

DRAFT
BRISBANE PLANNING COMMISSION
Summary Minutes of April 28, 2016
Regular Meeting

A. CALL TO ORDER

Chairperson Do called the meeting to order at 7:32 p.m.

B. ROLL CALL

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

Absent: None.

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

C. ADOPTION OF AGENDA

Commissioner Reinhardt moved and Commissioner Parker seconded to adopt the agenda. The motion was approved 5-0.

D. CONSENT CALENDAR

Commissioner Anderson moved and Commissioner Munir seconded to adopt the consent calendar. The motion was approved 5-0. Commissioner Parker noted she was absent from the March 10, 2016 meeting.

E. ORAL COMMUNICATIONS (limit to a total of 15 minutes)

None.

F. WRITTEN COMMUNICATIONS

Chairperson Do acknowledged written communications from the Housing Leadership Council, HEART, the County of San Mateo, Joel Diaz, Clara Johnson, and the Greenbelt Alliance.

G. OLD BUSINESS

- 1. Baylands Planning Applications** (Baylands Concept Plans, Brisbane Baylands Specific Plan, General Plan Amendment Case GP-01-06) and related Final Environmental Impact Report; Universal Paragon Corporation, applicant; Owners: various; APN: various.

Director Swiecki introduced Lloyd Zola of Metis Environmental Group, consultants to the city. Mr. Zola gave the PowerPoint presentation. [Note: The presentation is available on the City's website: <http://brisbaneca.org/sites/default/files/04-28-2016%20Deliberations.pdf>.]

Commissioner Anderson said the General Plan stipulates that all lagoon-front property be open space. He asked if that area was labeled "Lagoon Road" on the "Key Features" map (slides 7-19 of the presentation).

Mr. Zola affirmed the “Key Features” map showed the area adjacent to the lagoon as defined in the General Plan as required open space.

Commissioner Anderson said he wanted to make sure that the area north of the new alignment was not currently included so it wouldn't require a change to the General Plan.

Mr. Zola said if Lagoon Road is realigned north, the area south of Lagoon Road would be subject to that policy. The General Plan language refers to Lagoon Road as the determining factor.

Commissioner Munir asked how big that area was.

Mr. Zola said he could come back with an estimate of the size of the area. He said existing General Plan policy and EIR mitigation measures prohibit development adjacent to the lagoon.

Mr. Zola concluded the presentation and asked for questions from the Commission.

Commissioner Anderson said he had heard people discussing a land swap between Recology and UPC. He asked where Recology could go if not in its current location.

Mr. Zola said he recalled the owner had stated it had been discussed, but that the owner did not necessarily agree with it. He suggested that Recology's forthcoming application is the best venue for the Planning Commission to discuss where Recology ought to be. He asked the Commission to think about what is appropriate in that area without precluding Recology.

Commissioner Anderson said it seemed problematic for the Commission to discuss land uses other than Recology if there is no feasible place for Recology to relocate.

Commissioner Parker said she learned at several Recology meetings that they want several buildings separated by refuse type, which could help them be better neighbors. She saw a problem with truck traffic. She sees a need for Recology's expansion.

Commissioner Munir said the Commission's recommendation is not a binding agreement. If the Commission recommends a land use in a particular place, it's just a recommendation and shouldn't create any problems between Recology and UPC.

Director Swiecki asked Mr. Zola to navigate to slide #26. He said if there was an area the Commission was interested in identifying as a location that could make sense for Recology, they could recommend that the General Plan be revised to accommodate Recology as a potential future land use in that area without committing to specific approval of the relocation/expansion of Recology at this point in time.

Commissioner Anderson asked if it was feasible to build the type of buildings Recology is considering on the landfill area.

Commissioner Munir said his overriding consideration would be traffic congestion, which would dictate whether it was closer to the interchange or not. He wanted to reduce the impact to the surrounding areas. The other piece of the puzzle is the adjacent Candlestick development.

Mr. Zola referred to slide #26 using Areas 1 and 2 as examples. The Commission could look at Area 2 and recommend allowing an “Industrial Park” use, which could accommodate Recology. If Recology stayed in its present location, then its land use would need to be addressed in Area 1. In the latter case, the Commission may want to consider whether office uses should also be allowed in that location.

Commissioner Parker asked for the size of Area 2.

Mr. Zola said it was approximately 80-90 acres. Area 2 was larger than Area 1, even with Geneva Avenue pushed south.

Commissioner Munir stated his opinion that soil types would determine the appropriate uses. He said they would have to review a soil profile that shows the type and location of contaminants to determine the extent of the soil toxicity. Based on that, they could determine what land uses would be appropriate for specific locations.

Mr. Zola said the Commission is looking at a General Plan level, rather than Specific Plan level. They know the soils throughout the site have corrosive characteristics and will need specific designs for underground pipes. They know putting buildings on top of the landfill is an issue of structural design. Very site-specific design engineering studies will be required. The soil characteristics of various areas within the Baylands will differ from each other. The idea of starting from the General Plan level is to define the types and intensities of land uses that the city is willing to consider. Then the applicant must come back to demonstrate the feasibility of those uses.

