

BRISBANE PLANNING COMMISSION  
Summary Minutes of March 10, 2016  
Regular Meeting

A. CALL TO ORDER

Vice Chairperson Reinhardt called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners Anderson, Munir, Parker, and Vice Chairperson Reinhardt.  
Absent: Chairperson Do.  
Staff Present: Community Development Director John Swiecki and Associate Planner Julia Capasso.

C. ADOPTION OF AGENDA

Commissioner Parker moved and Commission Anderson seconded to adopt the agenda. The motion was approved 4-0.

D. CONSENT CALENDAR

1. Approval of Draft Action Minutes
  - i. February 2, 2016 special meeting
  - ii. February 11, 2016 regular meeting

Commissioner Munir moved and Commissioner Parker seconded to adopt the consent calendar. The motion passed 4-0. Commissioner Anderson noted he was absent from the February 11, 2016 meeting.

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

None.

F. WRITTEN COMMUNICATIONS

Vice Chairperson Reinhardt acknowledged written communications from the Center for Creative Land Recycling, Greenbelt Alliance, Ron Kilcoyne, Mark Moulton, Corey Smith, SPUR, Bay Area Council, and SAMCEDA in regard to the Baylands.

G. OLD BUSINESS

1. 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 Consulting. Mr. Zola then introduced Dr. Susan Mearns, of Mearns Consulting LLC, to review remediation practice and regulation in California relevant to the Baylands. [The presentation is available on the City's website: <http://brisbaneca.org/sites/default/files/03-10-2016%20Deliberations.pdf>.]

Commissioner Anderson asked Dr. Mearns if it was a foregone conclusion that the State regulatory agencies- the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Boards (RWQCB) - would certify any property as safe after a sufficient amount of remediation, or if they ever determined a property unfit for the intended use after reviewing the health risk assessment.

Dr. Mearns said agency certification of a health risk assessment was not a foregone conclusion. If the cleanup goal could not be achieved, depending on the constituent of concern, mitigation measures would be enacted and considered by the regulatory agency in determining whether remediation was complete. For example, soil vapor is extracted by blowing air through subsurface interstitial pores to direct vapors into slotted pipes. This works very well for 18 months to 2 years, after which it becomes difficult to extract more vapor. In that case, vapor intrusion control methods can be installed sub-slab. The system can be designed to mitigate any volatile compounds in the subsurface or groundwater with the potential to migrate vertically into a structure. Excavation and removal of soil is the remediation method for non-volatile metals.

Commissioner Parker asked Dr. Mearns to explain when soil could be removed. She said she recalled laws restricting how much soil could be taken off-site.

Dr. Mearns said if the risk assessment found a concentration of metals that posed a risk to human health, soil removal was a remediation measure. Laws regulate truck traffic leaving the property and whether the removed soil is treated or landfilled elsewhere. Carbon chain constituents like total petroleum hydrocarbons lend themselves to bioremediation and biodegradation because soil microbes consume the carbon chain as an energy source. These remedial strategies can be employed on both OU-1 and OU-2 depending on the contaminants, the intended use of the property, and the risk-based cleanup goals.

Commissioner Munir asked Dr. Mearns for data on whether State regulatory agencies have rejected development of a site due to its contamination.

Dr. Mearns said the regulatory agencies do not approve a project; they approve the health risk assessment and remedial action plan. The regulatory agencies may require different types of remediation to achieve a cleanup goal before determining it was not achievable and mitigation measures had to be enacted.

Commissioner Munir asked if the agencies ever determine that no amount of remediation can make a site safe for development. He asked who set the cleanup goals and if the City could set its own.

Dr. Mearns said cleanup goals are based on the human health risk assessment using formulas and variables established by State and Federal standards. Risk assessments are prepared by a consultant and reviewed by professionals in DTSC's Human and Ecological Risk Office (HERO) and California EPA's (CalEPA) Office of Environmental Health Hazard Assessment (OEHA). The assessment analyzes the risk in hypothetical scenarios based on the intended land use. In a hypothetical residential scenario, the assessment is based on a person living on the property for 30 years, 350 days per year, ingesting, soil, and inhaling soil with the highest concentration of

the constituent. This is a conservative scenario. The equations and models result in a threshold value representing the potential for adverse effects.

Dr. Mearns continued to say that in a commercial scenario, the assessment assumes a hypothetical worker touching, ingesting, and inhaling the soil with the greatest concentration of the constituent, 250 days per year for 25 years. These scenarios are created for each constituent. If there were 50 constituents found in the soil, the equation would be done 50 times. Those 50 equations would then be summed. This process is also done for a hypothetical construction worker. By the time the project is developed, the material that the hypothetical individuals were exposed to in the algorithm have been remediated. This speaks to the conservative nature of the risk assessment, irrespective of the intended land use.

