.

Barbara Ebel stated that the Carbon Mitigation credit that the developer's project has granted itself is equal to half of the carbon footprint of vehicle travel on Hwy 101 within the bounds of Brisbane. She questioned if the traffic study is rational. She stated that tying mitigation measures to transit development or housing to the development of retail may put the City in a

difficult situation if we are then expected to not issue occupancy permits if they don't meet the criteria. It may set up the City to be sued by the developer.

Ms. Ebel also wanted the Commission to think about the impact of the 15,000 units being developed to the north, and that could equal potentially 30,000 vehicles as most households are two-car households. She noted that the response in the survey that most citizens are not concerned with traffic, but yet traffic impacts of the project are seen as a huge issue and expressed her opinion that the wording of the survey was not phrased correctly. She also wondered how one mitigates delivery trucks, ambulances, the postal trucks, etc. She noted if there is gridlock on the streets, the buses aren't going anywhere quickly either.

In response to the comments made, Mr. Lloyd Zola of Metis Environmental Group, consultant to the City for preparation of the Baylands Environmental Impact Report (EIR) noted that the traffic related mitigation measures are identified in the EIR which require the developer to provide improvements in San Francisco and Daly City at a series of intersections. The issue occurs if Daly City or San Francisco does not allow for the construction of the improvements. Brisbane cannot compel Daly City or San Francisco to actually allow for construction of the improvements. He clarified that is the reason for the significant unavoidable impact, not an inability to improve the intersections in question to function at an acceptable level.

Mr. Zola continued that the fundamental question is when significant impacts are identified in the EIR, does the community accept those significant impacts? If there are reasons to accept those significant impacts, the City Council can adopt what is called a Statement of Overriding Considerations. The Commission is permitted to approve a project that has significant, unavoidable impacts. So part of the Commission's deliberations will be recognizing that significant unavoidable impacts do exist and whether or not they are acceptable to the community. That is where the CEQA determination of significance then becomes part of the recommendation. CEQA does not say anywhere that you are required to accept those significant impacts.

Mr. Zola stated one of the reasons that the CPP scenario has so many more trips than the DSP scenario is because of the amount of retail, which generates far more trips than office or residential uses on a per square foot basis.

Mr. Zola clarified that in regard to the width of Geneva Avenue, at mid-block Geneva would be six lanes, three lanes each direction. At the intersections where there would be signals, there would be an additional right-turn lane and two left-turn lanes, and that is where the 12-lane width referenced by the speaker would occur. In relation to MID, Mr. Zola stated that before the EIR was written, there were, in fact, meetings held with OID, MID and the City of Brisbane. The staff people at MID who were involved in those meetings and wrote the letter are no longer at MID. MID was also provided the EIR Notice of Preparation, they commented on the Draft EIR, and they were given a copy of the Final EIR so they had every opportunity to participate in the CEQA process. He added there will also be a project-level EIR on the water supply agreements. Mr. Zola noted the key question before any agreement is negotiated or finalized is

how much water the City will actually contract for. If the community adopts the developer-sponsored plan, then 2,400 acre feet is needed (2,000 for the Baylands, 400 for the rest of Brisbane). If another scenario is adopted that's much less intensive, perhaps only half or two-thirds of that amount will be needed. So the actual design of how that water gets moved through the OID system to the MID system and SFPUC is dependent on how many acre feet are moving through. State law prohibits any moving of water through the OID system, to the MID system or through San Francisco system that in any way that jeopardizes the ability of those agencies to serve their own customers. None of these agencies, OID, MID or SFPUC are being ask to rely on this Program EIR for any decisions they need to make in reaching a final agreement.

Commissioner Parker asked if others in the local area are looking to create the same water agreements and are there other areas somewhere in this local region that are without water.

Mr. Zola stated that San Francisco PUC is also looking to do water transfer agreements to supplement their water supply, but it's not tied to individual projects. It is part of their overall water supply.

Commissioner Parker asked if they are trying to get a different agreement with the same group.

Mr. Zola agreed that they would have a separate agreement. During a past hearing, the amount of water that OID has taken out of the river and transferred in the past, is upwards around 20, 30, 40,000 acre feet. So they have moved that much water through their systems before and exported it, compared to the 2,400 acre feet that may be needed here in Brisbane.

Commissioner Parker asked if Mr. Zola knows where San Francisco is in their negotiations.

Mr. Zola stated he did not, but could come back with that information if the Commission would like. He noted that when he last met with SFPUC, they were still discussing a term sheet with OID whereas OID has already signed a term sheet with Brisbane. Mr. Zola added OID has stated they will honor that term sheet to allow for an agreement to be finalized. He stated any agreements that OID would sign with other agencies would already account for the 2,400 acre feet set aside for Brisbane, so the City is not in jeopardy of other agencies moving faster and then having OID give away the 2,400 acre feet committed to Brisbane.

