



BRISBANE CITY COUNCIL
SUMMARY MINUTES

**SPECIAL MEETING TO DISCUSS THE BAYLANDS
THURSDAY, MAY 4, 2017
BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE**

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Liu called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL

Councilmembers present: Conway, Davis, Lentz, O'Connell, and Mayor Liu
Councilmembers absent: None
Staff present: City Manager Holstine, City Clerk Padilla, Administrative Services Director Schillinger, Community Development Director Swiecki

ADOPTION OF AGENDA

CM Conway made a motion, seconded by CM Davis, to adopt the agenda. The motion was approved 5-0.

CONTINUED PUBLIC HEARING

A. Brisbane Baylands Planning Applications (Baylands Concept Plans, Brisbane Baylands Specific Plan Case SP-01-06, General Plan Amendment Cases GP-01-06/GP-01-10) and related Final Environmental Impact Report (SCH##2006022136). Specific topics include Land Use, Planning, Aesthetics, Housing and Population, and related policy issues; Universal Paragon Corporation, applicant; Owners: various; APN: various.

Mayor Liu noted Council members had asked questions of staff at the study session prior to the public hearing.

Lloyd Zola of Metis Environmental Group, consultant to the City, gave the presentation. [[Note: the presentation is available on the City's website](#)].

Mayor Liu opened the floor to public comment.

Greg Anderson, Brisbane resident and Planning Commissioner, said a question was brought up during the study session regarding the unusual distribution of density in the Commission's recommendation. He stated the distribution was not an important aspect of the Commission's recommendation. The recommendation was for a sane development, and limiting the density would reduce traffic. The reason behind their recommendation was to come up with a plan that fit within the EIR prepared because the EIR did not substantiate the developer's proposal. He said the EIR's approach was that traffic would be terrible in the future with or without the project, which was a mistake. He said that housing prices were increasing everywhere, even far from the Bay Area. Increasing the housing supply would not necessarily reduce the price of housing in the Bay Area or its suburbs. Economics 101's supply and demand graph shows that supply increases as sales price increases. Stopping sprawl and people commuting from outside of the Bay Area would require reduced housing prices in the Bay Area but land costs more here. He asked the City Council to study the protections in place at Schlage Lock. Hunter's Point is staging sales so prices will not decrease; will the same be done for Schlage? He requested that the City hire Dr. Fred Lee to answer the public's questions.

Rachele Trigueros, Policy Manager of Bay Area Council, said her organization supported the developer's proposal. She discussed the housing shortage in the Bay Area and the disparity between housing development and job growth since 2011 in the Peninsula, which increased housing shortages and prices. She cited various State and Federal government agency findings that increasing housing supply reduces housing prices overall. She stated lack of affordable housing causes displacement and increases "greenfield" development in far-flung suburbs. Companies are now expanding outside of California due to the lack of housing. The City should not approve commercial development without housing. She cited a report by the Bay Area Economic Institute that found housing projects over 1,000 units drove increased affordability in San Francisco for the entire housing stock.

David Crabbe stated the Planning Commission proposal will create new jobs which will exacerbate the housing problem. He suggested modifying the Commission's recommendation to add housing commensurate with the new square-footage. He asked the Council not to approve commercial development without housing.

Kanji Nishijima, Brisbane resident, said he and his family and friends prefer to leave the Baylands as open space, but the next best scenario was the Planning Commission's recommendation. He understood the need for increased affordable housing, but increasing Brisbane's population by 200% would be a disaster and building above the toxic land would be unhealthy for future residents.

Mike Ferreira, Sierra Club Loma Prieta Chapter, said his organization supported renewable energy in the Baylands. He said Priority Development Areas (PDAs) are established by

jurisdictions, not ABAG or MTC, and the City had not included housing in its Baylands PDA designation. He disagreed with ABAG projecting housing in the PDA when the City did not identify housing development there.

Barbara Ebel said housing advocates often cited the jobs-housing imbalance since 2011. However, the DEIR stated that between 2000 and 2010 across the Bay Area, population grew by 5% and housing units by 9%. Because of supply and demand, she would expect housing development to be less than the jobs increase beginning in 2011. She said dividing the number of housing units built by the people who moved to the Bay Area, results in 2.8 people per unit, which is down from the historical 2.9. She said there were enough housing units built in the Bay Area, just not where everyone wants them to be and not the kind they want. She shared her experience as a landlord renting a one-bedroom, which was high in demand, and a three-bedroom, which had no interest in six weeks. She said many people want to live alone, and the large housing units being built are not affordable for single-person households. She advocated for building smaller units and different types of units. She said the entire Baylands should be dedicated to solar panels.

