

Draft
BRISBANE PLANNING COMMISSION
Summary Minutes of December 10, 2015
Regular Meeting

A. CALL TO ORDER

Chairperson Do called the meeting to order at 6:30 p.m.

B. ROLL CALL

Present: Commissioners Anderson, Parker, Vice Chairperson Reinhardt and Chairperson Do. Commissioner Munir arrived after New Business

Absent: None

Staff Present: Senior Planner Johnson. Community Director John Swiecki arrived after New Business

C. ADOPTION OF AGENDA

Commissioner Reinhardt moved and Commissioner Anderson seconded to adopt the agenda with a change to move the 515 Tunnel Avenue application in front of the 601 Tunnel Avenue application. The motion carried 4-0.

D. NEW BUSINESS

PUBLIC HEARING: 515 Tunnel Avenue; Use Permit UP-4-15; Temporary Christmas Tree Storage for Recycling from December 19, 2015 through January 31, 2016; Brad Drda, Recology Properties, Inc., applicant; Sanitary Fill Company, owner; APN 005-152-330.

Senior Planner Johnson presented the agenda report.

There being no one from the public to speak on the item, Commissioner Parker moved to close the public hearing and Commissioner Anderson seconded the motion. The motion passed 4-0. There being no discussion, Commissioner Parker moved to approve the application and Commissioner Anderson seconded the motion. The motion passed 4-0.

PUBLIC HEARING: 601 Tunnel Avenue; Sign Review SR-8-15; Sign Program and Sign Review for Golden State lumber building signs, including for a new approximately 102 square foot lighted sign and a relocated wall sign of approximately 194 square feet; Seth Nobmann, applicant; Brisbane Properties, owner; APN 005-250-020.

Senior Planner Johnson presented the agenda report and answered the Commission's questions regarding the possibility of a future illuminated sign.

Ken Liticker, representing the applicant, offered to answer the Commission's question.

There being no questions for the applicant and no members of the public wishing to speak on the item, Commissioner Anderson moved to close the public hearing, seconded by Commissioner Parker. The motion passed 4-0.

There being no discussion, Commissioner Parker moved to approve the application, seconded by Commissioner Anderson. The motion passed 4-0.

The Commission took a 18 minute break to 7:30.

E. OLD BUSINESS (7:30 p.m.)

1. 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); Applicant Presentation: Universal Paragon Corporation, applicant; Owners: various; APN: various.

Jonathan Scharfman, UPC representative, introduced himself and members of the UPC project team from WRT, Biohabitats, Geosyntec and Graphcom. Mr. Scharfman summarized the planning and community engagement history for the project, including a snapshot of the 10-year process that culminated in the Final EIR that is now under the Commission's consideration.

He stated that UPC strove to prepare a comprehensive plan for the site that avoided piecemeal planning. He stated this was consistent with the 1994 General Plan and feedback from both the City and community early in the planning process.

He continued that the General Plan had very specific goals and that UPC's proposed Specific Plan was designed to address those goals, particularly in the Land Use and Open Space chapters. He outlined some highlights from the scoping session for the EIR in 2006 that was followed by about three years of community process, which included a speaker series with national experts on environmental remediation and green design. That period of the project timeline culminated in several alternatives that were community driven and directed by the City Council to be studied in the EIR.

On a parallel track, UPC picked up on the speaker series that Brisbane was doing and started their own community forums on issues people cared about, such as renewable energy, Net Zero Architecture, and Public Art. UPC also sponsored the Bay Area's first green technology conference at Mission Bay that became a catalyst for green technology in the area. He recalled going with Anya Miller and some others from the CREBL group to meet with the head of PG&E Procurement who was charged with, at that time, helping to bring their renewable portfolio standard up to speed to deliver over 30% of their energy through renewable resources. He added UPC also held a number of sustainable design tours and finally updated their proposed Specific Plan in 2011.

He indicated that it was no surprise that sustainability needed to be the driver of any development that would happen out on the Baylands. That it would need to include all three legs of the sustainability stool, the environmental, economic and social aspects.

He added that as the objectives of the EIR were established on the basis of reconciling the three aspects of sustainability. There is on the economic side, as directed by the General Plan, that a tech-base of Brisbane always be protected and/or enhanced and that the great services that Brisbane enjoys be able to be maintained and/or improved, but that any project that's built out there has to be economically viable not just today, but in the long-term basis. UPC interpreted that also to mean, that the project needs to have built-in flexibility to adapt to different cycles in the marketplace. UPC understands that there is controversy over certain elements of the plan, but he indicated that this is one of the reasons why, for instance, they have housing in the plan. The different scales of use are to balance out what end up being somewhat predictable cycles in the marketplace and they are looking to build resilience in the system.

On the environmental side, he indicated that the big three have been 1) zero net energy leadership goals and aspirations of the community, 2) the remediation of the site from the industrial legacy and the responsibility to restore ecological function and enhance habitat, and 3) water efficiency, conservation and reuse.

He indicated that UPC has been struggling with the definitions of sustainability on the social side, but he commended the committee on the City's sustainability plan for the project in trying to define some of these features. One of those that he thought inherently feels good is the Happiness Index. He indicated they believe that a well-planned and well-built development has to take into account how you protect the absolute jewel of the community character that Brisbane has. He indicated it was their goal to enhance the resources and the amenities and the access to some other services that in one sense will help respect and preserve the character of the town, but perhaps, compliment some of its great features as well.

Specific to sustainability, he stated that UPC sees this project as a green canvas for business innovation, as a great place to live, work, and play. He noted the site is geographically suited to serve as a regional center for a number of different purposes such as innovation technology, research and development and health care. He added it can also create a distinctive residential neighborhood bordering the Bayshore CalTrain station and San Francisco. The project also provides an opportunity to activate the area for some great amenities like entertainment facilities, grocery store and perhaps a pharmacy and some other services that are currently lacking in town, along with habitat restoration and related amenities.

He indicated that for the job center that is proposed, whether the DSP or the CPP, or its alternative, the City would be seeing about 16,000 to 17,500 permanent jobs and thousands of construction jobs that would be for union workers through the development period of 20 to 25 years, as well as during the operations period. There would be a wide diversity of jobs, creating an economic ladder from service jobs to R&D jobs and a variety of retail and other facility jobs as well. One of the reasons why it would be so attractive for jobs is because of the transportation infrastructure that is already in place. Also, the development pattern that they've focused on is to

place the vast majority of development within a 5 to 10 minute walk from several modes of transit. These include the Bayshore CalTrain station, the SamTrans lines which go through the site, and the Muni T-3rd which now terminates adjacent to that station but that will be extended through the site.

He highlighted what some of the benefits might be locally. These include addition of retail services that are now lacking in Brisbane, pharmacy, grocery store, perhaps some entertainment uses. Music facilities and multiplex are also in the plan. Over 300 acres of habitat and open space and open area would be restored and enhanced. They are excited about the notion of it being a laboratory for regenerative development and restoration ecology and are excited to introduce some of the work that they've been doing with BioHabitats along the lagoon edge. They have also set aside a couple of areas in the plan as lands to be dedicated for a local high school.

He continued that the 1994 General Plan specified that Brisbane should have unique character in any future development and that the natural habitat should not just be preserved but enhanced as part of any future development. UPC thinks that that is a very unique opportunity that provides for having distinct districts in the plan that have their own character and wouldn't pretend to be part of downtown Brisbane, but rather they would complement each other. This would be through access and shuttle opportunities and the like. Also, these districts provide the opportunity for having extended open space areas and access to entertainment as well.