Commissioner Parker asked if Brisbane does not use the 2,400, then could another area come and negotiate with Brisbane for this water.

Mr. Zola replied that an outside party can try to negotiate whenever they want to try to negotiate, but the City Council will determine how the agreement ultimately will be structured. The water discussed in the term sheet specifically refers to the Baylands and the 400 acre feet for the rest of the city, it does not foresee the city becoming a water wholesaler.

Commissioner Parker asked if this might change.

Mr. Zola stated that at no point has there been discussion to contract with OID for water so it can be given to somebody else. The water that is being contracted is for use within the Brisbane.

Commissioner Munir asked if the water agreement would be sufficient for the Parkside Village also or would another agreement be needed.

Mr. Zola confirmed that the 400 acre feet would cover build out of the city outside of the Baylands and would be adequate.

Commissioner Munir asked if it would be enough for Parkside, Sierra Point and Levinson.

Mr. Zola confirmed that there would be enough water.

Commissioner Munir asked a question regarding the Geneva Extension and how many lanes are dedicated for merging onto HWY 101.

Mr. Zola explained that there would be Geneva with six lanes (three lanes in each direction) and then there will be interchange improvements at the interchange, which were designed along with CalTrans with their ramp systems. There will be six lanes and then a series of turn lanes onto and from the freeway. But there is a report that was done that shows a preliminary configuration of that interchange. There will not be three lanes going onto a freeway, but he would have to take a look at the configuration again and update the Commission.

Commissioner Munir brought up the Logan Airport project in Boston. They had eight lanes merging into two, and created a major problem. Boston realized their traffic problem, so they spent millions of dollars to rectify the situation by a series of improvements and an underground freeway that they developed. It was done by Bechtel, and it took almost 15 years to complete that. He is concerned that all of these projects in this area are going to create the same situation. There is no way to extend Hwy 101, so one would need to go either aboveground or underground, as Boston had to do. The traffic circulation here is at a Service Level D or F.

Commissioner Munir said that he does not like the Hwy 101 and Hwy 280 configuration as people need to cross three lanes to get onto Hwy 101, and it is dangerous.

Tony Verreos asked staff about the Geneva changes. He attended some meetings in San Francisco from the County Metropolitan Transportation Authority and the SF Metropolitan Transportation Authority, and they're talking about a bus rapid transit route in order to handle all of the anticipated, additional traffic from the 15,000-20,000 new homes. He asks if this proposal was addressed in the EIR.

Director Swiecki responded that the alignments of Geneva did accommodate a separate BRT lane with the goal of achieving the east west connection. He noted the final design of the BRT lane has not been determined, whether it would be in the center of Geneva Avenue or along the north side of Geneva.

Tony Verreos said that he figured that the staff was aware of that, but it didn't seem, based on the way it was discussed tonight by Mr. Zola, like six lanes equated to what the San Francisco agencies were talking about. They seem to be talking about reducing lanes and reducing traffic and making traffic much more difficult on Geneva.

Director Swiecki explained that San Francisco's transit first policy that was referred to earlier does not necessarily prioritize automobile traffic flow. As such, San Francisco does not necessarily view vehicular congestion as negatively as it is perceived in Brisbane. He added that this stretch of Geneva Avenue will be designed to City of Brisbane standards, not to San Francisco's standards.

Commissioner Munir asks if the BRT will be in a separate lane by itself.

Mr. Zola stated that BRT (Bus Rapid Transit) means a bus on a dedicated lane so they are not stuck with the rest of the cars.

Commissioner Munir thinks it is done in parts of Los Angeles.

Mr. Zola said there are separate bus lanes on some of the freeways and that he thought there is also the Orange Line in the San Fernando Valley.

Commissioner Munir noted that it is also in Sacramento. He asked if that dedicated bus lane would be adding another lane or part of the 6 lanes discussed earlier.

Mr. Zola said he will bring back the configuration of the intersections, the mid-blocks and be able to put up on the screen to view for the Commission.

Commissioner Munir said it is very important to understand the impact of this design, know how the public will merge onto Geneva Avenue and to make sure it is properly designed. He is unclear how much of the design of the intersections has been completed, but congestion management will really depend on how those intersections are designed. There are a lot of uncertainties here.

Commissioner Parker asked the staff how is the Geneva extension funded.

Director Swiecki responded by saying that the Bi-County study parsed out the fair share contributions to individual developments, because they'll benefit from that Geneva extension and they'll impact that. There are a certain amount of costs that's attributed to background growth among the various jurisdictions. So they have kind of a sharing program, pro rata-based program or formula, but in terms of the actual financing program, it has not been established yet.

