



**CITY COUNCIL/REDEVELOPMENT/GVMID**

**MINUTES**

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**CITY COUNCIL SPECIAL MEETING**

**April 13, 2009**

*BRISBANE COMMUNITY MEETING ROOM, CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER/FLAG SALUTE**

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

**ROLL CALL**

Councilmembers present: Barnes, Bologoff, Conway, Waldo, and Mayor Richardson  
Staff present: City Manager Holstine, Parks and Recreation Director  
Skeels, City Clerk Spediacci, City Attorney Toppel

**PRESENTATION - BAYLANDS PUBLIC SPACE PLANNING UPDATE**

Mayor Richardson noted that the City hired a consultant, Peter Dangermond, President, Dangermond Group, to study the public space at the Baylands and make recommendations. She said there had been a series of workshops and public meetings to gather input from citizens, and the consultant had met with City advisory groups and stakeholders. She invited Mr. Dangermond to present the results of his study.

Mr. Dangermond expressed appreciation to the staff and members of the public for their assistance and ideas. He said the consultants began their investigation by reviewing background materials, and then met with various groups, studied the project proposed by the developer and the alternatives reflecting the desires of the community, and looked at constraints and opportunities. He commented that the Baylands provides many possibilities for connections with the surrounding area, the community, and the environment. He pointed out key habitat areas and places where they could be linked with important resources. Mr. Dangermond noted that the alternatives propose a vision for the Baylands focusing on sustainability, green development, a mix of active uses, and extensive open space.

Mr. Dangermond proposed a public space plan based on four areas. He said the first would be a community-oriented area along the freeway and railroad tracks. For this section, he recommended restoring the roundhouse and historic structures for civic and cultural uses,

establishing an area for group uses, creating a community park, an interpretive center, a trail and overlook around Ice House Hill, and a charter high school with a gymnasium, soccer field, and facilities for adult education emphasizing environmental art and green technology.

Mr. Dangermond described the second main area of public space as a regionally oriented area on the southeastern portion of the Baylands. In this area, he suggested creating a scenic entry road connecting the Baylands with the rest of Brisbane, a habitat area along the lagoon shoreline, and a large activity area featuring combined uses such as a bicycle center, golf training facility, and/or a ballpark that would attract visitors from the surrounding region.

Mr. Dangermond said the third major public space area could be created as a buffer between the open space toward the south and the more developed portion of the Baylands toward the north. He recommended establishing a focal point with walking trails and wetlands along Visitacion Creek connecting to the bay.

Mr. Dangermond noted that the fourth public space area would be near the northern boundary of the Baylands and would emphasize transportation and trail connections. He suggested establishing a series of small public parks and a distinctive streetscape to reinforce the theme and vision for the Baylands.

Mr. Dangermond showed a map of possible trails and connections throughout the Baylands. He discussed alternatives for governance of the public space, including public ownership, public-private partnerships, and a local nonprofit organization. He emphasized the need to consider liability for contaminated land, joint decision-making, adequate funding, and competent management to ensure long-term sustainability and stability.

Mr. Dangermond stated that funding needs to be found for habitat establishment and enhancement, facility improvements, generation of a revenue stream, and ongoing operations, maintenance, and programming. As possible strategies to ensure adequate financing, he identified keeping much of the area as natural habitat to limit improvement and maintenance costs, encouraging revenue-generating facilities, leasing land to nonprofit entities, entering into a joint powers agreement with the school district, establishing an assessment district, and earmarking a portion of transit occupancy tax revenues.

Mr. Dangermond welcomed input from the City Council on the recommendations in the report. He noted that the recommendations are grouped into seven topics: habitat enhancement/open space; recreational/public space use areas; public/private space use areas; trails; lagoon; additional elements; and governance, economics, operations, and maintenance.

## **COUNCIL INPUT**

### **1. Habitat Enhancement/Open Space**

CM Waldo indicated he was comfortable with the recommendations pertaining to habitat enhancement and open space.

CM Conway noted that the purpose of the public space planning effort was to identify certain concepts that would be studied in the environmental impact report (EIR).