He then highlighted the differences between the DSP and the CPP in the EIR, with the primary difference between the DSP and the CPP being that the DSP includes a block of approximately 4,000 housing development in the northwest quadrant adjacent to San Francisco and Daly City, as opposed to the CPP which included no housing. The DSP also includes a small amount of housing – about 400 to 500 units of low density housing on the edge of what is proposed to be a day-lighted and restored Visitation Creek which would run down from the Roundhouse to the channel of Visitation Creek.

He stated both plans have a similar amount of commercial development proposed. On the DSP, there are large blocks, of 4 to 5 acres, which would be great opportunities for R&D campus-like environments around the park features. He added both plans have a very high focus on green infrastructure. All the development is tied to well thought through orientation of the open spaces and their relationship to the blocks around them, and how that public realm is defined by that green infrastructure.

Some of the key features on the sustainability side are that both the CPP and DSP contemplate a state of the art water recycling facility in the same area, adjacent to Visitation Creek. It would serve both as an area to recycle waste water and recirculate it for use around the site. They would use natural attenuation in constructed wetlands as part of that water treatment system. UPC would be enhancing the habitat on the creek edge as part of this. He noted that over 90% of the development area in the DSP is proposed within a quarter mile or so of the primary transit. This is important not just because it concentrates development around transit infrastructure, which is the single greatest way to reduce greenhouse gas emissions, but also because it enables

the conservation of land for other uses, mainly for open space in areas that are more proximate to downtown Brisbane.

He pointed out in regard to transportation and greenhouse gas emissions, that New York City, Manhattan, is the greenest city in terms of greenhouse gas emissions per capita in the United States, because over 60% of the jobs in New York City are being accessed by people who are not getting into cars by themselves. He contrasted that with the Bay Area, which imports workers from further and further away in order to serve the tremendous job growth that's happened on the west side of the Bay and in Silicon Valley. He recalled that San Mateo County has added 40,000 new jobs since 2011 and during that time, only 3,000 to 5,000 new housing units have been created. He indicated that this pattern is why 40% of greenhouse gas emissions in California are generated from the transportation sector.

Mr., Scharfman introduced Jim Stickley of WRT, UPC's land planning consultant, to talk about how the transportation systems are planned in their Specific Plan.

Mr. Stickley indicated that the Baylands site has a great advantage in creating the opportunity to reduce vehicle miles travelled and related greenhouse gas emissions in that it has a concentration of existing and planned transit resources in the northern area of the site, including the Bayshore CalTrain Station, the 3rd Street light rail and SamTrans. Additionally a major transit system that is being developed that will connect Hunter's Point and Candlestick Point to the Balboa BART station is the BRT Line. He stated the concentration of transportation resources in the northern area provides the opportunity to concentrate density around it and in doing so encourage the use of transit and discourage single occupancy vehicles. That would improve the jobs/housing balance because people that live here or elsewhere can take transit to their jobs here. There would also be a certain number of people that would live and work in this area with the housing and commercial land uses that the plan proposes.

He continued, that just as important as the placement of density around those resources, is the connective network from the neighborhoods to the transit stations. He showed a diagram from the Specific Plan illustrating the pedestrian and bicycle circulation network, indicating that it was the framework of a walkable community. He indicated that one can very easily and comfortably walk from their place of residence, or where they work, or shop to a transit station and back. He stated that the bike and pedestrian network is really critical to making the whole thing work.

Mr. Stickley then walked the Commission through the plan district by district and discussed the qualitative aspects of the different districts. He began with the commercial high rise area, indicating that is in the northeast quadrant. There are some quite high densities allowed by the Specific Plan here and some high building heights. Seven-story buildings would be allowed lining major streets. Sometimes there would be higher points or towers for gateway elements, but seven stories would otherwise be a general limit of any kind of extensive high-rise building. Those would happen up along Geneva and a little along the commercial main street that comes down from Geneva that's lined by retail.

He then showed the Commission the various other areas of the plan and provided architectural examples for the various districts and discussed how they would relate to each other, to pedestrians, transportation, parking and open areas. He also discussed how the heights would step up or down depending on the area. Mr. Stickley provided various examples of building types for the various areas of the plan.

Jonathan Scharfman then continued the presentation, noting that UPC sees the neighborhood retail as one of the most immediate opportunities for development on this site. It represents a corner of Geneva and Bayshore, and could accommodate a retail center offering grocery, pharmacy and some other uses there. He indicated that UPC is extremely enthusiastic about the area adjacent to the Bayshore Roundhouse and south of Geneva Avenue for R&D. He noted it is also near the Martin substation which steps down all the power to the City and County of San Francisco. UPC sees it as an opportunity for a technology hub dedicated to help enhance the interface of the cheaply produced solar energy and wind energy from locations far outside the Bay Area and helping convert them more efficiently into the grid. He indicated that they have a lot of enthusiasm for being able to have some catalysts for innovation technology incubators in this area and that it would be in one of the commercial growth areas.

He then turned the talk back over to Jim Stickley to discuss open space and the restoration of the ecological function of the site following the last century of industrial use.

Mr. Stickley indicated that conservation and open space is very important in similar ways that Chapter 4 is for the built form. That Chapter 5 is very prescriptive about the open space. There are large, complicated green infrastructure projects, and it is not about plopping down green space, but it is about figuring out what the hydrology is, what are the restrictions that are posed by the cap on top of the sanitary landfill on the east and what kind of habitat restoration can work there. So the restoration gets complicated especially because it is quite extensive in the southern part of the site. He pointed to the Visitation Creek restoration as an ambitious undertaking, and discussed how it would be day-lighted and connected to the Wetlands systems along it. He also discussed how it would be constructed to deal with the refuse beneath, and that it would be created to have the system of fresh water wetlands flowing to tidal wetlands here in the channel and then a network of trails that run through it.

He pointed out that there is a great opportunity with that system to tie it to a waste water treatment facility that incorporates constructed wetlands that can then flow to polishing wetlands and those can flow right into the fresh water wetlands in the park.

He outlined some examples of similar projects by their team member, Pete Munoz of BioHabitats.

Mr. Stickley then noted that the lagoon park would also involve significant ecological restoration, as a wetland habitat for both tidal and fresh water, as well as creating areas of upland, where native hardwoods and the like can be integrated. It would also include a system of paths and he provided an illustration of an ecological center that could be an educational facility.

He showed a park in Louisville, Kentucky, that WRT was involved with, as a regional park example involving significant habitat restoration, but also a compliment of recreational program including playfields and picnic areas, paths and overlooks and things of that nature. He indicated that it has been extremely well received in the community .

Then he discussed how the park blocks start to give way to more structured linear parks going north into the project. Those parks will tend to be more highly programmed with recreational and social uses a little bit more ornamental in nature, more like urban parks. He provided an example of a park that his firm just completed in Mission Bay adjacent to the new UCSF Hospital. He then turned the presentation back over to Mr. Scharfman for closing remarks.

Mr. Scharfman noted that as the commission moves into the deliberation phase of this project and makes recommendations to City Council, they should remember that the DSP estimates for soil improvement, remediation and provision of infrastructure to serve the blocks and to build the parks is over \$1 billion. He added that these numbers have been reviewed by the City Engineer and his staff. The numbers are 20 to 40% higher for the CPP primarily because of the additional parklands and the cost of those parklands. As the Commission looks at the balance of issues that are under consideration here, he indicated that there are significant expenditures necessary to address the industrial legacy of the site and to lay down the infrastructure for any future uses.