Commissioner Parker asks that with the sharing program, are they depending on the UPC development to fund the area in Brisbane.

Director Swiecki replied that the developer would certainly have to fund their fair share as they will impact that roadway and utilize it. He did not know the exact percentage.

Commissioner Parker asked that if the City decides they don't want to proceed with any development, then would the Geneva area be left as is.

Director Swiecki responded that would create some interesting challenges for neighboring cities, San Francisco in particular, because there are assumptions for projects to the east, Hunter's Point and Candlestick, that the Geneva Extension will be completed. So if the City's land use decision alters this expectation, then the financing issues would need to be revisited.

Commissioner Munir asked if MTC is the lead agency for the Geneva Extension.

Director Swiecki responded that it is on MTC's list of regional transportation improvements, but that San Mateo County Transportation Authority handles county wide funding for transportation and typically serve as our lead agency for those kinds of funding requests.

Commissioner Munir asked if MTC has prioritized this project, and in this particular case, how are they going to see this proposal with so much uncertainty in the parts of Brisbane as well as other cities also. He asks how much of a priority is this on MTC's list.

Mr. Zola stated that ultimately MTC's decides on this project's priority. He also reminded the Commission of the commitment San Francisco and Daly City have made, in terms of the need for that Geneva Extension and the improvements at Candlestick based on their new projects. The Geneva Extension is very important to San Francisco and Daly City right now, just to deal with the existing traffic trying to get on Hwy 101. And so, the Geneva Extension will solve not only new development, but solve or partially solve an existing problem. And solving an existing problem is generally higher priority than helping new development in transportation funding.

Commissioner Munir asked if some of the funding would come from the state transportation fund and also the FHWA.

Mr. Zola responded one would hope so. He expressed his opinion that there will ultimately be some state and federal money. This is just too large of a project for the state to not have some funding.

Dave Germaux said he appreciated all the information provided. He added he heard something about San Francisco deciding about relocating the 3rd Street Light rail and wondered if there is any additional information on that and tying it into the Baylands.

Lloyd Zola replied that right now the plan is to extend it down to the Bayshore CalTrain station. The Bayshore CalTrain station would then be the junction of the bus route between transit, the San Francisco Muni and the shuttles that would go to BART stations. Right now the CalTrain station is relatively isolated, so the plan long term, and the reason for station improvements, is that it will become a major transit hub.

Anja Miller stated her understanding that San Francisco is thinking of running the bus line through Little Hollywood and then somehow changing the CalTrain station, but she is concerned about the Geneva neighborhood. The new 1,600 unit development at Schlage Lock has not tied into the west side of the CalTrain station, so there is no way for the future residents to get to the train, neither by bike or walking or some sort of simple access. That should be a priority. It is not discussed because there are no uses beyond the soils processing that's going on now. UPC should be working with Brisbane to get those people to CalTrain, since there won't be any major overpasses or other major intersections built anytime soon.

Coleen Mackin appreciated some of the things that have been brought up. She is concerned that when the traffic backs up on Hwy 101, then the six lanes on Geneva back up. So, people will run down Tunnel Avenue and over to Bayshore, which will get backed up. Then hundreds of

garbage trucks are trying to get back to Recology. So no matter how many ramps are put in, onramps or off-ramps, if the service streets are congested, then traffic sits.

Commissioner Munir brought up emergency planning. He says that we need to be ready if there is a catastrophe, so we need to analyze the emergency exiting of this many people during a crisis. He referenced what happened on the 405 Freeway in Los Angeles when no one could get out. He asked how we can prevent the same situation from happening here in the Brisbane. He stated that it is missing in this analysis and that it has to be covered. Commissioner Munir asked how the residents of 4,400 homes will get out.

Chairperson Do asked to reserve this discussion for deliberations, and recognized Commissioner Anderson who had a question.

Commissioner Anderson asked about the other projects being dependent on the Geneva extension and questioned if any of those projects identified timeframes for the extension.

Mr. Zola responded that all of the EIR's that were done for projects in San Francisco all identified timing. They're generally 20-30 year build-outs. Schlage Lock is a little bit less. Candlestick, Hunter's Point, he thinks is 30-35 years. So they have looked at that. And really the issue is that you can't build the roadway two lanes at a time. It's all the right-of-way at one time when there is very little room to phase the physical improvements into play.

Commissioner Anderson asked if there are no other projects that are in conflict with the Phase 2 build-out of Geneva Extension.

Lloyd Zola confirmed that there is no known projects that would be in conflict with the ability to put that extension into place.

Commissioner Anderson clarified that he was talking about the timing.