CM Conway asked how the brick arch sewer near Industrial Way would fit with the wetlands corridor. Mr. Dangermond recommended retaining the structure to capture stormwater. He said the wetlands corridor would be about 600 feet wide and could accommodate some surface water as well as areas to catch sedimentation before it reaches the bay. He noted that the habitat corridor would also allow wildlife to migrate across the area. CM Conway suggested looking at these issues in the EIR. He emphasized the need to integrate all these features in a unified plan for the entire Baylands.

Mr. Dangermond commented that a relatively small wetlands area could be used to filter and clean runoff from larger industrial areas.

CM Conway said he had the most concern about the lagoon shoreline because the soil layer there is shallow and still settling. He recommended avoiding excavation and activities that could expose the public to underlying contamination. Mr. Dangermond remarked that the Open Space and Ecology Committee proposed creating diverse habitat zones to promote different kinds of birds and wildlife, and he expressed support for this idea. He suggested studying the kinds of habitat possible and identifying appropriate areas for each. He noted that having just a freshwater wetlands would be more limiting and could obstruct access and views toward the bay.

CM Conway remarked that he was relatively pleased with the habitat and open space recommendations. He said he liked the idea of keeping equestrian uses around Ice House Hill.

CM Barnes expressed concern about how the City would be able to pay for maintenance of 215 acres of habitat and open space, a significant portion of the entire site. He recommended not creating a large community park at the Baylands for that reason. He suggested moving the park closer to the interpretive center, which could be a revenue-generating facility. He reminded everyone that although the Community Swimming Pool is a popular facility, it costs the City over \$400,000 a year to operate.

CM Barnes noted that much like the pool, open space on the Baylands, while great to have, could be costly to maintain. He observed that when he first looked at the map and saw in the neighborhood of 50% of the area set aside for open space, he immediately thought that the rest of the area would need to be more dense, more industrial, more geared toward economic revenue generation in order to pay for remediation, creation, and maintenance of all the green space. CM Barnes proposed distributing more green space throughout the Baylands. He recognized that the

community has expressed a desire to keep most of the southern portion of the site open and natural, and he recommended setting aside the area near Industrial Way for commercial uses.

CM Barnes noted that Class 2 bike trails are shown traversing the area from east to west, and he recommended providing more Class 1 bike trails as well. He pointed out that many people commute from San Francisco to Brisbane and beyond, and he suggested providing a dedicated bicycle commuting route through the Baylands.

Mr. Dangermond observed that routing bicycles around the Geneva interchange would be challenging. He said the Bay Trail is primarily a scenic path rather than a direct route. He explained that the trails shown in the diagrams were intended to create an aesthetic experience and meander through the development. CM Barnes advocated incorporating both scenic trails and a direct commuting route.

CM Barnes asked about the possibility of moving the Bay Trail to the west side of the lagoon rather than immediately adjacent to the freeway. Mr. Dangermond noted that the eastern location was chosen to facilitate construction of trail segments as funding becomes available, but he said the location of the trail could be moved.

CM Barnes recommended putting the park concession stand near other regional attractions and leaving the northern part of the lagoon in a natural state.

CM Barnes said he shared CM Conway's concern about seepage from buried garbage along the lagoon shoreline.

CM Bologoff commented that he was impressed with the substantial amount of green open space shown in the diagrams, but expressed concern about how the area would be maintained. He asked whether San Francisco had been consulted about the green areas near the northern boundary of the Baylands. Mr. Dangermond clarified that much of the northern end would be improved streetscape rather than natural open space.

CM Bologoff cautioned that there are fuel pipelines running underneath the north bank of the lagoon that need to be avoided. He said the lead contamination on Ice House Hill would need to be cleaned up before opening the land to public use. Mr. Dangermond indicated that he was recommending a hiking trail and overlook on Ice House Hill to limit exposure to lead contamination.

Mayor Richardson recommended working with Caltrans to establish a Class 1 commuter bike route around the Geneva extension and along the Bay Trail.

CM Barnes suggested a café or restaurant concession somewhere near Ice House Hill.

## **2. Recreational/Public Space Use Areas**

CM Bologoff said he was satisfied with the recommendations pertaining to recreational uses. He expressed support for a soccer field and arts complex, and observed that many people in Brisbane are interested in a charter high school.