Secondly he offered, that there are some choices for Brisbane's identity, from the historic association of this site as being the dump or being the railyard, to perhaps a future association that is more along the lines of a laboratory for regenerative development, restoration, ecology, innovation, a green tech hub and finally, as is consistent with what Brisbane has, a great place to live, work and play.

Finally, he reminded the Commission that these issues that Brisbane is facing have been addressed on similar sites around the Bay Area.

Chairperson Do asked if the Commission had any questions of UPC.

Commissioner Munir asked about the fiscal data, about the total cost and where the money will be generated from and phasing and the timing.

Jonathan Scharfman responded that for the costs, both the DSP and CPP have been vetted by the City of Brisbane and the revenue side and the fiscal impact side is still being studied and they have consultants that have been working on the economic planning systems and they have been cooperating with Brisbane's economic consultants, Kaiser Marshman and Associates and he understood that that information will be forthcoming and in the next couple of months.

Commissioner Munir asked if that information would be available before the Commission goes to deliberation.

Community Development Director Swiecki indicated that would be the goal.

Commissioner Anderson asked if that would be the complete final analysis, costs and funding.

Director Swiecki responded that the economic consultant would characterize and summarize economic information for the Commission's use in a useable, reader-friendly document.

Commissioner Munir requested that the document be circulated to in advance of the deliberations to allow enough time to digest it.

Commissioner Anderson then asked more questions about financing, regarding whether the project would include any sort of bonds or guarantees, to ensure that the project won't go half way and then fail, or is the second phase is going to be entirely dependent on the success of the first phase.

Jonathan Scharfman answered that on the City's side, there are mechanisms for performance that need to be built in to agreements for the provision of future improvements, and that would require the bonded completion of certain work, especially since in the City of Brisbane would be taking over some public streets. On the private side, there would need to be bonding capacity on the part of the contractors to guarantee completion of that work.

Commissioner Anderson asked if that was by individual development projects.

Jonathan Scharfman indicated yes.

Commissioner Munir mentioned that what he's looking for is the certainty that we're not just going to finish the Phase 1 and forget about Phase 2. He further questioned the 25-year time frame.

Jonathan Scharfman indicated that the total development period from beginning to end is anticipated to be 25 years. He also indicated that a development agreement between the City of Brisbane and UPC, or anybody who would be representing a project of this scale, is the best tool to define the mutual rights and obligations.

Commissioner Munir brought up Sierra Point as an opportunity for R&D and that not much has been done there and he didn't want to create that situation again.

Commissioner Parker asked about if there is housing, such as is being done at the Schlage site, if UPC had plans on how the infrastructure could be built and would that be part of the reports that will be presented to the City

Jonathan Scharfman clarified that he thought Commissioner Parker was asking about the tool of tax increment financing and that Schlage Lock is not using that form of financing since the redevelopment agency financing tool was taken away.

Commissioners Parker and Munir asked about other alternatives.

Mr. Scharfman then outlined other tools, such as Transportation Authority funding and Infrastructure Finance Districts.

Commissioner Munir then mentioned that the Vallco Shopping Center in Cupertino as an example for transportation alternatives.

Mr. Scharfman discussed the various transportation alternatives and programs that have been included in the Baylands Plan.

Commissioner Anderson asked if there were any projects that UPC could reference that built residential on contaminated fill (like the Railyard) that they could examine and see how those held up over time.

Jonathan Scharfman invited Nancy Bice and Tom Graf, UPC's environmental consultants, to answer that question.

Nancy Bice, a Certified Engineering Geologist with GeoSyntec, indicated that their firm has been involved in a lot of projects in the Bay Area that involve developments on contaminated land, landfills and that they have lots of information about those projects. An example project that she mentioned was the Campus for Jewish Life in Palo Alto, which was built over the former Ford Aerospace site. She indicated that there were solvents in the ground, and her firm did a cleanup and used some engineering controls and it's now a beautiful development. She said that it's been in place now for seven years, and everything was functioning very well, and everybody's protected and a lot of podium parking construction just like was proposed at the Baylands with vapor intrusion controls. It also includes a daycare and senior housing.

Tom Graf, Civil Engineer with Graf Con, also representing UPC provided some examples of contaminated fill sites that have been developed.

Commissioner Anderson asked for more specific information on examples of developed remediation sites. He also asked about the podium parking on Geneva Avenue and whether the development would be building up rather than digging down to get the cars below what the new grade will be.

Mr. Scharfman indicated that there are a couple of areas where there's minor excavation down no more than one half to one full floor level and that's in the profile that was shown in one of the R & D areas. An example being the Campus District, where one can see for ventilation purposes on one side and it's day-lighted on the other. That looks to be about 10 feet below surface.

Mr. Stickley added that for the sites on the east, on the landfill, there's anywhere from 20 to 30 plus feet of soil that's been capped over the old landfill, so in a place like that the development would not be into contaminated soil. On the west side, on the railyard, the general strategy is that the podiums would be built on the existing grade and then the grades around it, the roadways, would be built from that level.

Commissioner Anderson then asked about the very tall trees and the risk and impact of roots getting through the cap.

Mr. Stickley commented that on the east side, it's not at difficult a challenge to meet because there is a lot of play in the depths of the material seal that has been accumulated. In areas where the ground surface would be closer to the actual capping materials, they would need to put root barriers in place and that's technology that is available.

Commissioner Anderson asked, with an existing 20 or 30 feet of soil, if the plan was to remove that soil and cap it and then put it back.

Jonathan Scharfman clarified that on the eastside, it will be necessary in the areas where there will be building pads and also roads that according to state standards for landfill cap and closure, that material will need to come down to within a defined profile above the legacy waste and that's at different levels throughout the landfill by the historic records. However, it would not be necessary to have that same closure process in certain areas south of Visitation Creek if there is no active development.

Commissioner Anderson then asked about the parks north of the Roundhouse and how deep the cap would be relative to the new grade level.

Jonathan Scharfman indicated that the infrastructure plan calls for several million cubic yards of fill on the west side, primarily to both surcharge that area and to meet the grades that are necessary to rise up to Geneva Avenue. At the deepest areas that would be about 15 feet to 25 feet, then down to close to 3 to 5 feet out toward the edges, by Bayshore Boulevard.

Commissioner Munir asked about whether contaminated material was going to be used as fill.

Mr. Scharfman clarified that they were not talking about moving contaminated material, but clean fill that has been placed on the east side from the soil recycling operations. On the west side, between 3 to 25 feet would added as a cap to raise up the grade.

Commissioner Anderson asked if in the areas where the cap is only 3 to 5 feet down, if there would be any sort of like pre-prohibition regarding tree roots.

Mr. Scharfman indicated that the standards called for space for root development in trees. He asked Mr. Graf to clarify the regulatory agency's requirements.

Mr. Graf indicated that on the western side there is normal soil with some rubble in it. Tree roots can get into that soil and it doesn't affect the trees. This is regular soil, but in the cap areas over contaminated soil, it is typically a minimum three feet of cover and where trees are, the cap can extend deeper so that you get full tree roots. So the soil might go down as far as 5 or 6 feet in areas with trees.

Commissioner Anderson asked for clarification on the extent of capping on the west side of the development.