Mr. Zola said no and that's part of the challenge of timing is getting the funding up front when projects would be phased in. He continued that if the fair shares are paid for with a fee program, then getting a bond for the amount to be paid with fees comes in later and that becomes part of that finance program. The money would need to be upfront, not at the end of the project.

Commissioner Anderson asked again if there has been a date set for the financial analysis of this or if it will be received after deliberations.

Director Swiecki responded he doesn't have a date specified for it.

Dave Gremaux expressed concern that there hasn't been much discussion about the noise issue. He asked that when it talks about quiet piling and pre-drilling in order to reduce the noise, what exactly are they planning to do or is there more information on this.

Mr. Zola indicated there is not specific information that says exactly what will be done or which technology they would use, but the EIR requires the quieter technology as part of the EIR Mitigation Measures.

Dave Gremaux reiterated that pile driving is really loud and will be occurring over a number of years.

Commissioner Munir said that even with pre-drilling, there will be a problem, because in order to resist the load there, the piles have to be driven, otherwise, there's not enough friction force needed to support that. So there will be pile driving into bedrock, because the garbage will not be able to sustain that kind of a load.

Mr. Zola confirmed that "quiet" pile driving is a relative term, not an absolute term.

Commissioner Munir wanted to be sure that people don't get the impression it is going to be quiet.

Commissioner Parker asked about Tunnel Avenue and if it is part of the EIR or is it going to be left as it is.

Mr. Zola said that the concept is as Geneva comes up and over the rail, it will be at a higher elevation than Tunnel is today, since Tunnel is sitting down at the rail. The idea is that Tunnel would be raised so there would be an intersection of Geneva and Tunnel. This is part of the traffic study that would be part of the grading and, when he comes back with the Geneva configuration and the freeway configuration, he will show the Commission how that works with the intersection of the future Geneva Extension and Tunnel.

Commissioner Munir asked if Tunnel Avenue is to be elevated, then how does it affect the railroad tracks that run next to it.

Mr. Zola said the typical grading for elevating a roadway would involve new 2 to 1 slopes. However there is not room on the west side of Tunnel to do that, so one of the things that Brisbane Public Works Department did was look at the feasibility of a retaining wall so that Tunnel could be raised from its current elevation without disturbing the CalTrain right-of-way.

Commissioner Munir asked if the entirety of Tunnel Avenue could be raised on piers.

Mr. Zola stated there are ways of doing it.

Commissioner Munir asked how is that going to affect the noise, because the retaining wall right next to the railroad track will bounce the noise upward towards Brisbane.

Mr. Zola said it was accounted for in the EIR.

Commissioner Munir added that in Southern California, it did happen with regards to the noise.

Barbara Ebel asked about the format of the deliberations and if the Commission will continue to take public comment.

Chairperson Do said that it hasn't been decided yet, but the Commission was going to address it after they close Public Hearing. She asked the audience if there are any other questions. She

asked the Commission for a motion to move and continue the public hearing to the next one, Public Hearing #8 on November 16th.

Commissioner Munir moved to continue on November 16th. Vice Chairperson Reinhardt seconded. The motion carried 5-0.

F. CONSENT CALENDAR

Commissioner Do asked for a motion to approve the Consent Calendar.

Commissioner Parker moved to approve the Consent Calendar and Commissioner Anderson seconded. The motion carried 5-0.

G. ORAL COMMUNICATIONS

Chairperson Do asked if anyone wanted to address the Commission on anything that is not on the agenda, and there was no response.

H. WRITTEN COMMUNICATION

Chairperson Do referenced the letter dated November 12, 2015 from California High Speed Rail Authority. She added that according to her understanding there was communication between the Community Development Department and HSR during the week of 10/16, during that time the Community Development Department invited HSR to present to the Planning Commission on November 16th. Their response was that they would like to have a set a meeting between the City and HSR staff for November 9th. On November 9th, there was a conversation between the City and HSR where HSR decided that they would submit a letter instead of coming to make a presentation. And so since that is going to be their representative form, the Commission is going to read this into the meeting at Public Hearing #8 on November 16th. But until then, this will still be part of the record for anyone to look at.

There is no other written communication.

I. ITEMS INITIATED BY STAFF

Community Development Director John Swiecki provided an update regarding group presentations for the upcoming November 16th meeting. He stated seven presentation requests have been received and each would need approximately 30 minutes to accommodate for each presentation plus some time for questions and answers which would require a minimum meeting length of about 3 and a half hours. The groups are: CREBL, John Browning with the Community Recreation, Candlestick Preservation Association, BBCAG, San Francisco Trains, Mountain Watch and the San Francisco Bay Area Renters Federation. He requested direction from the Commission how they would like to structure the meeting agenda for the presentations.