Sarah Ryan said she was an apprentice in Local Union 718. She said it was important for housing to be built and to require prevailing wage for new projects, which ensures workers can have a good quality of life and stay in the region. Non-union apprentices earn about half of union wages. There was a shortage of family housing in the Bay Area and she advocated for the development of family housing.

Anja Miller read from her written statement (Note: Mrs. Miller's statement is attached to these minutes.)

James Ruigomez, San Mateo County Building Construction Trade Council, shared his Council's support for a prevailing wage for construction workers. He said Universal Paragon committed to build the project 100% union. He said the region outside of Brisbane is a community too. He stated cities should have local control. He said the Baylands project had been going on for many years, and his Council first spoke to the City Council about the matter in 2003. He supported building housing and commercial near transit to reduce commutes. He referred to the Hunter's Point development, which was on formerly contaminated land. He noted that Brisbane high school students attend high schools throughout the County, making Brisbane a part of the larger community. His Council supported the developer's proposal.

Dana Dillworth, Brisbane resident, said land use discussions on the Baylands must consider public health and trust. She supported the Planning Commission's recommendation. She asked the Council when a catastrophic event occurs, how many people will be present? She said the Baylands was not land, but rather toxic waste. She said risk assessments were guesstimate

science. She said BBCAG had discussed risk assessments and landfill closure regulations. She asked Council members to consider the risks including earthquake, storm surge, train derailment, and others. She referred the Council to Fukushima liquefaction videos showing what happens to un-engineered fill. She said high-speed rail was in the public's interest, east of the rail lines, not adjacent to the Round House. She said renewable energy was also in the public's interest. She said clean up should be done first, followed by infrastructure, before they discuss development. She said San Francisco has departments of qualified environmental and public health officials, but they are still unsure if Hunters Point's spoils are really Brisbane's spoils.

Sean Hurt, Brisbane resident, said he was a member of the Local 104 Sheet Metal Worker Union as an apprentice. He supported the developer's proposal and wanted to give back to his community and work on a project in his hometown.

Deb Horen, Brisbane resident, said the "Community Prepared Plan" was prepared by UPC, not the City of Brisbane. She said many people move to Brisbane because they didn't want to live in San Francisco. San Francisco is choking on uncontrolled construction and there is demand for more. 25,000 units are proposed in the adjacent areas outside Brisbane. Traffic congestion has increased. Quality of life must be considered. Increased housing development does not guarantee affordable housing. The City is moving forward with a plan for infill housing in response to the Housing Element RHNA obligation. She said that 4,400 homes will not solve the affordability crisis. Climate change is a huge threat. Brisbane can contribute to climate change mitigation with long term solutions. Brisbane residents had fought outside forces to prevent topping San Bruno Mountain. The proposed cleanup method would not actually remove toxins but cap it. Disasters or failures in the cap could result in the toxins escaping. The consultants paid for by UPC have advised that the City purchase insurance. She stated safe housing on the Baylands was magical thinking. She stated UPC's proposal had many CEQA inadequacies. She stated a utility-level renewable generation plant could generate considerable income. She stated Brisbane was visionary and wanted the land put to good use. She asked to reframe the conversation to pursue profitable visionary solutions.

Clara Johnson read from her prepared statement. (Note: Ms. Johnson's statement is attached to these minutes.)

Todd David, San Francisco Housing Action Coalition, said people are entitled to their own opinion but not their own facts. Statements that adding housing supply does not bring down housing prices are inaccurate. In 2016, San Francisco added 45,000 units and price has gone down about 10%. He said the California Sierra Club Chapter supported high-density housing near transit. The California Sierra Club recently criticized the San Francisco Chapter of the Sierra Club for having the opposite opinion. He said the options before the Council were a once in a generation opportunity to provide transportation-friendly housing. He was a San Francisco

resident and had children in public school whose future he was considering. He supported statements by others regarding the importance of regional community and taking responsibility for a portion of the housing supply.