Tom Graf indicated that there will be capping needed in some areas, not all areas. Most of the capping is done for potential exposure and that's why they want 2 or 3 feet of clean soil, so that anyone doing normal landscaping wouldn't get into it. Again, for trees, it will be a little deeper followed by a liner material. An orange or a green fabric would be placed and then the cap will go over the top of it. The areas would be designed to have separation between the tree roots and the liner below. So the thickness at any one point where trees are is quite often designed for that case in particular.

Commissioner Anderson asked if those areas have already been mapped and whether the illustrations and maps of the landscaping are just speculative.

Jonathan Scharfman indicated that that specific landscaping design would come at the final design stage.

Commissioner Anderson then indicated that he'd move on to transportation questions. He indicated that he thought the Specific Plan referred to the BXX Line, that it was proposed from Muni to start right by Bayshore Boulevard and Old County Road. He asked to what extent Muni has bought into that plan, because typically they stop right at the Geneva boundary.

Mr. Scharfman indicated that Muni has tremendous burden on its existing system and the proposal for expansion of those services through the Baylands would be taken into account in their annual and semi-annual reviews of operations. In the past couple of years there have been service adjustments proposed by SamTrans that were going to take away some service frequencies and it is at those times that some of capital plans for rerouting or improvements are considered. Generally, he indicated his understanding was that transportation improvement priorities are driven by potential demand and increases in ridership. And that is the essence of UPC's proposal, to map out at potential buildout what the demand would be, that would bring the service more to the interior because you would capture that many more riders for that section of the route.

Commissioner Anderson commented that the transportation section was inordinately complicated and he is still left with a lot of questions about it and how the analysis was done and there was an expert who came in to tell us about it, but he in summary told us to trust the experts who did it.

He went on that there is a large part of these studies that's hinged on the ridership capture and people living close to where they can work and, of course, there's been some controversy and interpretation of those results and, of course, we're all in favor of short commutes, but he wondered in those studies, if the comparison of live/work was done just by existing conditions or actually considering the buyer of new homes. At this point we don't really know what this new housing is going to cost, but existing residents who have been in place for a large amount of time typically have lower housing costs than people who are buying new units. So he wondered if

that was factored into the determination of where people who buy that sort of house are likely to work and how that affects their commute.

Jonathan Scharfman indicated that he would have to defer to the experts.

Commissioner Parker added that in Mr. Scharfman's presentation tonight there was a mention of parking ratios dropping near transit, and she hadn't noticed that before. She wondered if there would still be sufficient parking at the transit site itself to account for people who need to drive to get to transit.

Mr. Scharfman asked Mr. Stickley to answer the question and address the reasoning behind that stepping down of parking ratios as well.

Mr. Stickley responded that if one looks in the development standards for each use, there's a little portion of each standards chart that addresses the parking ratio step down and they used ratios that are typical in other transit station locations around the Bay Area. He added that he thought they were set a little bit conservative even in relation to those, but that the parking ratios, of parking spaces versus development floor area, do step down for a quarter mile to half mile to above half mile. As far as the second part of her question, with regard to commuter parking at the stations, that it is something they are looking at with the detailed project urban designs. The determination of how much parking to provide is dependent on the size of the phase, when they're at that design phase, because the use of those drive-to commuter lots tends to diminish over time, depending on which phase it is in. Sometimes those might be a free-standing structure in a portion of one of the development lots.

Commissioner Parker then asked about sustainability. She referenced in UPC's presentation that they were talking about a net zero target for building and asked whether they anticipate being fully compliant with the Brisbane Sustainability Framework.

Mr. Scharfman responded that they have consistently heard from this community and from the leadership that the net zero energy goal is a very high aspiration and while it has never been done in this country at this scale, they recognize and respect that that really is the benchmark that has been set. He continued that they have a high degree of confidence that given the momentum in investment innovation technology toward the green tech sector there are new financing mechanisms that UPC hopes will drive down some of the costs of some of these technologies. They believe that today at the building level that they can achieve net zero for the majority of individual buildings. To the extent, that that goal cannot be met at the individual building level, 1-to-1, that their strategy then expands as was illustrated to some ground mounted solar fields. There's about 25 acres set aside in the DSP adjacent to the Kinder Morgan Tank Farm as a buffer to the open space that would be for the purpose of augmenting the onsite building-to-building use.

They also believe that there are technologies that will be in the mix in the next 10 to 20 years that will leap frog the current technology available and one concern they do have is that the plan is flexible enough with its goals to be able to adapt to those technologies. That is one element of

the sustainability framework that they believe was done right and UPC is very much behind. They are concerned about there being a prescriptive requirement to lock into one technology over a large area given how quickly these areas are changing.

He stated that, specifically on solar, it is important to note that solar photo voltaic technology has not advanced at the level of other technologies. The most efficient solar panels today can convert just over 20% of that energy, and so there's a long way to go and perhaps as other technologies that can do the job more efficiently with much, much less land area dedicated to it.

Chairperson Do commented on the time and asked for a show of hands from the audience as to how many people had questions, being 9:22 pm.

Commissioner Munir then asked about Muni and CalTrain. He asked whether they will be demand-driven. He asked if UPC knew the capacity of the Muni fleet. Also, if they knew how they will be able to accommodate that kind of a growth. Also, he commented that for CalTrain, because they are struggling right now and they don't have enough trains to provide the extra service, since the proposal is to add another 4,400 homes. He asked if UPC was working with those two agencies to make sure they will be ready to handle the increase in the ridership.

Jonathan Scharfman responded that CalTrain is just about ready to start their electrification as part of the modernization program. He recalled that there have been presentations to City Council on the progress there. UPC also had presentations at our project information office from their representatives. By 2021, there will be electrified service on that corridor. They'll be able to accommodate more trains just because of the efficiency of starting and stopping from electrified program rather than with the diesel trains. He recalled that, at capacity today, CalTrain is running at 61,000 passengers a day, approximately, and they are designing that system to accommodate, in the next 20 years, up to twice that. Certainly it would be over a 100,000 passengers a day. Regarding the Bayshore CalTrain station, when they started the study to get the funding for this expansion, it was the second least used stop on that corridor. So in UPC's discussions with CalTrain over the course of these years, they've been very encouraging of development around that station because it helps them establish the nexus around those stations to increase service.

He continued that regarding Muni, they have a number of other priorities. One of Muni's major priorities is the east/west Bus Rapid Transit line that would potentially serve this site and it would be demand-driven. There's an interim plan that's looking at an alignment that bypasses Brisbane and just stops at the corner of Bayshore and Geneva as it runs around through San Francisco and up Geneva. However, over time, once Geneva Avenue Extension is in place and if there is a capture area of ridership, they would be looking at adjustments to that service.

Commissioner Munir commented that the problem is that Muni is always operating in red ink. As a result, we need to get some more information from them as to what their future plans are because it took many years to just extend to the Chinatown. The same thing happened with Caltrans. There are a number of obstructions to that electrification. Cities like Burlingame and others are objecting to the over or underpasses. So these things looks very good but we need

some kind of a certainty as to what's going to be because these projections are based on the fact that these will be all in place but they may not be. They are all dependent on a lot of federal and state money commitment and also the city's desire to do it. Commissioner Munir stated that that's one of the concerns that he has personally about this whole transportation issue, that there a lot uncertainties.