Commissioner Anderson asked if the risk of adverse effects is applied to a particular timeframe.

Dr. Mearns said the risk assessment assumes that the carcinogenic effect of a chemical is 70 years. For a residential scenario, the hypothetical person would be exposed to a constituent for 30 years and the toxicological properties have a 70-year latency within the body. The risk threshold represents an incremental, incidental increase of one chance in a population of a million that there was a potential for an adverse effect. This process is done for each constituent and then summed to determine the risk threshold.

Commissioner Munir asked if the half-life of contaminants was taken into account. He asked how the model's variables were determined and what studies supported them.

Dr. Mearns said the assessment assumes the hypothetical person will be exposed to the maximum detected concentration of the constituent found in the soil. There are no assumptions of degradation or half-life. The State sets the equation variables, which are more rigorous than the Federal government's requirements. OEHA publishes the threshold values through DTSC's HERO office, including how they came up with the thresholds, and the studies and toxicological information used. The values are peer reviewed within OEHA and DSTC before they are published. OEHA also determines the different factors for a hypothetical construction worker versus a hypothetical resident.

Dr. Mearns said the risk assessment is reviewed by HERO or OEHA, depending on the agency with jurisdiction. Agency staff verify that the correct variables, equations, and threshold values were used, and will redo the math to see if they end up with the same result. They question any assumptions that are not backed up by literature or toxicological information. They generate comments if they disagree with the approach, whether the site has been adequately characterized, with the choice of threshold values or even the equations. They won't approve the risk assessment until it meets their criteria.

Commissioner Munir asked if the adverse effect thresholds were set by the EPA.

Dr. Susan Mearns said they were set by CalEPA.

Commissioner Parker asked if there was a difference in the style of the two organizations.

Dr. Mearns said DTSC is the lead agency when the constituents impact soils, not groundwater, but DTSC would remain the lead agency if groundwater is affected as a secondary source. The Water Boards are lead agencies when groundwater is primarily impacted.

Commissioner Parker said she thought OU-1 and OU-2 would be under the purview of different agencies.

Dr. Mearns said OU-1 would be remediated under the oversight of DTSC and remediation of OU-2 would be overseen by the San Francisco Regional Water Quality Control Board.

Commissioner Parker asked how the two different agencies were assigned.

Dr. Mearns said she didn't know specifically for this project, but sometimes it resulted from a consultant recommendation.

Director Swiecki said the recommendation for agency oversight was made over 20 years ago based on the character and nature of the pollutants and the sensitive receptors most likely to be impacted.

Commissioner Munir asked what "adverse effect" means.

Dr. Mearns said an "adverse effect" could be cancer. Non-carcinogenic constituents affect the body differently, such as reduced kidney or liver function, and are evaluated with a different set of equations. Some chemicals have both carcinogenic and non-carcinogenic impacts, in which case the constituent is assessed for multiple thresholds for all potential adverse effects.

Commissioner Munir asked how lead impacts were assessed.

Dr. Mearns said lead was assessed differently due to its deleterious impact to the development of children's brains. CalEPA developed a very conservative model called "Lead Spread" that determines what the potential blood lead level would be if a child or an adult were exposed to the maximum concentration of lead detected in the soil.

Commissioner Parker asked how often new chemicals have needed to be remediated after a project was completed? If a chemical is found on a site with low cost housing and residents don't have a lot of resources, how do the agencies manage that?

Dr. Mearns used the example of MTBE in former service station sites. The Water Board supervised service station remediation as underground storage tanks typically polluted groundwater. Hundreds of service stations went through the remediation process and the Water Board determined they had achieved all the remediation necessary. When MTBE was discovered later in groundwater, the Water Board reopened the case files to see if MTBE had been sampled at the service stations and oversaw additional testing and remediation. This has also occurred for solvents in aerospace industries. Primarily groundwater contamination has been the driver. If DTSC is the lead agency, it remains the lead agency even if the constituent impacts groundwater. If an additional solvent is found or plumes come together, the agency in charge ensures the constituents of concern are evaluated at both sites.

Commissioner Parker asked where the remediation funding comes from if chemicals are found on a site with low cost housing.

Dr. Mearns said the environmental liability rests with the property owner.