Commissioner Munir said he thought this was supposed to be a Specific Plan.

Mr. Zola said in this case, the Commission is starting at the General Plan (concept plan) level to determine what the general land uses should be. If the Commission wants very different land uses than what’s shown in the Specific Plan submitted by the applicant, there is no sense going into the detail of that Specific Plan. By starting at the General Plan level, they will consider what policies and land uses are appropriate in various locations. It is up to the applicant to demonstrate whether it can be done, through preparation of a Specific Plan.

Commissioner Munir said the residential component will depend on the soil conditions. If residential is recommended in Area 3, but it is found later that residential can’t be accommodated, that would be a problem. They need that information before going through the conceptual planning process. He wanted concept plans to be compared from the very beginning. He expressed his opinion that the process was confusing. He added the fiscal impact would also change the specific plan.

Mr. Zola stated that all concept plans have been evaluated in the EIR and thus the level of analysis is comparable. Commissioner Munir's suggestion to compare the alternatives at the General Plan level across the board is how the EIR was structured. Once the Commission has made a recommendation at the General Plan level, then they can move on to the Specific Plan level.

Chairperson Do summarized that at tonight's meeting they would be discussing the General Plan level, concept plans only. She asked staff to go through each land use listed on slide #26 in detail for the Commission to understand before they move on to discussing the appropriate land uses for the different areas.

Mr. Zola said the multiple-use types shown on slide #26 are suggestions, but the Commission can create their own use types depending on what they want. He suggested the Commission verbally describe the desired land uses and he and his team would compile those recommendations into a land use concept map.

Commissioner Anderson asked if any study was done regarding contamination and remediation needed for the current Recology site in Area #1, or was that not included since it was active?

Mr. Zola said the Recology site overlays a portion of the landfill so that would require landfill closure by Recology.

Commissioner Anderson asked if the potential for residential development on the Recology site had been studied, in the event that UPC and Recology decided to swap land in Area 2.

Mr. Zola said it had not. The EIR assumes the existing Recology facility would remain in place and in some of scenarios it would expand.

Director Swiecki said if the Planning Commission's land use recommendation is different than what was evaluated in the EIR, it would be acknowledged in their recommendation to the Council. The Commission can recommend a land use pattern and recommend to the City Council that this land use pattern be subject to further CEQA review.

Commissioner Munir asked if the Regional Water Quality Control Board (RWQCB) and State Department of Toxic Substances Control (DTSC) would dictate the type of appropriate land uses?

Mr. Zola stated no. He referred back to Dr. Mearns' presentation at a previous Commission meeting, reminding the Commission that the City determines the appropriate land uses. The regulatory agencies then require human health risk assessments to determine the remediation requirements that must be met for the uses the City has determined are appropriate. The review of health risk assessments and determination of appropriate remediation measures is under the purview of DTSC or RWQCB, depending on which area of the site is being reviewed.

Chairperson Do asked for clarification on the sizes of the six areas outlined in the presentation.

Mr. Zola said the size of Area 1 would depend on the final Geneva Avenue alignment, but was about 80 acres. Area 2 was about 110 acres, Area 3 about 80 acres, Area 4 was about 20 acres, Area 5 was about 70 acres, and Area 6 about 60 acres. The total area is larger than Keyser Marston's assumption because of the Recology site and the central open space in Area 3. At the next meeting, when they talk about intensity of land use, they'll be able to calculate how many approximate square feet could be built within the entire site, based on the size of the areas and the preferred densities and intensities.

Commissioner Munir said the Geneva Avenue alignment is still up in the air.

Mr. Zola confirmed that the specific alignment of Geneva Avenue has not been determined. He suggested the Commission think of the Geneva Extension alignment as an engineering issue rather than trying to make a recommendation of what the alignment ought to be.

Commissioner Munir said he was looking at whether the total acreage of Area 2 and 6 would change depending on the alignment.

Mr. Zola said the maps in the presentation showed a southerly alignment, which was the basis of the preliminary engineering done to date.

Commissioner Munir said whether it was an overpass or underpass would impact the whole area.

Director Swiecki said he did not expect the vertical profile to significantly change the overall acreage.

Commissioner Munir said whether it was an overpass or underpass would impact traffic circulation.

Mr. Zola said it would affect connection points, roadway design, and intersection spacing within the subareas. He said those are Specific Plan level design issues, not issues that can be meaningfully addressed at the General Plan level.

Commissioner Munir said the location of land uses would have to change if there are no connection points to Geneva Avenue.

Mr. Zola said there is no basis to assume that the site will be precluded from having access to Geneva Avenue. He stated that depending on the access points for Area 2, one access point to Geneva Avenue at a minimum is reasonable, with the potential to extend Sierra Point Parkway as a frontage road.