CM Barnes commented that he liked the idea of a biking center. He recommended not having a golf facility because of its water usage, fertilizer runoff, and questionable economic viability. He suggested a Big League Dreams ballpark and a full-size soccer field. CM Barnes questioned putting athletic fields on the west side of the Baylands, noting that people from the region are willing to travel to use those kinds of facilities.

Mr. Dangermond said he envisioned a charter high school with joint-use athletic facilities and an adult education center that could be used by members of the community.

CM Barnes expressed concern about the cost of maintaining an athletic field and gymnasium associated with a high school. He stated that he would prefer to have a private entity operate those facilities. He added that an adult education center would be appropriate with a high school.

CM Barnes pointed out that artist studios are often located in poor neighborhoods because most artists have limited incomes. He questioned whether an arts complex would be viable at a new development like the Baylands.

CM Barnes noted that a regional athletic center should have a multitude of uses, such as a ballpark, athletic fields, a rock-climbing wall, and a snack concession. CM Conway recommended studying the possibility of artificial turf as part of the EIR.

Mr. Dangermond noted that some kind of water feature could provide an additional source of water to help irrigate fields and landscaped areas.

CM Conway observed that a community park in the northern section of the Baylands might be too isolated from the rest of the community, and he remarked that a location close to the charter high school might work better. He commented that security would also be an issue at a remote site.

CM Waldo echoed CM Barnes' concerns about a community park at the Baylands. He expressed support for a soccer facility in the regional use area rather than a golf center. He questioned whether a charter high school would have enough students to support athletic fields.

## **3. Public/Private Space Use Areas**

Mr. Dangermond said the area adjacent to the open space could be used to create a regional focal

point at the lower end of Visitacion Creek Parkway and provide a transition zone between the developed area and the lagoon. He proposed some kind of recreational and commercial uses next to the freeway. Mr. Dangermond noted that the waterway and landscaping coming through the center could create an attractive site near the upper end.

CM Waldo questioned whether a park concession use would work well in such an isolated setting.

CM Conway expressed a preference for arts and activities in the round house area. He suggested a performing arts facility and studios there.

CM Barnes recommended making public plazas skateboard-friendly. He said skateboarding is the third most popular sport for young men between 18 and 30, and skateboarders will find places to skate, whether they are planned for that purpose or not. He provided an article about skateboarding attractions in Barcelona as an example.

CM Bologoff indicated that he was satisfied with the recommendations in this category. He said the City should provide the kinds of uses and facilities people want. He expressed concern again about adequate funding for maintenance and operations of parks and facilities.

Mayor Richardson recommended looking into the possibility of a charter high school. She agreed with CM Barnes and CM Waldo that a community park might not work well at the Baylands because they would be too far away from the rest of the community.

#### **4. Trails**

CM Barnes reiterated his preference for Class 1 bike trails. He recommended integrating and connecting the bike trails with the multi-modal transportation center. He suggested rerouting the trail to the west shore of the lagoon.

CM Conway and CM Waldo expressed support for Class 1 bike trails.

#### **5. Lagoon**

CM Waldo advocated keeping the lagoon shoreline natural. He expressed reservations about adding bike or walking trails.

CM Bologoff said he preferred passive recreational uses around the lagoon.

#### **6. Additional Elements**

Mr. Dangermond welcomed input about Visitacion Creek Parkway, the enhanced entry drive to

the town, and the theme of environmental art and sustainability.

CM Barnes expressed support for public art. He noted that remediation and reclamation of the brown fields at the Baylands would be the best way to demonstrate sustainability.

Mr. Dangermond said art could be used to highlight environmental issues and successful restoration efforts.

CM Barnes observed that the waterway could produce swampy odors at certain times of the year, and he recommended taking this into consideration.

Mayor Richardson commented that she favored anything that supported the theme of environmental art and sustainability.

## **7. Governance, Economics, Operations and Maintenance**

Mr. Dangermond recommended providing revenue-generating elements wherever possible. He noted that three quarters of the use areas he was proposing had revenue streams, and using natural habitat in open areas can reduce costs of maintenance. He suggested working with the school district, the County, and local nonprofit agencies to operate facilities.