Michael Closson encouraged the Council to devote a portion of the Baylands to a utility scale renewable energy generation. He said solar can be collocated with other development on top of buildings or parking lots. He said the site had potential for wind energy generation. He said construction for creating a renewable energy facility would generate jobs. He referred to the Peninsula and San Francisco's community energy companies, which would be looking for local sources of renewable energy. He said he hoped housing could be part of the development, but was concerned with liquefaction, remediation, and sea level rise. He strongly encouraged the Council to take advantage of the site's potential to provide utility-level renewable energy generation.

Bill Dettmer, Brisbane resident, supported using union labor in construction. He said the Baylands project was very unpopular in his friend group. In his work, he sees a variety of home types, sizes, and rents. He sees the cost in time and money of the housing shortage. He supports housing on the Baylands on the old train yard, with the exception that it's not the place for solar or windmill farms as the land is too valuable and there are better places to put them.

Tim Colen, San Francisco Housing Action Coalition, said the State is facing land use and housing challenges. The State's economy is at risk because of the housing shortage for the workforce and middle class. Google is running shuttle buses east of Sacramento and Lawrence-Livermore labs are running buses to Chico, which is a sign of an out of balance economy. Policy discussions at the State address the shared responsibility to change the region's land use patterns to solve these problems. The Baylands project would be closely examined by ABAG and MTC as well as State legislature for its compliance with the Plan Bay Area and the Sustainable Communities Strategy. Brisbane has identified the Baylands as a PDA without realizing the expectations that come with that designation. The State is moving away from Level of Service (LOS) standards toward Vehicle Miles Traveled (VMT) standards to advance environmental goals. He said he was a trained geologist and worked on dozens of former industrial sites to remediate the land and put it back into productive use under strict regulation by the State and Federal government. He said this had been done across the Bay Area, including Schlage Lock. He said the remediation would be under strict control of the DTSC and RWQCB who had a track record of successful projects. He said climate change was the foundation of land use. Brisbane needed to "think globally and act locally" by approving a sustainable development.

Danny Ames, Brisbane resident, said that Tetra Tech soil with high levels of radiation had disappeared. He said the proposed development in San Francisco just north of the Baylands would have huge impacts on Brisbane. He said no traffic studies had been conducted regarding

the impacts of these other projects. He asked the Council to discuss that prior to deliberating. He said San Francisco cut corporate tax rates without a plan to house employees, causing rents to skyrocket. He said Brisbane should not change its character to allow a developer to profit. He stated the cleanup at Hunters Point had been botched. He said there were many benefits to solar in the Baylands that could be tied to the existing PG&E substation. He would like to subpoena where the toxic soil taken from Hunters Point had been taken and asked if it had been placed in the Baylands. He stated Tetra Tech employees tampered with soil reports to allow radioactive levels above the maximum permitted level. He did not trust the developer to put safety above profit.

Glenn Fieldman, Brisbane resident, stated expected sea level rise would increase the hydraulic pressure on the Baylands, leading to sea water intrusion into the landfill and toxic waste, and the impacts of that were unknown. She stated the Council had more studying to do before planning for the area. She said there would be a lot of infrastructure relocation necessitated by sea level rises particularly parts of Highway 101. She referred to a Mother Jones magazine article regarding the difficulty low and middle-income people have to afford housing in the Bay Area. She said the Bay Area is a global market, which increases competition in home sales. She was unaware of any studies in the Bay Area regarding how much housing was owned by overseas people and was not being used. She asked that that data be investigated and disclosed and without it, they could not understand the actual supply and demand for housing in the region.

Michael Barnes read from his written statement (Note: Mr. Barnes' statement is attached to these minutes).

Evelyn Stivers, Housing Leadership Council, said before the jobs boom, they still had a housing shortfall in San Mateo County with 60,000 people driving in to work and a gap of 25,000 affordable homes that hadn't been built. She said the County had built fewer affordable housing units per capita than other counties in the region. She said the lack of housing caused congestion and led to difficulty finding qualified employees, such as doctors and firefighters. She said the housing shortfall was a result of many Councils across the region who made the decision to allow new jobs and retail without building enough housing. She understood it was difficult to increase the size of the City, but she asked the Council to work with her organization to overcome those concerns. She said problems with brownfields can be solved and encouraged the Council to approve housing on the site.