Commissioner Munir said his main concern was truck traffic from Recology and other industrial areas. He added traffic would also affect housing at Schlage Lock.

Mr. Zola referred back to Area 1, noting that each concept plan recognizes the existing Recology use. The issue is what happens between Recology and Geneva Avenue.

Commissioner Anderson said the area north of Ice House Hill is labeled “potential development area,” which he presumes is Industrial Way. He asked if the daylighted creek goes through Industrial Way or if the white line represents the current road alignment.

Mr. Zola said that conceptually the daylighted creek cuts through the northern portion of Industrial Way.

Commissioner Parker suggested Recology expansion and light industrial designations for Area 1.

Commissioner Munir asked if the Caltrain station would be north or south of the Geneva Avenue extension.

Mr. Zola said it was shown as north of Geneva Avenue in the maps, but the concept of relocating it southerly to Geneva Avenue is under consideration as well. In regard to Area 1, he said the Commission could recognize the existing Recology site, which is consistent with all concept plans. He suggested that for the UPC-owned remainder property between Recology and Geneva Avenue the Commission could designate it for office and retail uses which would not accommodate the Recology expansion, or the Commission designate it for industrial uses, which would allow for Recology’s potential expansion or allow other industrial uses in this area if Recology did not expand.

Commissioner Munir asked if Recology was considered an industrial use.

Mr. Zola confirmed. He suggested the category “industrial park” could include Recology and other light industrial uses. He asked the Commission what they would want to see along the Geneva Avenue frontage as people enter Brisbane from the freeway.

Commissioner Munir said that would be determined by how much Recology wants to enlarge their facility.

Mr. Zola said Recology could use the entire Area 1 in their expansion if they wanted to.

Commissioner Munir asked if they needed to separate out Recology from the designation “industrial park.”

Mr. Zola the term “industrial park,” could be defined to allow Recology and other light industrial uses. A business park designation could allow for office and retail uses along Geneva Avenue.

Commissioner Munir said designating it as industrial would allow more flexibility in terms of Recology versus other industrial uses.

Chairperson Do asked if they wanted the potential for retail or office there as people exit the freeway, as included in the DSP proposal.

Commissioner Munir said DSP’s proposal was only for a business park and the CPP proposed research and development in that area.

Mr. Zola said the CPP proposed research and development, hotel, and Recology. He suggested the Planning Commission think about how these different types of land uses would fit together.

Chairperson Do said the 80-acre area was large.

Commissioner Munir said he was leaning toward an industrial park, which would cover Recology and other industrial uses.

Commissioner Parker suggested an industrial and business park.

Director Swiecki reminded the Commission that the categories being presented tonight are just examples. He suggested the Commission focus on the mix of preferred land uses and that the titles and descriptions can be tailored to reflect the Commission's intent.

Commissioner Munir said offices might not be compatible with Recology, especially if it expands. He preferred industrial uses.

Commissioner Anderson agreed industrial uses were best, and perhaps freight forwarding.

Chairperson Do announced a five-minute break.

The Commission reconvened.

Chairperson Do summarized that the Commission had agreed that Area 1 should be designated industrial park.

Mr. Zola said the Commission had previously discussed a preference for "light industrial" to include smaller businesses in multi-tenant structures as opposed to large-scale freight forwarding or logistics. It would have more employment intensity than large-scale logistics, and Area 1 is within ½ mile of the Caltrain station.

Commissioner Parker asked what type of use the lumberyard was considered.

Mr. Zola said the lumberyard is in Area 2, and is a retail industrial use. It could fit within either category. It is one of several existing uses in the Baylands that don't fit into one land use category. He described Area 2 and noted it was within ½ mile from the Caltrain station. He said it was one of the most visible areas of the Baylands from the freeway and from Central Brisbane.

Commissioner Anderson said if a high speed rail yard moved forward, it would take up most of Area 2, so it would not be a good idea to approve large, new uses for that area until they are more confident about what's happening with high speed rail.

Director Swiecki said there is no plan or environmental clearance for a high speed rail maintenance yard. He cautioned that leaving the area in limbo until the High Speed Rail Authority (HSRA) makes a decision may not be the best planning strategy.

Commissioner Munir said they have to look at Caltrain's timeframe compared to the timeframe of the developer's plan, which is 20 years down the line.

Director Swiecki stated that if the HSRA has the ability to acquire or condemn the property and use it for their purpose at any time, then the City's planning efforts are not a hindrance to HSRA. He recommended against leaving areas of the City unplanned in the General Plan, forfeiting its planning authority to a state agency completely out of the City's control.

Commissioner Anderson said there were existing businesses operating there, such as the soils operation. He said there was talk of exporting soil from the site, potentially to Candlestick, and asked for more clarity on the ramp-down and duration of the soils processing business. It might have a longer timeframe than high speed rail.

Commissioner Munir said the renewable energy option could work with the HSR facility, if they were willing to accommodate a renewable energy farm. He suggested designating the area for the existing soil processing use and maintenance yard.