Commissioner Parker said it was recently determined that the fill under Midway Village was contaminated from the PG&E substation next door. She understood it was cleaned up, but she saw a study that some residents' DNA actually changed. People wanted to move but there was nowhere to go.

Dr. Mearns reiterated that the environmental liability rests with the property owner.

Commissioner Parker asked if a Homeowners Association would be required to pay the cost in the case of a condominium development.

Dr. Mearns said all remediation work is documented. When a brownfield site is purchased, the lender must perform due diligence. An environmental consultant would review all the historic information before the lender moves forward with the financial transaction. Buyers can ask to be indemnified by the prior owner, or can take out insurance.

Commissioner Parker said it appeared most of the proposed residential buildings in the Baylands would be multi-family structures.

Commissioner Munir said the development agreement could include a bond for a certain amount of time to address this situation.

Director Swiecki said the City can impose conditions of approval to require insurance policies or other legal means to ensure the applicant lives up to its long-term environmental liability obligations. The City would explore those tools when considering a site-specific development proposal. The City would make it clear that the liability runs with the owner and it would be incumbent on that owner to demonstrate they have the financial wherewithal to live up to that financial obligation.

Commissioner Parker asked how that would work if 20 percent of the residential units were low cost.

Director Swiecki said it would be determined through the development process.

Commissioner Parker expressed concern that if the units were condominiums there would be no equity for homeowners to pay unanticipated costs.

Dr. Mearns continued the presentation regarding the regulatory framework. She turned the presentation over to Mr. Zola who reviewed City policies regarding remediation requirements, the Baylands community survey results, the Sustainability Framework, and the Environmental Impact Report.

Commissioner Parker asked Mr. Zola to clarify what land use authority the City has in regards to site safety. She asked if the City could be open to litigation.

Mr. Zola said the City has the right to re-evaluate a land use if site remediation to accommodate that use is found to be infeasible.

Ms. Krumbein said General Plans and Specific Plans are legislative approvals. They are not permits for site-specific development or a development agreement. In general, cities have the right to change legislation. It does not mean the property owner is precluded from suing the City based on a legislative decision; anyone could choose to sue the City at any time if they wished. At the legislative level the City retains a great deal of discretion to change directions in its General Plan if it so desires.

Mr. Zola said the General Plan's policies require a site-specific development project to be conditioned upon meeting standards set in an approved remediation plan.

Vice Chairperson Reinhardt asked Mr. Zola to clarify what "city" means in this discussion- the City Council?

Mr. Zola said "the City" is the City Council.

Dr. Mearns said in the remediation process, the City and any hired consultants would interface with the regulatory agencies. The public can request to be listed as an interested party by both regulatory agencies and can then prepare and submit written comments to those agencies. These comments are publicly available online and in the project file. The agencies aren't required to respond to interested parties, but they have a voice.

Vice Chairperson Reinhardt asked how the agencies handle disagreements about the remediation process between the property owner and the community.

Mr. Zola said the regulatory agency retains its authority over remediation and the City maintains its authority over land use.

He continued the presentation, reviewing General Plan policies prohibiting housing in the Baylands and how the Sustainability Framework addresses housing.

Commissioner Munir said if new housing was not affordable, commuting to jobs from outside of the area would continue to be a problem.

Mr. Zola said creating new jobs without new housing increases the overall average of commutes; it does not apply to every situation.

Commissioner Munir said in other states like Texas, it may be true, but not in California.

Mr. Zola said the nine-county Bay Area has more jobs than workers and imports labor from outlying areas. Adding more jobs in the Bay Area without housing means the new workers have

to come from somewhere. Given the high cost and low supply of existing housing, that often means the new workers must live farther away.

Commissioner Parker asked if they could factor in the new housing development in San Francisco adjacent to the Baylands.

Mr. Zola reviewed slide 29 of [the presentation](#) showing proposed development projects to the north. He said there would be some excess housing in those developments that could apply to new jobs in the Baylands. However, looking at the greater San Francisco, South San Francisco, and Daly City sub-region, projected housing growth was half of the projected job growth, according to the Association of Bay Area Governments.

Mr. Zola said the question for the Commission and the City Council is not whether there is a housing shortage in the Bay Area, but whether housing is an appropriate use on the Baylands. He continued the presentation addressing potential impacts to community character and municipal cost revenue.

Commissioner Parker asked how much actual cost the City would bear from residential development versus commercial development.

Mr. Zola said specific data would be forthcoming in economic studies, but generally throughout California the difference in municipal cost between residential and commercial development is about 20%. He said sales tax is increased with more residential development, and uses such as office, industrial, hotel, and other uses often help stabilize residential communities.