After discussion, the Commission agreed to three meetings:

- November 16th, 2015 for CREBL, BBCAG, SF Trains and San Bruno Mountain Watch.

- December 1st 2015 for Candlestick Preservation Association, San Francisco Bay Area Renters Federation and John Browning with the Community Recreation.
- December 10th 2015 for the Applicant's presentation.

J. ITEMS INITIATED BY THE COMMISSION

Chairperson Do asked the Commission what format the deliberations should take and follow up to the economic report. She asked Commissioner Anderson to begin.

Commissioner Anderson said that from the September 10th meeting, one of the key questions being brought before the Planning Commission were listed as being the land uses that are appropriate for the Baylands and the impact of moving OID water and impact of remediation. He asks that if they were to approve a project and certify the EIR, there would be a long list of statements of overriding considerations that they would have to make. He asks if those are all of the items for deliberations or if there are more items that need to be considered.

Outside Counsel Alison Krumbein said that ultimately the Planning Commission will make recommendations to the City Council, including what the Commission recommends the land uses to be. If Commission wishes to recommend uses, then the Commission would also certify the EIR if those land uses are contemplated within the EIR, or not, which can be discussed later. The statement of overriding considerations would be at the City Council level.

Commissioner Anderson asked to confirm that everything they are deciding on is what they're going to recommend to the City Council. So the items that he listed are complete in terms of their responsibilities for recommendations.

Outside Counsel Alison Krumbein responded yes and she noted that remediation is the responsibility of outside regulatory agencies not the City of Brisbane.

Director Swiecki clarified that as part of the Commission's deliberations, they will also be making a recommendation on the applicant's Specific Plan.

Commissioner Parker suggested starting the deliberations in January.

Commissioner Anderson strongly agreed.

Commissioner Munir agreed that January would be a good time to deliberate also. He said that they need time to review the adequacy of the EIR, what are the alternates, and whether we missed any alternatives that have to be considered. That is all part of the recommendation to the Council. He felt that there are many questions that need to be answered and perhaps other alternatives to be considered and items that might need further study. He stated that it is the Planning Commission's responsibility to make sure that the EIR is complete and addresses all the issues. He said that the Commission can recommend to the Council that certain mitigation measures cannot be resolved even with the overriding considerations, because it is too far into

the future to remediate. The Planning Commission's job is to look at the adequacy of the EIR only, at this point.

Commissioner Munir said that step number one for the Commission to do is to look at the EIR itself and each of the alternates and see if they were properly analyzed and if there isn't any need for further study. If further study is needed then they send it back to the consultant. Step 2 is the Specific Plan.

Director Swiecki said that the staff will have some recommendations as to the issues that Commission has an obligation under law to deal with, and he will put that forward at a later time. He noted staff has some different thoughts about the sequencing other than what was just raised by Commissioner Munir, and will elaborate on those in written format.

Commissioner Munir asked for a summary of the mitigation measures that have some kind of mitigation available or what can be done, and those that cannot be mitigated and needs overriding considerations.

Commissioner Parker said that there is a summary but didn't know if it is broken down into what the required statements of overriding considerations are.

Mr. Zola said they have a list of each of the impacts that are identified as significant or unavoidable, so it's tied to the individual impacts statements. He stated what he will do for the Commission is when they complete the series of hearings and before the deliberations start, he'll create a packet for them that will lay out a recommendation on how to proceed, as well as some of that information requested, such as a list of significant unavoidable impacts, and he'll pull some of that out of the EIR, so they'll have a more concise package to work from. He will create a summary of the summary that gets directly at the recommendations the Commission will be asked to make.

Commissioner Parker requested a meeting roundtable in front of the public to bring out all of their questions that have been brought up through public hearing and determine if those questions can be answered in the EIR or if a feasibility study or economic study may be needed.

Commissioner Anderson agreed.

Commissioner Munir said they can ask for more meetings if they need more, they don't have to decide anything right now.

Chairperson Do said that with the upcoming presentations, there may be more questions that arise, so at that point, they'll have a better understanding of what it is they are looking at in terms of how they should set up the deliberations to incorporate public comments or not, or how it should be formatted. She suggested waiting until the December 10th meeting, after all of the presentations, to decide on the schedule.

Director Swiecki suggested that the Commission report back to the Council as to the review status and how long they anticipate the deliberations might take. He stated that the Commission

has made a huge amount of progress in a very compressed period of time, and expressed his opinion that the Council will understand if they need more time to process this.

Commissioner Anderson requested that the Commission return to their normal schedule when they start deliberations.

Commissioner Munir asked if there was any regular business, any applications pending.

Director Swiecki answered no, not at this moment.

Commissioner Parker stated that Parkside has an aggressive schedule too.