Mr. Zola said the soil processing business was an interim use and the landowner's intent is that the soils processing would remain as in interim use until development started. The Commission is being asked to identify the most appropriate use of that area.

Commissioner Munir proposed designating Area 2 for renewable energy generation and a rail maintenance yard.

Commissioner Parker said they could also allow a land use that would coordinate with renewable energy.

Commissioner Anderson said they need more clarification on the financial aspects of the renewable energy plan. It was said to be financially feasible but they don't have numbers on how much less remediation would cost. It seems that having less need for remediation there seems more economically viable and safer for the community.

Commissioner Munir said the state would take over all expenses for a high speed rail maintenance yard.

Chairperson Do suggested they consider what they want first, as opposed to what they could be constrained by.

Commissioner Anderson said he wanted to see renewable energy there.

Commissioner Parker said renewable energy and a complementary use.

Chairperson Do suggested open space.

Commissioner Anderson said open space and renewable energy may not be compatible. He asked what the “shoreline setback” was shown on the presentation map.

Mr. Zola said that area could be a shoreline park, as suggested by the windsurfing community. He clarified that any change in land use on top of the landfill will require formal closure in compliance with State requirements.

Commissioner Parker said she thought they were going to close it soon anyway.

Director Swiecki said the landfill ceased operations many years ago and has not been closed in compliance with State regulations. The formal closure will occur in conjunction with site development.

Commissioner Reinhardt said there was potential to combine business with renewable energy. They had seen many advances in businesses incorporating renewable technology. He still wanted to see renewable energy in that area.

Chairperson Do said everyone seemed to be in agreement about renewable energy. She asked if there were any other land uses that could be appropriate.

Commissioner Anderson said opening up the area to business may not be beneficial. He prefers to start with renewable energy and put businesses in other areas.

Chairperson Do said there were 110 acres in Area 2, the largest area they are looking at. She asked if the Commission wanted to designate that area just for renewable energy.

Commissioner Parker confirmed and added existing uses should be included too.

Commissioner Munir said the rail yard should be added too.

Commissioner Anderson said a rail yard would not need to be added explicitly because if it comes along HSRA would take the land. They should not plan for intensive uses in the area if the rail yard will be located there.

Commissioner Reinhardt said he agreed with renewable energy but he was open to combining light industrial with renewable energy in order to make it more feasible.

Commissioner Anderson said he agreed in concept but it was a question of density. He suggested circling back on the topic during the density discussion.

Chairperson Do said to be inclusive, they could list renewable energy and light industrial. Density is a specific question they will deal with at a subsequent meeting.

Commissioner Parker suggested combining renewable energy and industrial to pay for the renewable energy.

Chairperson Do agreed and said if industrial businesses came in, the City could require open space as part of their site development. She preferred planning for broader uses at their high level conversation will give them more flexibility when they get to their more specific discussion about density.

Commissioner Anderson said at this point his recommendation was just renewable energy.

Chairperson Do said she wanted to consider businesses that support renewable energy.

Commissioner Reinhardt said he was thinking of light industrial with renewable energy driving the development. He wanted to discuss the feasibility of that land use combination during the density discussion.

Mr. Zola said it sounds like the Commission's preferred primary use was renewable energy generation. During the next meeting's discussion of development intensity they could look at how light industrial uses might fit in, as well as other land uses in and around the interchange and Geneva Avenue frontage.

Commissioner Anderson said it might be worthwhile to zone the area around the Geneva Avenue extension separately, because there could be desire to put something by the roadside that is not light industrial.

Mr. Zola said they could bring back various options for development along Geneva Avenue's frontage, as well as development at the interchange, with the primary use off Geneva being renewable energy generation.

The discussion moved on to Area 3. Mr. Zola described Area 3 as the southerly portion of the landfill. The developer's plan proposes open space bordered by business parks in this area, while the other concepts show open space.

Commissioner Parker asked if open space would include an entertainment center like a golf course.

Mr. Zola said a golf course would be designated "commercial recreation."

Director Swiecki suggested specifying that type of use as "active recreation," as separate from open space.

Chairperson Do said the definition of open space on page G.1.2 of the staff report included "active recreation."

Mr. Zola said commercial recreation uses would be separate from active or passive open space.

Commissioner Parker asked where the lumberyard would go and how many acres it needed.

Director Swiecki said the lumberyard is currently located within Area 2 and was approximately two acres in size.

Commissioner Anderson said if it needed to be relocated, there are other areas that could accommodate it.

Commissioner Parker said it should be relocated near a road.

Mr. Zola said the lumberyard could be considered a light industrial use, which the Commission had recommended for Area 2.

Commissioner Munir suggested the lumberyard could relocate to Area 4.

Commissioner Anderson suggested the southerly portion of Area 5 near the rail spur, but he thought it could also remain in its current location.

Chairperson Do asked for consensus on Area 3. It was agreed that open space and commercial recreation would be appropriate, depending on the density of commercial recreation.