Chairperson Reinhardt announced a five-minute break.

The Commission reconvened. Chairperson Reinhardt asked Commissioners if there were any other questions for staff.

Commissioner Anderson restated his previous question about whether DTSC or RWQCB ever rejects a site as suitable for an intended use. He wanted to know what proportion of the time a site is accepted as suitable versus not suitable.

Dr. Mearns said she has worked in brownfield remediation for 20 years in California and has never experienced DTSC or the Water Boards determining a site cannot be developed in the manner proposed. Either the remedial goal is met, or mitigation measures are applied, or there are extenuating factors. She worked on a project where they excavated 45 feet down and removed the soil to remediate metal constituents. The sidewalls and half of the bottom of the excavation were cleaned, but they could not get the other half. At that point, no one at the surface would be exposed to a metal 45 feet below ground. In that case, the regulatory agencies agreed they had done what was achievable, clean import soil was brought into the property, and the development proceeded.

Commissioner Anderson asked if unsuitable sites self-selected out of the process.

Dr. Mearns said the risk-assessment approach is a good determination of what is achievable on a property. Even if the intended use is commercial, regulators often require a residential risk assessment so they can gauge the level of contamination on the property and so there is no land use covenant attached to the property. The residential risk assessment approach is very conservative. For properties where the risk assessment and risk-based cleanup goals are geared toward residential development, it becomes very clear whether that will be a suitable use for the property based on the level of the constituents on the property. Going through the risk-assessment process can help make the best determination for the future land use of the property.

Commissioner Anderson asked Dr. Mearns if in her 20 years of experience in brownfield remediation she had seen properties similar to the Baylands that have been successfully remediated, what proportion of those may have post-completion problems, and how those problems are addressed.

Dr. Mearns said she had seen several former landfills go through the development process. To her knowledge, none have failed due to the long-term monitoring- including monitoring wells and probes- required for landfill development. The State agencies remain involved in the monitoring after the project is built. She was involved in projects remediated in 1999 and 2000, smaller in scale than the Baylands but with similar constituents, that have not had any problems. She is unaware of any failure of a remediated brownfield site.

Commissioner Parker asked if the City was to approve housing on the Baylands, and the public voted to deny housing, would the entire Specific Plan be invalid or just the housing.

Director Swiecki said it would depend on the specific language of what the City Council puts on the ballot. They could tailor the question to a particular land use specific land use, or it could be broader and apply to the entire Specific Plan or plan area.

Commissioner Munir said the City Council could also put other land use plans on the ballot.

Director Swiecki concurred but added that the Council was not obligated to put a plan on the ballot at all; it is up to them to decide whether to put policy language or a plan on the ballot.

Chairperson Reinhardt said words like “achievable” and “feasible” are scary because they imply there is always a way to remediate a toxic site. He wanted more confidence in that area. He asked if there was any information that would not be included in the risk assessment. He also asked about the liability implications of monitoring failures.

Dr. Mearns said in her 20 years of preparing health risk assessments and sending them to the regulatory agencies, the agencies have never accepted a report off the bat. They are cognizant of their responsibility in the process. The agencies are dictating the remediation of a contaminated property for a future land use. Their review is rigorous. The risk assessment reviewers are peer-reviewed within the particular agency before comments are returned to the consultant.

Dr. Mearns said there are redundancies within long-term monitoring systems. For example, methane mitigations systems are a “belt and suspenders” kind of approach because methane seeks the path of least resistance. These systems consist of gravel beds with horizontal slotted

pipes, making it easy for the methane to travel into the ventilation systems. An impermeable membrane, designed by specialized companies, can be installed between the gravel bed and sub-slab. The membranes and monitoring wells are installed by professionals and inspected by the agencies and the City. Methane alarms can be installed so that if a certain concentration of methane is detected, the alarm sounds and the building is evacuated immediately.

Chairperson Reinhardt asked about the liability associated with long-term monitoring system failures.

Commissioner Parker asked for more information on the impermeable membrane. She said she wanted to see a sample. She wondered if roots could grow through them.

Dr. Mearns said the impermeable membranes could be liquid and asphaltic or six-millimeter thick plastic liners that roots cannot penetrate. Sand is placed on top and the gravel and piping system is below. Utilities are carefully placed so there are no punctures during construction. A sub-slab mitigation system can be close to a foot thick.

Commissioner Anderson asked if failure of an impermeable membrane could be easily repaired.

Dr. Mearns said Liquid Boot can be used to seal the bottom slab from the ground as a retrofit.