Commissioner Munir expressed his displeasure with the aggressive schedule because it doesn't give them enough time to really absorb everything. He says that a lot of presentations were made without the air pollution models and he needs time to review whether the pollution methods were done correctly.

Chairperson Do expressed her understanding with the concerns expressed by her fellow commissioners. She noted that everyone has time constraints, but they did volunteer to be a part of the Commission, so that does have to be considered as part of the workload. She added the same goes for anyone who's interested in the issues and is trying to maintain some sort of comprehensive approach to it. She agreed that the compressed time has been difficult, but she commended everyone for their efforts. By the third presentation, they will be able to discuss going back to possibly the regular meetings that they had before.

Commissioner Munir stated that he has never reviewed an EIR with such a quick schedule. He felt that whatever decisions they come up with, they will have a real tough time because very little time was given, and this has been mentioned to the staff. He requested that they take plenty of time to deliberate.

Commissioner Parker expressed her appreciation for all the help the Commission has received from the public. She stated that the public has worked very hard, and it would have been difficult without them.

Chairperson Do agreed, and commended and applauded everyone for doing this, because it's a difficult task. She suggested the Commission will take the time it needs for deliberations.

Commissioner Anderson noted that he finds the issue of addressing the environmental impacts of moving water through the OID and SFPUC systems as difficult to address because the Brisbane Planning Commission cannot speak for OID and all of the other different organizations that are involved with this movement. He asked Mr. Zola to elaborate on what it means for them to discuss the impacts of moving that water.

Mr. Zola stated that what the Commission is looking at is essentially the adequacy of the EIR in its programmatic analysis of the water agreement. He says that if the Commission goes through the section that addresses water supply in the EIR, look at the comments from SFPUC, Oakdale

Irrigation District and Modesto Irrigation District and the responses to them along with the Master Responses on water supply. He emphasized that SFPUC and OID have already programmatically analyzed many of the broader environmental issues with transferring and moving water through their systems. He added that the next step is to develop the actual engineering of the water transfers and its movement through the systems that will be subject to subsequent environmental analysis. The question for the Commission is, given that process, is this EIR adequate to get through the first step of that process.

Commissioner Anderson asked if there is some reason why this particular item was called out over the other items in the EIR.

Mr. Zola noted it was called out specifically is because this is an item that is unusual, unlike the Specific Plan where land use is clearly within the Planning Commission's purview. He added that the City Council's action on the water supply agreement is separate and distinct from the Specific Plan.

Commissioner Anderson asked if they have gotten any feedback from the various water agencies on the answers that the FEIR provided. And if not, are they as Commissioners to interview these agencies to determine if they found the answers to be adequate.

Mr. Zola responded that the Final EIR was distributed to all of the agencies who commented on the EIR, they have the opportunity, under the law, to respond. And they've had the responses to their comments since June of this year.

Commissioner Anderson confirmed that none of them have responded.

Lloyd Zola responded that is correct. He added that the revisions to the mitigation measures seen in response to SFPUC were actually discussed between city staff and the SFPUC staff, so they are aware of what the Final EIR says, and the revised mitigation language meets what their staff asked for. OID staff, in their DEIR response letter asked for certain revisions, which were made. The City's response to MID is included in the FEIR as well.

Michael Melenik inquired if there is a legal requirement that you have to make a decision or recommendation within a timeframe or they can table it for 2030, 2040.

Outside Counsel Alison Krumbein answered no, there is no legal requirement that a decision be made in a certain timeframe, but there's an expectation that when somebody submits an application to a city, the city will act upon that that application.

Chairperson Do added that there is also a component of reasonableness.

Outside Counsel Alison Krumbein agreed adding that is the purpose of this process. The Commission is going through the documents and will want to take some time on deliberations, and that's absolutely fine.

K. ADJOURNMENT

Commissioner Anderson motioned and Commissioner Parker seconded to adjourn to the Special Meeting of November 16, 2015 at 7:30 p.m. The motion carried 5-0 and the meeting adjourned at 9:55 p.m.

Attest:

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.

NOV 12 2015

Comm. Dev. Dept. Brisbane

COPY FOR PLANNING COMMISSION
Responses to responses to personal comments submitted from
DEIR by Linda Dettmer

I'd like to begin with my comment which regarded traffic scenarios too numerous to

count that contain Significant Unavoidable conditions. The FEIR states; all feasible

mitigation will be done. Feasibility as I understand it in this document does not

begin to address the tip of the iceberg and the ethical responsibility the developer has

to cooperate, to ease the alteration to traffic patterns that we will suffer, from this

complex nuisance, in drops in levels of traffic service. We should not be forced to

live with lower levels of traffic service to benefit a developer.