Mr. Zola then moved on to Area 4, and stated the issue for this area is access from Industrial Way. The DSP scenario shows a roadway crossing the daylighted creek, which is necessary for safety. The area could accommodate long, multi-tenant buildings for those businesses. The goal would be to improve the design and character of the existing area and cater to the same types of businesses that are there now. The other concept plans show Area 4 as open space, which would require removal of the buildings on Industrial Way.

Commissioner Parker asked if the soil below those buildings had been studied.

Mr. Zola said that area would require soil remediation as part of OU-2.

Commissioners Anderson asked if it was necessary to raze the existing buildings to do remediation, or if the no-build scenario precludes improving the existing buildings. The daylighted creek cutting through the area would require some modification to the buildings.

Director Swiecki said that area now has its own discrete zoning and land use category. If the Commission wants to keep the existing land use pattern, they could maintain those existing zoning and land use categories. He stated his opinion that the existing buildings are near the end of their useful economic life, and it was unlikely the property owner would invest substantial dollars to upgrade them. He suggested the Commission consider what they would like to see when something is rebuilt there.

Commissioner Parker said she understood the zoning in the EIR is different from the General Plan and that the zoning was supposed to be considered separately.

Director Swiecki said there was an issue with M-1 zoning citywide. Area 4 is included in a specific plan, and the zoning and development regulations established under the specific plan will govern this area.

Commissioner Parker said the City Council had recommended that the Commission should adopt discrete zoning regulations for Industrial Way from the zoning of the former VWR properties.

Director Swiecki responded that the Commission is doing this by considering the future of the Industrial Way properties as part of the Baylands, separate from other M-1 zoned properties in town.

Commissioner Parker said there were some zoning changes to the M-1 recently for new tenants at the VWR site, and she didn't know whether it would apply to Industrial Way.

Director Swiecki said the recent M-1 zoning changes applied to all properties zoned M-1.

Commissioner Anderson said he understood the Council wanted to designate the Industrial Way area as Trade Commercial.

Director Swiecki clarified that the Council had not given specific direction in that regard. The Industrial Way property is under consideration as part of the Baylands planning process.

Commissioner Anderson saw value in extracting it and discussing the issue separately. He stated if we have a reason to tear down the existing buildings on Industrial Way to remediate, he saw no point to discussing it. But if the existing buildings could remain, it's possible they could be remodeled or revitalized through a separate planning process if there's an interested buyer. He is inclined to leave Industrial Way alone unless an issue comes up that demands it be changed, and at that point to make it TC-1 Trade Commercial and let the businesses improve themselves, instead of removing them and then finding there are no tenants because the new area is more expensive. There is a lot of new development to the north coming in. He would like to leave the area as is.

Commissioner Parker agreed. She said Industrial Way provides a place for businesses that have been pushed out of other cities.

Commissioner Munir agreed and said Industrial Way should be left the way it is, and if anyone wants to change it they can go through the regular planning process.

Mr. Zola said at a General Plan level the existing uses would fall under Light Industrial. The zoning to implement the General Plan could be determined later. He stated Trade Commercial has warehousing, distribution, commercial, and many other uses; it's a broader term. Light industrial is more specific to the small-scale businesses that currently exist.

Chairperson Do summarized by saying the Commission generally supported Light Industrial in Area 4.

Mr. Zola moved on to Area 5. He said the DSP proposes residential, retail, and office uses, categorized as “mixed use.” The CPP proposes hotel, civic uses, and open space. The renewable energy alternative proposes R&D with open space to the south. Area 5 is one of the prime transit-oriented areas. One of the Commission’s previously stated goals was to encourage transit-oriented uses.

Commissioner Anderson said Keyser Marston had discussed a large corporate park. He asked what the acreage would be required for that type of use.

Mr. Zola said Keyser Marston did not look at a specific acreage for the campus, but Area 5 would be large enough to accommodate one. A corporate campus would be a “commercial/office” designation. It could also include a mix of residential uses within that transit-oriented location.

Commissioner Anderson asked if residential was not approved in this area, would the Caltrain station be moved from its proposed location at Geneva Avenue and Tunnel Road.

Mr. Zola said one of the proposals for the Bayshore Caltrain station was to move it south, with the BRT connecting directly from Geneva Avenue. San Francisco prefers to move the station north into San Francisco. He said they could look at Areas 5 and 6 as having potential for higher intensity transit-oriented uses, with the idea to move the Caltrain station south so it aligns with BRT at Geneva so it would be a transit center at Tunnel and Geneva.

Commissioner Munir asked how far San Francisco was with their push to move the Caltrain station into San Francisco.

Director Swiecki said San Francisco had initiated preliminary feasibility studies, but he did not have an indication that they were ready to release a draft plan any time soon.

Commissioner Munir said the transit center would likely not happen in the foreseeable future. All the jurisdictions have conflicting desires, and anticipating a transit center at that location is premature. We don’t know where the money will come from or where it will go.