Mr. Scharfman responded that the Transportation Authority in San Francisco has two active studies right now for the inter-alignment of the Bus Rapid Transit line that they're talking about. That's an active study that there's information and projections of ridership and funding sources for that, that you can find through the TA website in San Francisco. Staff has been tracking this as well, because he read some comments that staff made on a report for a relocation study for the Bayshore CalTrain station. They're starting to look at options for that. He indicated that those are studies in place that he is taking into account – funding sources, ridership increases over time and those projections and the like.

Commissioner Munir then asked whether UPC was going to use LEED platinum in most of the buildings or whether they would be gold or silver standard.

Jonathan Scharfman indicated that the sustainability framework that is being proposed for the Baylands site by the City, doesn't exclusively employ the LEED system to evaluate or quantify what is green or what is green enough. But they see that for R&D buildings meeting LEED gold is entirely within reach at this point and with platinum it would depend on the individual project, but quite achievable. On a project specific level, they would be looking at compliance with either the LEED program or the One Planet Living program that is being prescribed in the sustainability framework.

That concluding the Commission's questions for the time being, Chairperson Do commented that there were six speaker cards and the Commission took a 5 minute break.

Chairperson Do then reminded the public of the guidelines for the public hearings and the rules of procedure for the Commission. She also indicated that Commission deliberations would not begin until January at the earliest.

Prem Lall, a Brisbane resident, then addressed the Commission. He indicated that his questions were on the areas of soil stability, structural integrity, and noise levels from construction. He commented on the condition of Tunnel Road from settlement over the garbage. He asked how stable will the soil that UPC is planning to build upon will be, in order to achieve the structural integrity for the buildings that are proposed. Also, how deep into that soil will the supporting beams need to be driven essentially and that's the subject of pile driving. He commented that the noise generated by pile driving is pretty horrendous and wondered about the number of years anticipated for the pile driving and what noise level would be that is anticipated from that pile driving. He asked for a specific decibel level and whether there would be any means of mitigating the noise.

Todd Adair, Civil Engineer with BKF Engineers, responded that regarding the structural integrity of the soil, for building on landfills they address it by putting a layer of soil to bridge any type of settlement that they might have. Some preparation of the soil before they start construction such as surcharging or trying to even out as much as possible in the landfill. There will be some differentials just due to the nature of development on landfill, but the idea is to try to prepare it in such a way that it is mitigable over time and repairable over time. Some of the conditions that one sees on some of the roads today didn't take any type of these mitigations into account. So you're getting a sort of maximum differential settlement. They will try to bridge that through geotech preparation.

Mr. Graf responded that buildings structures within the landfill area these will likely be supported on piles that go through the landfill material and bay mud into bedrock underneath. The pile lengths will vary throughout the entire site because the depth of mud, the depth of garbage, the depth to solid bearing ground varies. The pile could be anywhere from 50 to 100 feet to over a 125 feet depending upon where you are on the site. It is typical throughout the Bay Area that buildings are built on landfills and perform wonderfully and they have been built there for many years.

Mr. Adair then responded that regarding the noise, that he didn't know the specific decibel levels, but that there are mitigations for pile driving, ways of shrouding the equipment and limits on times of day, and those types of things that mitigate those pile driving noise issues.

Beth Grossman, a Brisbane resident, then followed onto Mr. Lall's question on noise, stating that during the time of the Caltrain Bridge preparations the City Council had to give out earplugs. This was a large concern. She indicated that the question that came up for her was that because with a 25 year plan and all the things that we are going to be dealing with, the sound pollution and the traffic, the construction, and the infrastructure costs that we would have to incur with the roads and the police, fire and school, etc., what's really in it for us? Then with Phase 2 not happening until the end of 25 years from now, and the Phase 2 would be the part that been the carrot that's been held up for Brisbane, her chances of actually seeing that phase are pretty slim after enduring all those years of pile driving and construction. The developer gets to have lots of profit, but it's unclear what Brisbane gets.

She also stated that she is very concerned the capping techniques. She questioned how they are going to control somebody who wants to plant a Redwood tree in their backyard or similar planting. She also indicated concern about the pile driving going through the cap and how are they going to control that and if there are earthquakes and the membranes were in some way ruptured, who would be responsible for fixing that. Also, she questions how they account for sea rise with pending climate change.

Mr. Scharfman indicated that there's a misperception about when parks would come on line. He stated that there is not a proposal that they'd start by building housing and then 25 years later, there would be open space built. There's the Rules of Proportionality and Proximity that applies to larger development, that calls for phasing approvals of larger projects, that proportional amount of the public benefits like parks are to be included at delivery at the same or at

proximally the same time as certain income producing improvements. That rule is very widely applied and he expected in a development agreement between the City of Brisbane and UPC that something like that would happen and that it would include development of parks immediately concurrent with initial phases.

He went on that, as to the concerns about tree planting in backyards and the repairs of potential breaks, this would be highly controlled by both the regulations of the state, either the Water Board or the DTSC that oversee and set the standards for monitoring of these sites and those rules would carry over into either the ownership associations for businesses or for homeowners to have very strict guidelines about what can and can't be planted. This is not an area where any residential development would contemplate private backyards, it is not appropriate in this site even the low density area of townhome development would have commonly planted landscapes with small private areas that are adjacent to each building. So these concerns are regulated and would be addressed at the project level.

Pete Munoz, Senior Engineer from Bio Habitats then addressed Ms. Grossman's question on sea level rise. Stating that, in terms of being resilient for sea level rise and in climate change, we know that the Bay Area is at risk of tidal surges and so the two main interfaces that the property has with tidal surges any restoration of the creek in the middle of the development or in the lagoon and really both of those spaces being restored, green infrastructure and – restored green infrastructure both for creating open space but having that open space double as open area that can absorb tidal surges. Especially on the northern edge of the lagoon, one of the most amazing opportunities for this area is the increase of transitional zone tidal habitat. That's something that the entire Bay Area has been looking at and increasingly trying to find opportunities for transitional zone habitat to enhance the shore. The Lagoon is a really good candidate for that.

Commissioner Anderson asked if anyone had an answer for the question about how the cap is repaired if it is damaged.

Jonathan Scharfman replied that, it was covered in his answer as to the regulatory oversight and monitoring, that it would be required on an annual basis by the Water Board and/or DTSC. They would be monitoring for those types of breaches and have contingencies for addressing them.

Brian Galusha, a Brisbane resident and a Brisbane small business owner on Industrial Way, indicated that he had a concern about the caps and how they're fixed if broken. Also, in a worst case scenario, basically if there is health issues who is responsible for that and how that would get resolved. His second question was regarding light pollution, that Brisbane is a city of stars, and the dark night skies are an important attribute of the city, and how the dark night skies would be maintained or how it would be affected by the development. Then lastly, he wondered how the development would directly benefit small Brisbane-based businesses.

Mr. Scharfman responded that in terms of impact or opportunity for small businesses in Brisbane, there are over the course of the development period the various types of developments that are proposed, whether in business incubation for technology or biotech. He indicated that he believed Mr. Galusha's business is in the kind of combination of robotics and technology, and it

would have opportunities in some of those incubators, smaller footprint areas along the Bayshore, much like where the industrial warehouses are today.

Regarding light pollution, Mr. Scharfman indicated that this area had been studied very closely in the EIR. He referred to those studies and added that in general most of the requirements that are responsive to the potential for light pollution for sites like this, require a downcast lighting that focuses the light very specifically on where it is needed on streets and open space areas and has very keen restrictions about keeping those down cast.