Evan Siroky said he was here on his own accord to discuss the regional housing problem. He stated he knew someone who commuted into San Francisco from Santa Cruz County and many workers commute from outside the Bay Area. He asked the Council to support the developer's proposal.

Jaab Weel asked where people were supposed to live if a lot of commercial space was built. He was a San Francisco resident and the median new lease on an apartment is about \$3,500. If every city in the Bay Area built office space without housing, it would not add up. He had a degree in economics and found fault with the statement that increasing supply raises prices. He shared his personal experience of overcrowding in East Palo Alto and the distance his coworker must travel to his office. He said across the Bay Area, every city says there should be housing somewhere else for a variety of reasons, and in the end results in displacement.

The Council took a five-minute break.

Mayor Liu reconvened the meeting.

Beth Grossman, Brisbane resident, said she had been engaged in the Baylands process since 2004 and she was left with many questions. She contacted other residents to ask them to submit their remaining questions to her. She placed the questions received to date on a scroll and asked the audience to submit their own questions. She asked what the plans for remediation were and if it was safe for housing. She asked if they were willing to raise their children on the Baylands. Will there be truly affordable housing? What are the plans for size and price? What are the income levels that will be able to afford them? Lennar advertisements on BART advertise Bayview housing for \$600,000 plus HOA fees. What is the economic benefit for Brisbane considering the infrastructure and maintenance costs? What are the risks of earthquakes or sea level rise? Where will the water come from? How will they deal with the traffic and get in and out of town? How will they deal with the noise from the pile driving year after year? Is there an evacuation plan for the tank farm in the event of earthquake or pile? What is in the dirt being piled daily on the Baylands? How is the Baylands going to be coordinated with the adjacent housing developments in San Francisco along the Highway 101 corridor? She said this was one of the most important decisions to make and asked they not rush the decision. She suggested the Council diverge from the traditional meeting format and work together with the community members to answer the unanswered questions and make sure they do not regret their decision.

Laura Clark said she lived in San Francisco and the communities in the region are connected and rely on each other. She said all must take part of the housing burden. She asked people struggling with housing in San Francisco to stand up, and said one of those people used to live in Brisbane. She said housing was needed for the next generation and millennials are putting off having children because of the housing shortage. She said the lack of affordable housing is the reason that Brisbane and the rest of the Bay Area is experiencing a high percentage of aging population. She said people should not have to leave the Bay Area to find affordable housing and commute from far away or leave the region entirely. She stated new residents will help make Brisbane better. She asked where will people live if housing is underbuilt.

Corey Smith said San Francisco has underbuilt housing for 30 years. The majority of advocates at the meeting tonight were advocating for more housing development across the board and couldn't afford market rate rental rates. He said he counted 24 people who stood up to support housing development and only four were paid advocates.

Prem Lall, Brisbane resident, said increasing housing supply will not bring down the high cost of housing in the current economic climate because of short-term rentals. When long-term rentals are turned into short-term rentals, that results in high prices for long-term rentals. New housing can be taken off the market. Everyone wants to visit San Francisco and speculative buyers will buy new housing and turn them into short-term rentals and long-term renters will be kicked out by questionable evictions or priced out of the market. He said San Francisco has regulations on rental rates and San Mateo County does not. He said San Francisco was sued when it tried to regulate short-term rentals and litigation was costly.

Jonathan Scharfman, representing applicant UPC, asked the City Clerk to display the slide from the presentation discussing "Project Related Traffic Generation." He said regardless of different opinions about how to use the Baylands or the facts that inform those opinions, there is a disconnect between State policy, regional plans to implement that policy, and the City's local responsibilities. He said AB 32 requires greenhouse gas emissions reductions Statewide. He said simultaneously the State determined that placing 80% of new housing on transit lines and correcting the jobs-housing imbalance would help achieve that reduction. Another State law requires public utilities to generate up to 50% of the energy consumed by Californians from renewable sources by 2030. The head of procurement for PG&E was presented with the opportunity to do utility scale energy production on the Baylands, but PG&E determined that the cost of the cleanup and the uncertainties in sun exposure compared to sites in the Central Valley precluded use of the site. He said the applicant did not take the recommendation of the Planning Commission seriously because it was not feasible. The applicant agreed with the City Council's recommendation for 19 acres of utility scale independent solar production on the Baylands, in the CPP and DSP. He said the Planning Commission recommendation for 2 million square feet on 680 acres shouldn't be taken seriously because it requires major benefits like the closure of the landfill just to put parks and utility scale renewable energy in. By comparison, Schlage Lock is 2 million square feet on 20 acres with remediation and parks, retail, and grocery.