Director Swiecki said the existing Caltrain station is already in the area.

Commissioner Munir said the transit center was not feasible in the near term and the Commission should not consider it in their discussions. He stated his desire to plan for the area as it is now, not 20 years from now. They do not have funds, plans, or agreements with other agencies for the transit center. He said the community survey showed very low support for residential in the Baylands, and it was difficult for him to consider that together with the reality that the Geneva extension is not in sight for the next 15-20 years. He did not think Caltrain had the capacity to handle the increased ridership. The residential element is questionable because the transit enhancements are not there and the citizens have voiced their opinion against it. He wanted them to discuss that. He said Geneva extension will not be a miracle cure for congestion, because there is no way they can increase the capacity of Highway 101, and might bring more traffic from Daly City.

Commissioner Parker said she had attended meetings about improving Caltrain and BART and understood there was no funding to fix their problems.

Commissioner Munir said transportation funding is scarce and ultimately depends on who is in Congress. There were many uncertainties, and he has a hard time deciding whether residential should be allowed in Areas 5 and 6. He understood there was need for housing, but it's a regional issue the State should be addressing. San Francisco didn't consult with any cities that Schlage Lock should be developed. He wanted a State level dialogue on the housing crisis and supported tax incentives for people to move to Stockton and other places. They can't solve the housing problem because the infrastructure isn't there. Rail systems are already fully developed in Europe and the east coast cities but California is car dependent.

Chairperson Do asked if the Commission could agree on any other uses for this area?

Commissioner Munir suggested R&D and open space.

Chairperson Do asked about a hotel. She asked Mr. Zola to clarify what civic uses would be.

Mr. Zola said "civic" uses were public buildings. They don't need to plan for public buildings as part of the General Plan. Public buildings would fall under a variety of land use categories. He said the other thing to consider is that Area 5 has the Roundhouse. He asked the Commission to consider how the Roundhouse could be supported by surrounding uses. Industrial uses in that area might make the Roundhouse less active. He said one of their basic principles was to tie the timing of development to the provision of infrastructure or amenities, such as the Geneva Avenue extension. Land development can be tied to infrastructure improvements through a phasing plan.

Commissioner Munir said he supported R&D and open space in Area 5.

Chairperson Do asked if they wanted to discuss the potential for mixed-use tonight or at a later time.

Commissioner Anderson said there has been a lot of talk about sustainable growth, which is an oxymoron because you can't grow forever; eventually they will be full. He doesn't think the Baylands is a good site for residential. Many people have spent years studying the site on BBCAG and none of them said that remediation plans would make the site acceptable for residential. An expert told them that the site could be remediated, but the expert also said they had never had a site that could not be remediated, which made him uneasy. The people strongly in favor of housing are desperate for housing. Four-thousand units is large for Brisbane but not large for the region. Affordable housing may not be as "affordable" as people think. Housing in this area would not meet the demands of the typical person asking for housing. He doesn't think it is justifiable to recommend housing to City Council at this time.

Commissioner Parker said she had previously stated housing should not be built. She didn't think it would pass if it went to a vote. She is not comfortable putting housing on the land. She has

attended BBCAG meetings for several years and there are many things that could go wrong. People can leave office buildings if necessary. If there is something wrong with the land people could lose their homes or be stuck living there. If it's affordable housing, then it will be even more difficult for people to move. She thinks there are other areas for Brisbane to put housing.

Chairperson Do said her main concern with housing was with health issues. For now, she asked if they could agree on R&D, open space, hotel, and civic uses for both Areas 5 and 6. There was consensus from the Commission.

Mr. Zola said the Commission had discussed commercial office and campus uses in Area 5 and 6. He reminded the Commission that in the last meeting's discussion of the economics, Keyser Marston has suggested looking at millions square feet of building area because that's what it's going to take to generate enough land value to make the infrastructure work. R&D and open space in Area 5 and R&D in Area 6 would be unlikely to provide that amount of land value.

Commissioner Parker said Area 6 should be more of a campus.

Commissioner Munir asked how big Facebook and other tech companies' campuses were.

Mr. Zola said large campuses in the Bay Area, whether single or multiple-use, are a popular development type in the tech industry. They are intense uses and it is a vibrant land use in the market. Other locations, however, do not have the infrastructure issues that are faced in the Baylands. There is a need to create enough value in the buildings to support the infrastructure. R&D's buildings will not get there. R&D as an industrial type use generates lower employment volumes than a larger office campus. They had talked about a higher intensity office use to generate the value in that land in Area 6 and at the Geneva Avenue frontage with setbacks around the Roundhouse to bring more people and activity near the Roundhouse. In terms of residential use, the Commission laid out several issues in terms of comfort with remediation. They could come back with different options for Areas 5 and 6, with Area 5 as R&D and open space area as proposed by the renewable energy alternative, a campus-like area with higher intensity office uses, or maybe a mixed-use scenario so they can get a feel of the character of those types of uses. The Commission can discuss intensity at the upcoming meeting. After discussing the density issue, the policy issues can be discussed, such as phasing and tying rates of development to the major improvements that are required.