Ms. Bice responded to Mr. Galusha's question regarding health and safety issues related to the cap. She stated that all the remediation and any engineering controls that are used that include things like caps would be designed to prevent any exposure to anyone or any ecological receptor. So they don't anticipate anyone being affected by the residual materials at this site. If someone were reporting exposure, there would be an evaluation to determine whether or not it was truly related to the residual materials. If it was, then they would be cleaned up and whatever that person would need to be made whole would be done. She reiterated that all of these systems are designed to prevent any exposure.

Chairperson Do asked Ms. Bice and Mr. Graf if in their examples, whether they had they ever run across any of these issues.

Ms. Bice responded that she never had anyone been sick or affected by the chemicals. That was the whole point, to prevent those exposures.

Chairperson Do asked if the oldest example was that site that was 11 years old.

Ms. Bice responded that the for the example site in Palo Alto, construction started in 2006 and she thought the completion was 2008. She offered to provide some examples of older sites.

Commissioner Munir then asked if any of those sites had experienced a major earthquake that she was aware of.

Nancy Bice responded that she was not aware of sites that have undergone significant earthquakes.

Commissioner Munir replied that you can't prevent liquefaction at this site unless you remove the all the material because of a very high water table and the type of soil. He stated that he thought liquefaction was a great potential and also the difference in settlement between the pile supported structures and the roads.

Nancy Bice added, that they would need a plan to address those things. We would need to get in there quickly and clean up anything after an earthquake.

Jonathan Scharfman indicated that, to further address the liquefaction issue, there would be a layer of clean soil over the top of contaminated soil and soil can adjust. Also, DTSC and the

Water Board would have deed restrictions – so if you have an area capped with contaminated material underneath, then inspections would be required every year and after any significant earthquake. So there's an immediate inspection of the site after an earthquake required in any deed restriction. And if there were breaches in the ground, which is very, very rare in a liquefaction situation it is inspected. So any potential exposures would be known and the problem fixed at that point in time.

Chairperson Do reiterated the question of who would be taking care of it being made whole.

Jonathan Scharfman replied that as part of a remedial action plan certification with the regulatory agencies that essentially certify that the remediation of the area has been completed to the standards set by those agencies. They would also set deed restrictions for the use of the land in the future. There would also be a monitoring plan and a financing mechanism that will be part of that remedial action plan certification. Their Schlage Lock site is a recent example of how these programs are established.

Deb Horen, a Brisbane resident, then addressed the Commission. She expressed her concerns regarding capping, that if trees can't be planted and it's not safe for the roots to go down deep, how it can be safe for people to live there. She also expressed concerns that with sea level rise and the already high water table that leachate will be coming into town. She reiterated the question by others about the financing mechanism and who pays. She expressed concerns about transportation, indicating that she worked for the City of County of San Francisco for 16 years for the PUC and for San Francisco Muni and it takes decades to coordinate transportation and it's not just identifying funding sources, it is the coordination between regional transit properties that have no motivation to support areas that are not in their purview. She asked what the plan is for roads, thoroughfares and freeway access and who would pay for it. She stated that with climate change, she thought net zero should not be the highest bar that we're trying to reach, but the lowest bar. The highest bar needs to be carbon-offset renewables, whether that's wind, solar, carbon-capture, scrubbing, electric cars, charging stations, solar, renewable, all of those things.

Mr. Scharfman responded, that UPC thinks there is a great opportunity for on this site, not just in the application of technology for the project, but in being a center for innovation that is going to disrupt this area and apply those same creative forces that have really broken through in other technologies into the green technology field. They believe that above and beyond the standards that are set for development on the site, that if Brisbane and UPC and their partners do it right, that they will have a great research and development facility that will be leading the innovation of green technologies and so look forward to working on that.

In terms of the transit plan for the region, Mr. Scharfman agreed with Ms. Horen that there are multi-year processes and he indicated that those started about 10 years ago. The project study report for the Geneva Extension and the Geneva Interchange was initiated by the City of Brisbane in 2006. He indicated that the project study report was the initial of many phases that CalTrans needs to go through to identify regional improvements to such major thoroughfares. When, at a later stage, once there's some decisions made from Brisbane about what the future development of this site would be, it would go to a project reporting phase which is much more

specific engineering for those interchange and street improvement facilities and then during that project reporting phase they'd be going into the priority pipeline in terms of identifying funding for getting it built. When it comes to these larger regional improvements that are much beyond the Baylands site, those processes are underway and ongoing.

He continued regarding the question about clarification about the financing mechanism for monitoring and mitigation for the regulatory, that this is financial guarantee that the developer or the owner of the site needs to provide. It is actually a financing guarantee that the monitoring will be funded for a period of time and that's determined by the regulatory agencies. So that is set in that remedial action plan completion process. There has to be guarantee of payment by the private entity responsible for the cleanup and for the monitoring.

Mr. Graf then clarified that it is not unhealthy for the trees, for the roots to go down into the soil. When you place a cap, most of the time geotextile layer is placed over the top of the contaminated material so the tree roots can't get through it. So in order to allow the trees to be healthy, you would extend the depth of soil over the geotextile layer so that it will allow space for the roots and for the tree to flourish.

Ms. Bice indicated that there will be a remedial action plan that will take all of these issues into account and there will be more studies to look at whether or not there are chemicals in the zone that could be affected by changes in the water table. The remedial action plan will need to address those exposures following further study.

Mr. Graf added that regarding the potential for groundwater from the Baylands coming into the town, the ground water gradient on the site is towards the lagoon and towards the Bay, so water from the Baylands site does not go to the town of Brisbane.

Ms. Bice indicated that there is approximately six feet of water head difference between Central Brisbane and the Lagoon and Bay, so it would take six feet of sea level rise for that to ever become an issue.

Justin Guzman, a resident and small business owner in Brisbane, indicated that his questions and concerns arise as he heard other questions regarding caps and ecology. He asked about what studies have been done on the effects of the ecology as far as organisms in the water and cancer-causing effects on the residents. He asked if there were other local projects that mirror this project for longer periods of time than 7 or 11 years that can be made readily available to the residents. He asked if there was a handout or anything like that that UPC can provide so residents can inform themselves and not have to rely on the experts. He also requested an aerial shot of the proposed area north, south, east and west, sitting side by side with the projected plans on one sheet.

Mr. Scharfman responded that it came up before about wanting case studies of some of the other local project references where some of these items have been addressed. He indicated that he knew that the regulatory agencies have some information that can be used in putting those together and they would put those together for both availability at our project information office on

Visitation Avenue, but also for submittal to staff. He invited Mr. Guzman or anyone who is interested in looking at some of those comparative aerial shots to the proposed development to come visit us at our project information office. They already have some aerials there and some of those images are embedded into the materials of both the Specific Plan

Commissioner Parker asked about UPC information office hours.

Mr. Scharfman introduced Xiomara Cisneros, who staffs UPC's information office to outline the hours.

Ms. Cisneros, UPC's Community Outreach Manager, indicated that the Brisbane Baylands Project Office hours are Tuesdays, 9:00 a.m. until 1:00 p.m., Thursdays, 1:00 p.m. until 5:00 and Saturdays, 11:00 a.m. to 3:00 p.m.

Justin Guzman responded that he had been to the Baylands office and it is a very helpful place to go for information. He then asked that a handout be made available during the presentation so that when you're pointing at the map he can orient himself.