Table 21 of the traffic section:

Further stated is that four of six intersections discussed in DEIR identified as problem intersections for future traffic demands, are identified as intersections not

maintained by the City of Brisbane, and the City does not have the authority to impose mitigation measures.

This is noted again for six of thirteen problematic intersections for which the city has

no authority to impose mitigation measures.

So, while the Baylands are in Brisbane, its impacts are far reaching. Traffic in the

immediate surrounding areas, while not in our City limits will greatly affect us and

the response from FEIR is not acceptable. I don't think we should accept these answers as complete and worthy of compromising our quality of life as we know

it.

I commented regarding significant traffic impacts at the freeway entrances, and was

answered again with; City of Brisbane has no control to impose mitigation measures.

My comment regarding the increased demand on transit that cannot be accommodated by SF Muni or Sam Trans current capacity was also met with “impacts are considered to be Significant and unavoidable.” Again, this is not in our jurisdiction.

At what point do we say No? We do not have enough control over this enormous project in our City, to protect ourselves from an inundation of vehicle traffic and serious lost levels of traffic service.

Diesel Particulate Matter

The American Cancer Society has identified Diesel Particulate Matter as a toxic air contaminant, primarily based on evidence of demonstrating cancer effects in humans, with trucks and busses being primary contributors of DPM.

The FEIR argues that in the DSP and DSPV scenarios, the majority of the proposed land use (commercial, residential and retail) would most commonly be accessed by personal vehicle use and gasoline powered engines do not produce DPM. What they are not addressing is the protracted remediation and build out period. They site a site specific health risk assessment that accounted for diesel truck trips during

construction, in which the assessment excused them from requirements to mitigate.

Depending on the rate of growth, I can not find this answer definitive enough to protect workers and residential populations in the surrounding areas and would like

to see more study.

The transportation analysis in the DEIR estimates that development of the project

site would result in approximately 44,985 new vehicle trips per day per the DPS scenario and almost twice as many for the CPP scenarios.

FEIR states that DEIR made no assertions as to whether Project Site development or

its impacts are "acceptable" to the community. Determinations of acceptability will

be made as part of the City's planning review and decision making for the Baylands. To which they added gridlock is not defined as a significant criterion under CEQA.

Our General plan policy 38.1 allows for LOS D traffic movement, with exceptions of Bayshore Blvd at Old County Road and Bayshore Blvd at San Bruno Avenue, which need to meet a minimum LOS C standard.

While the Draft EIR identifies significant unavoidable impacts, to our levels of service, it makes no assertion as to whether any impact – significant or less than significant is "acceptable" or "unacceptable." This determination must be made by

the City.

Additionally, Cal Train, and Transit Districts are overviewed in the DEIR, however

no projections for mitigation or how to meet demand are included.

I would like to propose a change to the General plan to make all LOS minimums C,

particularly where lost levels of service are a directly brought about by any new development in the Brisbane City limits.

While the DEIR states we are regionally served by three major freeways, only US

101 is readily available, while I280 and I380 are 3 and 4 miles away. The latter two may alleviate some congestion, but the travel to these other freeways will take

first, getting through potential gridlock

Some of the local roadways proposed for use as additional relief to the congestion

are through areas that are in transition and "socially obsolete" due to higher crime

rates. The EIR is only required to analyze the environmental changes that would result from a proposed project. Social obsolescence is not subject to analysis. The

question must be posed are these good alternative routes if there is fear or actual

danger in using them?

A huge focus has begun in Brisbane to increase pedestrian and bicycle traffic and it

is important to have safe routes for these people to progress to their destinations.

Preferably large separated walk/bikeways will be included in any plans for the

Baylands. FEIR states that the recommendations contained in this comment will be

considered as part of the City's planning review for the Baylands. Use of

protected,

safe, designated, separated bicycle lanes away from speeding traffic are absolutely

necessary and must be designed, instituted and enforced as one mitigation measure.

In addition, referencing Dr. Fred Lee's report on the toxicity of the Baylands, any

areas used by pedestrians must be remediated to ensure safety from airborne toxins

or other potential chemical harm. Remediation standards should not be left to the

developer.

Traffic calming should be more than a consideration for the planning review of the

Baylands, rather an absolute. With traffic projections and lost levels of service there

is a huge potential for more distress while driving through projected congestion.

To alleviate some congestion, additional services should be in place by CalTrain prior to project commencement. However this suggestion does not fall into the purview of the City of Brisbane.

I would like for the City to consider designating one way streets, during an emergency or natural disaster, before project commencement. The FEIR would like

to leave this to emergency response personnel at the time of need, but as we have all

experienced during the huge fire on San Bruno Mountain which required evacuation

of several streets, some fire trucks met face to face on our streets and this made it

very complicated and dangerous to actually get where they are going and for

evacuees to get out. As an aside, this is something that should be applied throughout Brisbane in an evacuation situation.