Commissioner Munir said the traffic impact should always be kept in mind. The goal is not to have too many people there without the means to transport them. He did not want the Geneva Avenue extension and transit center to be considered.

Mr. Zola said that presented a General Plan dilemma as the existing General Plan anticipates the Geneva extension. General Plans typically look at a 20-year horizon of the community's vision, and plan for how to get to that vision of the future. An important function of planning is to determine how we get from the constraints we have today to what we want to see in the future.

Commissioner Munir said a 10-15 year plan with different zoning based on infrastructure improvements would make sense to him, but right now he didn't think they could use future improvements for their planning decisions.

Mr. Zola said there was a case in Antioch where they wanted a BART extension. The city opted to allow high-density mixed-use development near the future station in their General Plan, with the caveat that the station had to be built first. The Commission may tie development to actual infrastructure improvements.

Commissioner Munir said BART made a mistake by committing to mixed-use because they cannot support the increased ridership.

Mr. Zola said development could be tied to milestones of ridership capacity.

Commissioner Munir said toxic contamination comes into play as well. It's a very complicated scenario to decide whether to allow housing or not.

Chairperson Do opened up public comments. She reminded speakers that the Commission was in their deliberation phase and the public hearings have closed. She asked that speakers limit their time to three minutes and refrain from repeating points or debating with other speakers.

Sarah Sieloff said she was Executive Director of the Center for Creative Land Recycling (CCLR), a national nonprofit based in Oakland that has pioneered brownfields redevelopment for 20 years for 1,000 of acres of land for housing, commercial, and open space. CCLR is the oldest and only national nonprofit dedicated to community revitalization by providing technical assistance in support of brownfield redevelopment projects to municipalities. CCLR has the experience to help Brisbane and the community to understand the environmental and health implications of remediation and UPC's plans to address the concerns. One of three basic principles for redevelopment of Baylands as established by the Commission is to ensure safety of future uses in relation to site remediation and landfill closure. Remediation and reuse of brownfields is a well-established best practice and sustainable land use yielding multiple benefits to communities. These include residential and commercial development and open space, jobs, improved transportation and removal of contamination and threats to environmental and human health. Some discussion earlier this evening addressed the remediation process. The remediation requirements are well established and science based and mandate close coordination between the developer and state regulatory agencies, ensuring the clean-up results in a site safe for its intended reuse including sensitive uses such as housing. The remediation process protects everyone from construction and office workers to final residents.

Ms. Sieloff continued to say that as part of the remediation process, state regulators require contingency plans so that if additional contamination is discovered during cleanup, the property owner can act quickly to remove the risk. She stressed safe, effective environmental remediation happens every day to turn post-industrial land into community assets across the country and safeguard human and environmental health by cleaning up contamination. Regarding uses, CCLR has assisted scores of safe and successful residential developments on formerly contaminated land in the Bay Area and around the country. Housing is a frequent, safe and

highly sustainable outcome for redevelopment brownfields. An example is Township 9, a 65 acre mixed-use master planned transit oriented development in the River district of Sacramento. With CCLR's assistance, the developer won over \$30 million in state grants to address contamination from the site's industrial past and to build the necessary infrastructure for 2,300 units of housing, 840,000 sf of office space and 140,000 sf of urban retail located along an extension of the city's light rail line. The safer use of landfills is a common practice. One example, CCLR assisted a coalition of community groups in Portland, OR transforming a closed 25-acre construction landfill into a community park and market. CCLR provides input on redevelopment plans and provides technical resources. CCLR has seen landfills turned into parks, shopping centers, and solar fields. She suggested visiting their website at www.cclr.org for more examples and said she could provide additional information. Reusing land is one of the most sustainable things a community can do.

Commissioner Anderson asked if Ms. Sieloff had studies of sites that were remediated about 20 years ago.

Ms. Sieloff said they could assist in finding examples of earlier cases. The federal Brownfields program was about 20 years old.

Jonathan Scharfman of UPC addressed the Commission's recommendations for Area 2. He understood there would be two primary uses, one for renewable energy and the other for Recology expansion and a thin strip of development on either side of Geneva. He strongly thought it was inadvisable. On the Recology side, UPC has expressed concerns about the expansion because the expansion as put forth in the CPP-V actually restricts access to the Bayshore Caltrain station from the east side of the tracks. UPC believes any future uses on the Baylands should have full access from east-west, north-south to the Bayshore Caltrain station whether it stays where it is or whether it moves. While there was discussion about the potential usefulness of Geneva Avenue, he asked them to seriously consider how a renewable energy development could actually support a \$50-100 million improvement like the Geneva Extension and interchange, based on the City Engineer's estimate, which is to be funded by a combination of sources including the development of that property. He asked them to consider seriously whether renewable energy development could fund development of those improvements and whether Recology could fund those improvements.