CM Waldo expressed support for the idea of using natural upland habitat to the greatest extent possible. He commented that there are many possible public-private partnership opportunities that should be explored.

CM Barnes remarked that the native plant nursery established by a local nonprofit agency in one section of the Baylands serves as a good example of the type of public-private partnerships that could be considered.

Mayor Richardson proposed a short break before receiving comments from members of the public, and the City Council took a brief recess.

## **PUBLIC INPUT**

Mayor Richardson reconvened the meeting and invited comments from members of the public. She asked speakers to limit their remarks to three minutes until everyone had a chance to be heard.

John Christopher Burr, lifelong Brisbane resident, said he thought the public space planning effort and recommendations were a step in the right direction. He suggested providing a bridge across Levinson Marsh wetlands area for use by people and wildlife. He noted that there is also a natural wetlands around Ice House Hill that could provide an opportunity for a trail.

Mr. Burr expressed concern about leaks from underground contamination around the lagoon and other portions of the Baylands. He recalled reading a report indicating that 12 gallons of toxins were leaking every minute. He proposed building a concrete dike to contain the harmful material and prevent it from reaching the bay. He observed that it might be best to drain and dredge the lagoon and then restock it with aquatic wildlife. Mr. Burr recommended working with local scientists and universities to study these possibilities.

Mr. Burr stated that the public trust doctrine prohibits selling navigable waters, and much of the Baylands used to be submerged under navigable waters. He presented a series of maps from 1868 through 1960 showing how the shoreline changed during that time. He pointed out that the some of maps show questionable ownership claims to underground lots.

Dan Schneider, S.F. Urban Riders, said his organization promotes bicycle activities and facilities. He stated that mountain bikers already far outnumber golfers and skateboarders, and cycling continues to grow in popularity. He recommended providing bicycle facilities as a way of engaging youth, promoting environmental stewardship, and improving public health. He noted that cycling is a positive and sustainable recreational activity.

Ken Walker, Brisbane resident, spoke in favor of soccer fields and facilities for youth sports. He said he liked the idea of a soccer field and gymnasium, whether or not a charter high school is built. He expressed reservations about having an outside entity operate City recreational facilities. He questioned the need for more baseball fields and pointed out that engaging a company like Big League Dreams could entail unacceptable tradeoffs for the City. He recommended requiring the developer to build and maintain athletic facilities that benefit the community.

Michael Foley, Brisbane, encouraged the City to consider soccer facilities. He said soccer is very popular with local kids and parents, and it would advantageous to have a suitable local facility.

Dana Dillworth, Brisbane resident, noted that the specific plan needs to be scrutinized more carefully before moving forward with the EIR because there are a number of provisions indicating that locations of various features could change or not provided at all, based on market conditions. She cautioned against creating disconnected habitat areas and advocated using natural wetlands and wildlife sites for habitat areas. She recommended providing habitat for its own sake rather than trying to provide recreational uses on all the open space. Ms. Dillworth objected to constructing mounds that will obstruct views of the bay and increase the amount of unnatural fill.

Ms. Dillworth questioned the wisdom of having industrial uses in the area near the tank farm. She observed that the Kinder Morgan tank farm has been leaking underground for some time.

She urged the City to clean up existing contamination and study the hydrology of the area rather than just calling it open space.

Ms. Dillworth expressed her opinion that the proposed high school site will not be big enough to accommodate the classrooms and other facilities needed. She agreed with CM Barnes that the old shooting range on Ice House Hill should be used for other purposes.

Ms. Dillworth recommended analyzing the hydrology and contamination conditions before deciding where any uses should go.

Mitch Monroe advocated building bicycle trails through the Baylands. He suggested having a bike skills center and jumping area, noting that this kind of facility would fill a regional need, attract people, and generate revenue for the City.

Mary Murphy, attorney from Gibson, Dunn and Crutcher, legal counsel for Universal Paragon Corporation, noted that the EIR process will involve more analysis of the constraints and opportunities presented by the site. She said the EIR will also identify mitigation measures and suitable areas for habitat, open space, and recreational areas. She indicated that she was actively involved in the plans for the Presidio in San Francisco and the new development on Treasure Island. Ms. Murphy emphasized the importance of creating a plan that provides sufficient density and development to support the open space, wetland, and recreational uses. She urged the City to proceed with the next steps in the analysis to ensure that the entire Baylands development works well as a coherent whole.