I suggested mitigation to effect a huge change to commute and transportation congestions, by formation of a mutual transit district, encouraging the SF T line to

continue through Brisbane to South San Francisco at Linden and Bayshore where

many bus connections can be made. This would be my suggestion, only if the project is approved for development. The analysis in the Draft EIR is based on existing institutional arrangements for the provision of transit services.

Neither Project Site development nor the City of Brisbane could unilaterally effectuate changes in those institutional arrangements...The City may consider this

suggestion as part of its planning review for the Baylands. Again, we do not have

the authority to make such changes.

The DEIR does not concern itself with the Bayshore Intermodal Station Access Study which takes into account all impacted areas, including Daly City, Brisbane,

San Francisco and South San Francisco. These improvements will have far reaching

implications for the entire Bay Area and should be studied for mitigation measures

that will be implemented to keep traffic and people moving easily with the increased

projections. Again this is out of our jurisdiction.

Linkage is a term that refers to a Transportation Demand Management Program to

match employees with job and housing linkage for the purpose of minimizing vehicle trips. The types of retail jobs proposed by the DSP and DSPV scenarios make Linkage a failure from the inception. Retail pay will unlikely even offer employees the opportunity to pay rent; much less buy a new "affordable" home. While the requirement for 2 parking spaces for every 3 employees refers to the existing City zoning standards for industrial land uses, we are not only speaking of industrial land uses, but retail establishments as proposed by DSP scenarios. If necessary a change to zoning standards should be implemented by City to accommodate the projected increase of vehicle use on the Baylands, should this project be approved.

The Lead Agency, Brisbane, and its constituents have no authority to compel outside agencies such as San Francisco and Daly City to require implementation of mitigation measures within their jurisdiction. It is my opinion that mitigation measures that do not include the approval of Brisbane and that directly affect the quality of life in Brisbane should give sufficient cause to Brisbane to reject the project in its entirety.

In conclusion, should the DSP or DSPV or any plan for development of the Baylands be approved, and because of the protracted period of time involved in this

proposal, the door for evolving, future sciences, applicable to mitigation measures

warrant a stronger stance by the City and our General Plan to allow for the predictability of values and standards of mitigation changing. The potential unknown toxins in the Site may need to be dealt with differently as science

progresses and the process of approvals should not be grandfathered to this decade's

knowledge. Scenarios that are planned but immitigable must be replanned to bring

them to the highest standards of safety and public comfort, with as little intrusion to

the way life is now enjoyed by the people of Brisbane.

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1 Responses by Linda Dettmer to FEIR responses to Linda Dettmer

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NOV 12 2015

Comm. Dev. Dept. Brisbane

Planning Commission hearing on Baylands FEIR, Traffic & Transportation, November 12, 2015

Comments by Anja Miller

All of us “activists” who have been involved in trying to study and understand the very complex information contained in the EIR are keenly aware of how few of our fellow citizens have an adequate concept of what the most **significant unavoidable** impacts on our community and very quality of life can be, specifically on our ability to travel.

I certainly hope that you also are aware of that lack of knowledge among the people you represent and take it into account.

Proof of this lack of awareness can be seen in the recent Baylands survey, specifically in the answers to Question 2, General Issues. Traffic congestion was considered “extremely serious” by only 14% of the respondents, while 24% regarded it as “very serious” and 23% “somewhat serious.” The latter category, by the way, was ignored in the consultant analysis: It simply reported the opinions as “39% serious” and “38% not serious.”

Most people just don't have the time or opportunity to come down here and participate. They are also discouraged from even sending letters or emails because of the sheer volume of material to comment on, or they trust your judgment in making the right decisions for us all.

Because Have Your Say Day, the only wide-based citizen participation event concerning their land-use preferences for the Baylands, took place nearly a decade ago, I strongly believe that it is time for people to have another say. As has been stated before, the **density of development** was never discussed at that session, yet the so-called Community Proposed Scenario includes 12 million sq.ft. of buildings and omits the expressed desire of all participants to include in the plan renewable energy, specifically wind power generation.

The only way to really engage the community now is through the kind of costly, aggressive City action now being conducted to rope in the public opinions on the so-called "Parkside Plan," an initiative of some Council members.

I hope you will recommend that the City Council organize such a well-advertised public event or series of events on the Baylands, with similar, adequate incentives, before they conduct their set of hearings on the EIR and application.

And I hope your Commission will not accept the unavoidable, extremely serious traffic congestion that the applicant's plans can be expected to cause.

Also, because all the major recommended mitigations of these impacts are outside of the control of Brisbane, you should not make any findings to ignore that fact.