Chairperson Do suggested that that might be provided to staff in the future and it would be part of the record.

Mr. Scharfman agreed to do so. He continued that, a couple of other questions that Mr. Guzman asked were about wildlife, the waterways and the interface of wildlife and biological organisms in water.

He asked Mr. Munoz to answer based on some daylighting of dead creeks that Bio Habitats has done in other cities and then Mr. Graf or Ms. Bice to address the question of Hunter's Point and environmental conditions out there. He also stated that, Mr. Adair's civil engineering company has done a lot of civil engineering work out there at Hunter's Point.

Chairperson Do called for a motion on whether to extend the meeting, since the time was 10:30.

Commissioner Munir made a motion to extend the meeting until 11:00 o'clock and Commissioner Anderson seconded. The motion carried 5-0.

Mr. Munoz answered Mr. Guzman's question about waterways and the ecology. He indicated that the two major waterways are the Lagoon to the south of the property and the creek that flows west/east in the middle of the property. He indicated that one thing that has really transformed the Bay Area in the last 10 to 20 years is the amount of restoration that's happening both on the Bay side but also the waterways, both urban and rural that feed the Bay. This includes the scientific understanding of those systems and the needs for an increase in ecological function in both bay tidal areas as well as repairing tidal areas. So that science is increasing every year. This last year, there was a huge push to understand the transition zone, a tidal influence around the Bay and the importance of that has in the local ecology both for restoring ecological function but also becoming resilient to climate surges, climate change in tidal surges. So that science is

improving. There are a ton of areas both in the Bay/Lagoon area as well as repairing tidal influence areas just around the area that we can draw from for the opportunities on the Baylands site.

In regard to the references to Hunters Point, Ms. Bice stated that she was not personally familiar with what's happening at Hunter's Point, but that she knew that they have a different suite of chemicals. She thought there are often effects of people having not been protected in that area for many, many, many years. She stated that she was very confident that the regulators that they work with and the professional engineers and geologists who are obligated to protect the people of California do their best to cleanup these sites to protect people. She indicated that for this site we know a lot about what's out there. We know a lot about how to protect people from it. We still have some work to do to figure out the details of that, but I'm confident that it can be done here.

Chairperson Do asked if they will be providing further case studies as requested earlier.

Ms. Bice agreed.

Chairperson Do then called Barbara Ebel.

Barbara Ebel, a Brisbane resident, indicated that she had a number of questions. First, in the DEIR it claims that the buildings will be oriented for passive solar for wind and to minimize sound intrusion from CalTrain, and she wondered how that would work, because it seems like a tricky thing to be able to orient a building for three different things.

Mr. Stickley responded that in addition to that, the buildings are trying to capture views and sometimes these objectives are in direct opposition with each other. So it is a tricky business. He stated that every site is also different and the orientation of sites are different and that's where the design challenges are. In terms of the architectural portion, it starts with the site planning. The site shapes can vary, the orientation of the buildings on the sites can vary and every site is different.

John Ellis, an Architect with Mithun/Solomon on UPC's design team, added that this is a very good question because designing buildings in a complicated situation like this requires a lot of attention to details in terms of both site planning as well as building orientation. He indicated that they've done a number of buildings in San Francisco that address these issues. He cited the example of a building they just finished in Mission Bay, which is in an extremely windy part of the site. It is right on 4th Street. They designed a building with baffles in order to address the wind issues. They addressed the solar issues in terms of shading devices added to the outside of the building. They had solar panels up on the roof, which were oriented due south in order to get maximum sun exposure. So it is a combination of both site planning and building design and it is a complicated issue but it certainly can be addressed very satisfactorily.

Barbara Ebel stated that while this was probably the best answer she could get right now, it did not address her ultimate concern, which is whether or not the identified mitigation measures can

actually be implemented. She added that it's wonderful to hear that UPC is considering to spend millions on parks, but she didn't hear an answer as to whether UPC was putting money aside for transportation. She stated that she was particularly concerned because with Muni and CalTrain and SamTrans, if they're demand driven, then these extra vehicles, these extra trips probably won't be in place until towards the end of the project, 25 years from now. In the meantime, there's a lot of extra traffic going on. She also stated that she was concerned about the financing for things like the internal shuttles, because that's not going to be picked up by CalTrains, Muni, SamTrans or any of these other – they're not interested in these small lines. She was also wondering if Brisbane can get these transit services in place prior to the 25 year build out.

In response to internal shuttles, Mr. Scharfman noted that UPC operates three office buildings and two residential projects over at Executive Park and that the owners association for those few buildings funds a shuttle system that take residents and workers to the CalTrain station and to the BART station. He indicated that he would expect that part of the conditions of approvals for individual projects within the initial phases of the Baylands development would include that required provision. He stated that the transportation demand management plan outlines some of those features and it would be up to the City to define the proportionate mitigation for the phased development that is proposed at that time.

He continued on the question of money set aside for the larger transportation improvements, it would be a developer's expectation that they would be made responsible as a condition of approval for a phase of development for providing funding for the streets that would be adjacent to that development to serve that portion of the development and that in terms of financing mechanisms toward future improvements for regional transportation. He noted there are many ways to deal with these requirements. He suggested that is an issue for consideration in the conditions of approval. He indicated that in San Francisco, they are just about to change individual mitigation measures for individual projects; so that the requirements to do street improvements or new traffic signals and the like are with a fee that is calculated to feed into capital improvement programs that are planned over time. He reiterated that the bi-county study is only beginning of looking at these issues countywide.

Barbara Ebel then voiced concern regarding the total height and mass of the development above sea level, given the amount of fill underneath.

Mr. Scharfman clarified that the height of buildings would not necessarily be starting in every location on top of 20 to 30 feet of fill, that what was mentioned earlier was that there would be up to 25 feet of fill right on the edge of the Geneva Bridge, that would go over the CalTrain tracks. At that point, as Mr. Stickley has outlined in the Specific Plan, a couple of stories of development would happen below grade there.

Mr. Stickley added that first of all is the shape of the ground plane and the shape of the ground plane has actually been designed and determined in a grading plan and that's part of the infrastructure plan that has been completed. It conceptually shows how these different areas of the east side as well as the west side step from one block to the next, how streets are sloped

between those blocks, how we transition from areas that have lots of fill to areas that have little fill, and how we step up to the Geneva crossing. He stated this has been integrated into this grading plan and the information is there and it is pretty detailed. On top of that, there are the different building heights and we have to look at allowable heights. The entire project is not going to the maximum allowable heights because if you took every building parcel to its allowable height, we would exceed the overall development cap. So the allowable heights will vary but in general, the taller buildings are allowed in the northern portions of the site near Geneva. All of that has been modeled in the 3D model and we actually provided information to the EIR team because they were looking at the visual impacts. It is part of the EIR Analysis.

Mr. Scharfman clarified that the tallest allowable height in the DSP, adjacent to the intersection of Geneva Avenue and the CalTrain tracks are 125 feet. So to be specific, that's the maximum that was suggested.

Mr. Stickley added that those building heights aren't extended lengths for even whole blocks at that height. They would tend to be a small volume right at the corner of a parcel as a part of allowance for a gateway statement, but the general height of the buildings in that block would actually be much lower. They would be more like 7 stories or 80 to 90 feet.

Commissioner Munir asked how they calculate height, whether it is from the top of the fill or the existing ground.