Tom Borden noted that skateboarding and bicycling facilities at the Baylands will provide a captive audience that will generate revenues for the City. He agreed with Mr. Monroe that the regional needs facilities of this kind. He also suggested an outdoor roller hockey rink.

Tom Heinz, Brisbane, urged the City not to focus solely on income-generating uses. He recommended not dismissing art uses, and said he had been involved with a successful art gallery in San Francisco that has been profitable for the past ten years. Mr. Heinz expressed reservations about skateboarding, noting that the popularity of this sport may be due to its low costs.

Robert Howard, Brisbane, advised that the City of Burlingame was negotiating with the rail authority to underground its railroad tracks and build a train station there. He suggested that Brisbane look into the possibility of undergrounding the tracks through the Baylands.

Mr. Howard said excavation and replacement of the contaminated soil around the lagoon and installation of an impermeable barrier might a good option for that area.

Mr. Howard asked if the recreational areas being considered would be public facilities or privately owned. He noted that the development at the Baylands should provide revenues that

can be used to support public amenities. He recommended using wetlands as a resource to attract people interested in observing wildlife and visiting natural areas.

Mr. Howard expressed concern about putting a high school so close to the contaminated tank farm area.

Mayor Richardson asked the staff to respond to Mr. Howard's question about the possibility of negotiating with Caltrain. City Manager Holstine said the high-speed rail project is still in its beginning stages, and Brisbane and other Peninsula cities will be involved in the planning process.

Mr. Dangermond clarified that the term "public spaces" means any land that will be open to the public, regardless of ownership.

Community Development Director Prince noted that excavating and replacing contaminated soil around the lagoon, as well as other remediation possibilities, will be analyzed in the EIR.

Beth Grossman, Brisbane resident, said she liked Mr. Dangermond's idea of establishing different kinds of connections at the Baylands and Ms. Murphy's point about having the development function as an integrated whole, and providing recreational opportunities, but she still had concerns about contamination and windy conditions. She pointed out that site's constraints need to be taken into consideration when planning about any recreational uses.

Ms. Grossman emphasized the need to integrate developed areas with the open space. She said the Baylands needs to be made safe for people who work there and visit the open space.

Ms. Grossman noted that she presented a proposal to the City Council in 2004 for using the Baylands as a think tank center for restoration, remediation, and alternative energy resources. She pointed out that the Baylands could become a center for green technology, and this theme should be reflected in the open space. She recommended using art to establish this theme and create a distinctive identity for the Baylands.

Michael Schumann, Brisbane resident, commented that he was pleased with the amount of open space proposed in the public space plan. He noted that open space needs to be provided throughout the development, not just in the southern portion. He advocated providing direct bicycle trails and connections to the transit hub to encourage people to commute by bike.

Mr. Schumann suggested using portions of the Baylands close to town for athletic fields that would serve the community. He recommended thinking about ways to slow down traffic and connect the Baylands with the rest of town.

Mayor Richardson thanked the members of the public for their input.

CM Conway proposed studying the possibility of having soccer fields, ball fields, and a gymnasium at the site identified for a high school. He said he liked Mr. Schumann's idea about slowing down traffic and providing connections with the rest of town.

CM Conway asked City Attorney Toppel to comment on questions raised by Mr. Burr about ownership and the public trust doctrine. City Attorney Toppel noted that he previously prepared a detailed memo for the City Council explaining the applicability of the public trust doctrine. He stated that although certain parts of the Baylands should be held in public trust, the portion proposed for development is privately owned and available for development by Universal Paragon Corporation, the landowner.

Mayor Richardson expressed her appreciation to the consultants and said she looked forward to the final report and the next steps in the planning process.

#### **ADJOURNMENT**

There being no further business, CM Waldo made a motion, seconded by CM Barnes, that the meeting be adjourned. The motion was carried unanimously and the meeting was adjourned at 10:12 p.m. with no announcements.

ATTEST:

Sheri Marie Spediacci  
City Clerk