Mr. Scharfman continued to say that Sun-Edison, the largest renewable energy developer globally, filed for Chapter 11 bankruptcy that week. The economics of solar energy are something UPC does not believe the Commission is taking seriously. He asked them to do so before making recommendations for land uses. UPC went to PG&E in 2008 with leadership of CREBL, and met with the head of procurement after PG&E was mandated to procure up to 500 MW of renewable energy by the State. The head of procurement said this site was not under consideration because it did not meet their criteria because there were environmental conditions that needed to be addressed and they were not able to procure the number of electrons needed to meet their goals. He asked the Commission to take more seriously the facts on the ground about these items before they zone the area to limit development to uses that may not be able to support those infrastructure improvements. There were some questions on lack of funding for transportation infrastructure. He reminded them the Bayshore Caltrain station as it exists is the

second lowest ridership station along the Caltrain line, along a line that has increased in ridership by double digits in recent years, and already has funding in place for electrification to meet the requirements for the future. He challenged Commissioner Munir's reasoning for stopping development until there is money in place for transportation infrastructure, because there is funding for the Caltrain modernization program. To get more funding to get people out of their cars and onto transit the regional agencies, the state really want to see cities like Brisbane make decisions to put high density mixed use development within a ½ mile of existing stations. He asked them to reconsider putting solar farms and industrial uses from the past century around these precious resources.

Joel Diaz said he had personally been trying to debunk many myths. When he first heard of the Baylands proposal, he believed many stories that made sense at the time but as he dug deeper, he found it was totally the opposite. It was helpful to read the EIR, which has a lot of pertinent information that does not come out at these meetings. One of the objectives is to achieve safety in radiation and landfill closure. Master Response 13 of the Final EIR very clearly states that "the key determination made in the Draft EIR regarding the relationship between the City's planning review and the regulatory agencies' remediation review processes is that, while sufficient information is available for the City to make a General Plan/Concept Plan land use decision, there is not sufficient information to support adoption of a specific plan at this time." Yet somehow they are being asked to consider adopting a specific plan. There is not enough information. The title of the section is "Relationship between Proposed Project Site Development and Title 27 Landfill Closure/Site Remediation" which is one of the points they're talking about tonight. The only thing they can do is approve a concept plan.

Mr. Diaz continued to say that later in the EIR it says there is much subsequent CEQA analysis needed starting with human health risk assessments. All that analysis must be done before a specific plan can be adopted. The idea that we can't hear from the DTSC or the RWQCB or the San Mateo Health System doesn't make sense to him. Why aren't they hearing from these agencies in charge of remediation and landfill closure? Those agencies are conspicuously absent. There are many studies prepared by third parties but they don't have any recommendation or opinion from the chief regulatory agencies. If they had something good to say about the project we would be hearing it. Conspicuously that is absent. There are no comments from those agencies in the EIR. According to Dr. Mearns, these regulatory agencies are in control of the remediation and landfill closure right now. Dr. Mearns said that regardless of development, the owners will clean up the site. She stressed the agencies have stringent goals that can be land use restrictions. She said when the landfill is closed and closure plan is completed, these agencies will impose deed restrictions and covenants and potentially use restrictions based on what they feel is safe. The notion that the City can zone the area without hearing from those agencies is silly. For example, if they said the site is totally lethal and the City would not zone it for residential. It's imperative to have that information from them as starting point. They will not let us build anything unless we comply with their demands.

Mr. Diaz continued to say the infrastructure improvements and how to pay for the Geneva overpass is another myth. The EIR clearly explains it is the intensity of the development that will necessitate the infrastructure, specifically the Geneva overpass. A solar farm on the east side may not require the Geneva overpass. The requirement for the overpass and all the major expensive

infrastructure is based on the intensity of development. Brisbane doesn't have to pay for it or build it. He understands the site will be cleaned up regardless of development and there are no fiscal benefits that warrant this type of commitment by the City. The fiscal analysis shows a \$2.1 million net loss to the city for residential development, and we don't have the necessary human health risk assessments to show it's safe for humans to live there. The report by Dr. Lee says the development will increase the release of toxic materials. The notion that brownfields can be reused safely is a myth. He feels sorry for UPC for the time and energy put into the application, but it doesn't align with the City's goals, financially, health-wise, and these things are important. They should try to align their goals with the City's goals. Their proposal is one sided and doesn't make sense.

Chairperson Do closed the public comment period.

H. ITEMS INITIATED BY STAFF

Director Swiecki said the Council recently approved revisions to the parking ordinance.

I. ITEMS INITIATED BY THE COMMISSION

None.

J. ADJOURNMENT to the Regular Meeting of May 12, 2016 at 7:30 p.m.

After discussion, Commissioner Munir moved and Commissioner Anderson seconded to cancel the May 12, 2016 regular meeting and adjourn to a special meeting of May 18, 2016 at 7:30 p.m. The motion passed 4-0 and the meeting adjourned at 10:20 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.