Mr. Stickley stated that it's measured from the top of the fill, from the ground level, from the street level.

Commissioner Anderson asked where the grading plan was found.

Mr. Scharfman indicated that it is in Chapter 4 of the Infrastructure Plan.

Barbara Ebel indicated that she had one final concern about that and that is how the wind modeling was done, as uniform blocks and the desires of the wind surfers was in conflict with articulation of the building tops, that the articulation would disrupt the wind. Also, she stated that a previous speaker's concern was not about surface water, but groundwater inundation associated with sea level rise and migration of subsurface contaminants.

Ms. Bice responded that regarding sea level rise, they have ground water maps available that show the contours of the ground water and the elevations of the ground water and where it flows. Those show that there's a trough in the ground water, so a low that runs along the west side, it's west of the landfill and west of Bayshore Boulevard, and it acts as a barrier. Also, the landfill is going to have a leachate collection system, so there shouldn't be any leachate coming out of the landfill at all, but water flows to these low areas and then out toward the Bay.

In regard to the question of whether there is the potential for marine water pressure or hydrostatic pressure pushing leachate from underneath, Ms. Bice responded that it is the opposite. There's a

mound of water under the landfill from surface water infiltration. So, if anything, that water is depressing the water beneath the landfill and would push water out toward the Bay.

Barbara Ebel then requested that for case studies of buildings built of landfill, that those be at least 20 years old that went through the '89 earthquake. She then stated that UPC's plan is not net zero. She also contended that the community proposed plan was not actually the community preferred plan. She wondered if it was a big deal to propose a plan that is not consistent with the General Plan.

Mr. Scharfman responded that it is common for general plans to be amended. UPC made this request because Brisbane's General Plan has not been changed in 20 years and they believe that a general plan is a living document, that is responsive to evolving conditions in cities and of regions. They are asking for consideration of general plan amendments to accommodate this plan because we believe that that would help meet a lot of the objectives that have been set forth.

Chairperson Do indicated that the time was 11:00 o'clock and they still had one speaker card for 10 minutes. In addition to that, we have the Consent Calendar and Items Initiated by Staff, Oral Communications and so on.

Commissioner Munir expressed his opposition to extending the meeting.

After further discussion Commissioner Munir made a motion to continue the meeting until 11:30. Commissioner Anderson seconded and the motion carried 5-0.

Paul Bouscal, a Brisbane resident, stated that he was expecting all the Commissioners to respond tonight, and was curious as to why the Vice Chair and Chair had no comments.

He then recounted his understanding of the concerns about toxins when the 1994 General Plan was adopted and that those still exist. Also, we should not just look at minimum regulatory standards for the site. He suggested that the contaminants be excavated from the railroad site and putting it in a hole on top of the unregulated landfill and get rid of it in that way and then it is possible that some type of development which could include housing could possibly be acceptable to this community. Then he clarified that he was not endorsing housing in the Baylands because it is going to be a community vote.

He indicated that he has previously talked about floating structures in the Baylands on the railroad site where they were going to enhance the corridor and daylight the creek. He suggested that these structures could be sea level rise adaptable, without issues of liquefaction and would need pile driving. He indicated that Will Travis, BCDC Director endorsed this idea.

Mr. Bouscal continued that, he sat on the DEIR committee and I kept getting to the end of the chapters when they talked about mitigating measure and they have accommodation for any mitigated measures to be done when feasible. Those two words, when feasible, resonated throughout the whole DEIR report and he felt that it negates any obligation or responsibility to do anything. So he was concerned about who is going to determine if it is feasible or not.

He then stated that in the Open Space Plan and in the General Plan, 25% of the land is to be set aside for open space and it says open space/open areas. Open space doesn't mean it has any habitat value it just mean that it is public property and open areas are private properties. The wording makes a difference when talking about legal rights to properties. He asked what percentage is going to be open space and which percentage is going to be open areas.

He is not in favor of California institutions coming in for R&D use because then we're not governing, they're governed by the state and they just basically do what they want.

He indicated that he is grateful that UPC is receptive to hiring union trades.

Mr. Scharfman responded that on the question of the open space or open area that one of the reasons why they have a combination of open space and open area is that publicly accessible, is that private owned space needs to be funded for maintenance through private facilities and the City of Brisbane has some serious consideration as to how much public open space it wants to take responsibility for maintaining.

He continued that he would defer to staff to explain feasibility in the CEQA context.

Pete Munoz then responded that they looked into floating wetlands as part of our restoration plan for the lagoon. We not only looked at floating wetlands and opportunities but also aquatic restoration, merging wetland restoration, some of the lowland and upland restoration – really looked at all those opportunities comprehensively. We had some of the similar conversation with the BCDC in terms of the regulatory framework around that and really what the site was telling us with the body of science around the Bay Area is that transition-zone restoration.

Commissioner Parker asked whether they had looked into the floating homes.

Peter Munoz clarified that they just looked at floating wetlands as part of a restoration activity, not floating structures.

Chairperson Do addressed Mr. Bouscal's question about why she had not spoken very much during this meeting and indicated that for her it is about asking for clarification questions of the applicant and much of what was asked tonight was already addressed in the FEIR and that tonight was about an overview and review of what has already been presented and has been in public record. The second issue was about the economic fiscal feasibility of the plan and that's being worked on and the Commission would have that information sometime, hopefully, mid-January. She further explained that the Commission deliberations would come later.

Commissioner Reinhardt addressing Mr. Bouscal's question, indicated that, one of his goals and his role is to hear from the citizens, and he indicated that they had heard that. He stated that pile driving would be a large concern and that noise travels very easily in this area, and asked if there were alternatives to pile driving and if and how the owner would deal with the additional cost of alternatives to pile driven structures.

Mr. Scharfman responded that on the alternatives to pile driving, one option used by soil engineers in landfill areas is pre-drilling the piles. With that there isn't the same type of driving or the frequency of driving. It may also be used as a mitigation for potential problems that the pile drivers have if they encounter legacy waste. He indicated that Mr. Adair's firm has designed a lot of the mitigations out at Sierra Point and there have been some alternatives to pile driving used at Sierra Point that include pre-drilling. It is more expensive and would likely be more difficult to justify on the railyard side. The sites that might need that would all be located primarily in the area around Geneva Avenue and to the north.

Commissioner Anderson then indicated that he had four more questions just to put into the record to be addressed at some future date. First was to hear the answer to how the cap is to be repaired if necessary. Specifically, to address how a repair is done if there is a problem under a building. Second, he asked about the affordability of the R&D incubators. Third, he asked about the party responsible for cleanup. He understood that passed to UPC when they purchased the area and since the landowner is typically responsible if you have a lot of individually-owned housing, is the responsibility for cleanup going to be passed to a large number of individual owners? And finally, he asked if an open area is a park that's privately owned and the maintenance is funded, can that go bankrupt, be closed and be rebuilt with something else at a later date?

Chairperson Do asked for a motion to close the Public Hearing. Commissioner Parker moved to close the Public Hearing, seconded by Commissioner Anderson. The motion carried 5-0.

Commissioner Reinhardt then made a motion to move the remaining items to the Commission meeting of January 14, 2016, seconded by Commissioner Anderson. The motion carried 5-0.

Commissioner Parker made a motion to adjourn to the Regular Meeting of January 14th, 2016, seconded by Commissioner Reinhardt. The motion carried 5-0 and the meeting adjourned at 11:31 pm.

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.