Michael Hoexter said he had to leave San Mateo County due to housing costs. He said he was a renewable energy consultant. He recommended the developer's proposal for housing. He objects to the use of renewable energy as an environmental excuse. He advocates for renewable energy but locating housing close to where people work will reduce emissions a lot more than simply putting a solar farm on this site.

Karen Cunningham, Brisbane resident and Planning Commissioner, said when discussing

sustainability, many people have asked if it is more sustainable to have many small apartments with an individual person living in them, or more sustainable to have six adults living in a larger home. She did her research and thought a larger building with more people living in it was a better answer from a sustainability perspective. She said affordable housing funding should not just come from the property owner. She said only one police officer and a few teachers lived in town, and no firefighters. In the event of an emergency they are on their own at many levels.

Jameel Munir, Brisbane resident and Planning Commissioner, asked the Council to consider first and foremost the traffic impact. As a traffic engineer he understood the impact of 4,400 homes. He said Caltrain did not have the money to improve their system and did not have the rolling stock to serve intense development in the vicinity. He said Muni was not ready for that either. He asked the Council to consider earthquake impacts, particularly liquefaction and the impact of hazardous materials in a seismic event.

Jason Quigley said he lived in San Francisco and shared a house with several people but preferred his own home to raise a family. He agreed with many previous speakers regarding affordable housing. He said the Planning Commission's recommendation would be a disaster for the local environment and for Brisbane economically. He said the Planning Commission's recommendation for office and retail park was a model that was failing across the country. He asked what company would locate in the office complex considering the high cost of housing their employees would have to pay. He asked how Brisbane would compete with office space built in other cities. He said the Planning Commission's recommendation was predicated on car use, which had been destroying the Bay Area's environment for decades. He said in the 19th century America built communities where people lived close to each other and to jobs.

Yonathan Randolph said he was a San Francisco resident and shopped and commuted in the area. He asked the City Council to consider residents of other cities as part of their community and not think of them as "outsiders." He said he biked to Bayshore Caltrain when he worked in the Peninsula and it's better than what many people who work in the South Bay have for their commutes coming from Sacramento or other far away cities. He supported housing near transit corridors. He said high housing costs don't stop at San Francisco's border. He said annexation by San Francisco was not a threat because under the California constitution annexation has to be mutually agreed upon by both counties. He said San Francisco just successfully defended its Airbnb law in Federal court.

Bobak Esfardian said he grew up in Walnut Creek. He was told that if he worked hard, got a good education, he would make it in the world. He went to school at Santa Clara University and studied political science. His father was an engineer and made a successful life for his family. He looked for housing for months to move out of his parents' house but could not afford anything. He had to ask his father for help rather than build a life for himself. He said he was privileged to

get help from his family and not many others in his position could say the same. He said society can't rely on inherited wealth to bail people out and he supported housing development.

Dr. John Christopher Burr, Esq., Brisbane resident, said in the early 1970s a folk singer came to the earth day protest stage set up in the saddle in San Bruno Mountain. One song was called "70 Miles," which was written about Brisbane and the toxic waste dump in the Baylands. He said lawless dumping had gone on for decades in the Baylands. He said that history should not be hidden at risk of people becoming sick. He listed several carcinogens known to exist in the dump from the unregulated dumping. He said they took the military waste from Hunter's Point and Treasure Island, including radioactive material. He said he would like to have the chance to amend his comments in writing over the next ten days. He said it was clear that there are scandals at Hunter's Point with consultants lying under oath and releasing phony reports to build housing on sites that could kill people. He reminded the Council of their promise to put the issue on the ballot so the community could decide.

CM Conway moved and CM Lentz seconded to continue the meeting to 11 p.m. The motion was approved 5-0.

Kevin Burke said he was market rate renter and small business owner and supported the developer's housing proposal. He said the median housing price in Brisbane is over \$800,000. He asked the older residents who had spoken to think of how much their home cost and their income when they bought their home. He said it's harder to save for a home since rents are more expensive and real wages are lower. He said outer lying Bay Area cities are experiencing high rates of growth and greenfield development, commuting into Bay Area job centers in their cars which was not good for the environment. He agreed with concerns about liquefaction but thought the developer had a good economic incentive to build seismically safe buildings and to protect the project from sea level rise. He shared his respect for union labor in building safety.

Daniel Camp said he was a San Francisco renter and supported having a housing component in the Baylands. He lives near a train station in San Francisco and his job is near a train station so he commutes by transit and was able to sell his car. The cost of housing is high where he lives, but not paying for gas, car insurance, and maintenance increases his ability to save and support himself. He asked that the Council provide that opportunity to live near transit and not have a car to others.

Michele Salmon, Brisbane resident, said she read the 6,000 page Draft EIR and the Final EIR. She had too many unanswered questions about safety and other issues to write down. She said the American Dream was not the same as it was when she was a child. Landfill closure was not a benefit but an obligation that came with the property when they acquired it. She supported the Planning Commission's recommendation. She said none of the proposals on the table are the

right ones. She didn't want intensive office development, and did not think 4,400 housing units would solve the housing crisis. None of the units would be affordable units because of San Mateo County's high median income. She said what was going on the Bay Area was unsustainable.

Paul Bouscal, Brisbane resident, said he had been engaged in the Baylands planning process since the beginning and participated in the review of the Draft EIR. He said there had been a lot of information discussed and the community was not close to making a decision. He said the difference between open area and open space was a big issue. The lagoon is not part of open space in the Baylands. He questioned the use of the statement "when feasible" found throughout the Draft EIR's mitigation measures. He suggested using a conveyor belt to move contaminated soil from the site rather than trucking it. He said whatever was built on the Baylands, there was no guarantee the Geneva extension would be built. That connection must be required for any development. Regarding annexation of the north end of the Baylands to San Francisco to develop housing, he said SF PUC had already stated there was no water for the site. The Oakdale Irrigation Agreement was a boondoggle. He said the Council needed to think regionally and not rush. He said Recology's expansion could reduce their truck trips to Vacaville. He said high-speed rail wasn't considered in the DEIR but was an issue now.

Linda Dettmer, Brisbane resident, shared a story about a local tech company who paid its employees \$10,000 to move out of the area and telecommute or work in a remote office location somewhere near Tracy. She laid the blame for the housing crisis on the shoulders of the large employers who do not pay employees enough to live here and do not provide housing. She said that should be considered as an alternative to building housing on the Baylands and could help reduce housing costs.

CM Conway asked staff to provide information about all of the development projects occurring in the vicinity of the Baylands, including housing unit figures, square footage and type of commercial, and the projected cumulative impacts on traffic.

CM Davis asked staff for more information about the feasibility of a solar farm on the Baylands and a feasibility report on the Planning Commission's recommendation. She had been asked by many residents to incorporate Dr. Lee into the discussion.

CM Lentz said he had many questions regarding housing but he could address them at a later time.

MAYOR/COUNCIL MATTERS

A. City Council Schedule

After discussion, the Council determined to hold the May 23rd meeting for the applicant's presentation followed by community presentations on June 7th, a speaker workshop on June 10th, and a placeholder on June 15th for additional presentations. It was agreed that the Baylands Subcommittee would discuss specific programming for that date with City staff.

WRITTEN COMMUNICATION

A. Acknowledge receipt of written communications regarding the Brisbane Baylands Project

Mayor Liu acknowledged written communications received since the last meeting from William McMullen, Beth Grossman, Bill Dettmer, Danny Ames, Barbara Ebel, Evan Siroky, State of CA Department of Housing & Community Development, Assembly member David Chiu, Lisa Snyder, David Crabbe, Tenderloin Neighborhood Development Corp, Marcus Koenen, and Daniel & Nikki Ballarin.

ADJOURNMENT

CM Conway motioned and CM Davis seconded to adjourn the meeting. The motion was approved 5-0 and the meeting adjourned at 10:55 p.m.



Ingrid Padilla, City Clerk