Commissioner Parker asked how the impermeable membrane would be checked post-development.

Dr. Mearns said the systems are monitored by wells and air sampling. The monitoring wells are installed outside the building and usually consist of a two-inch diameter PVC pipe. A field instrument takes air samples at the surface and subsurface. The air samples are analyzed in a lab to determine whether any methane is present. Interior air samples are collected inside the building. An alarm system would be activated if interior concentrations reached a certain level.

Mr. Zola reminded the Commission that tonight's question was regarding housing.

Commissioner Parker said it was important for the Commission to understand these things.

Mr. Zola reminded the commission that the proposed residential uses would be within OU-1 and OU-2, which are not located on landfill.

Commissioner Anderson asked what radius around a landfill could experience impacts and how that was addressed in a risk-based assessment.

Dr. Mearns said a methane assessment would determine if methane below the subsurface could potentially migrate into the proposed buildings in OU-1 and OU-2.

Commissioner Parker asked about liquefaction and land subsidence and how that would impact the impermeable membrane in case of an earthquake.

Commissioner Munir asked if alarms could be installed to detect seismic events to alert residents.

Dr. Mearns said she understood liquefaction would only occur on unconsolidated fill.

Commissioner Munir said that was not correct; soil types such as sandy soil are also subject to liquefaction.

Commissioner Anderson referred to soil maps in the EIR that show OU-1 and OU-2 are vulnerable to liquefaction.

Dr. Mearns said a geotechnical engineer would determine the best approach to mitigate liquefaction, such as importing soil in order to achieve the correct compaction necessary for a geotechnical engineer to sign off on the project. A monitoring system would indicate any failure in a mitigation system, as would an alarm.

Commissioner Munir said a Brisbane hotel faced this exact scenario after liquefaction occurred and the whole structure had to be lifted up. He said these were significant concerns regarding site safety. The MTBE example was a big fiasco for CalEPA. They didn't discover the problem until there were a lot of lawsuits. There is a lot of uncertainty whether the regulatory agencies can be trusted. DDT is another example where regulatory agencies goofed and didn't act until lawsuits were filed. The Commissioners are asking questions to create confidence in themselves that the regulatory agencies can be trusted. If housing ever moved forward on the site, he would emphasize the need for third party monitoring.

Mr. Zola said that the Sustainability Framework and EIR Mitigation Measures require third party review of remediation actions and monitoring. He said the City already requires long-term monitoring at Sierra Point. A third party is often used for long-term monitoring so the City doesn't accept liability for the results. Third party consultants could also advise the City on how to condition site-specific development to deal with liability issues.

Chairperson Reinhardt asked if there has been an assessment on adverse effects on community character. Community character was one reason new housing was difficult to consider.

Mr. Zola said community character is subjective and there are no quantifiable thresholds. Community character is how people live, how a community functions. The City's current community character could be described as suburban.

Commissioner Parker said she thought of Brisbane as a mountain village. If 4,000 homes are built near San Francisco, they would be perceived to be part of San Francisco. She doesn't see how the new residential area could consider itself part of Brisbane. She can't see, given what they are looking at, that particular community would see itself as anything but San Francisco. She doesn't think they would be "new Brisbane."

Commissioner Anderson said the Parkside Precise Plan economic consultants found that if housing is built in the Baylands, new residents would not shop in Central Brisbane. New residential development would be socially separate from Central Brisbane.

Commissioner Parker said she lived on the Ridge but still identified with Brisbane. She didn't think new residential development in the Baylands would feel similarly.

Commissioner Munir said it would be like the Gaslight District in San Diego where new development was "new San Diego."

Commissioner Parker said downtown South San Francisco was a cute area, but beyond that it was hard to discern the City limits. That's Brisbane's appeal as a small village. If the community in "new Brisbane" could have the same connectivity to Central Brisbane as the Ridge, that was one thing, but she didn't see that happening.

Chairperson Reinhardt said the Sustainability Subcommittee considered how to connect new residential development to Central Brisbane, but he didn't know if it was possible.

Commissioner Parker said she was also concerned that there would be no way to get equity out of low-cost housing units. The Ridge ended up looking like slums for years because they had to figure out renovations for poorly constructed buildings. If the site had to be remediated, she was awestruck by the idea that property owners could be subject to the process that the Ridge property owners went through. Some Ridge homeowners couldn't sell their homes and had to sue the developer. Developing on toxic land would be more complicated. Every Viewpoint homeowner had to pay \$20,000-\$40,000 as a special assessment and Altamar hasn't had to do that. She can't see how low-cost housing could be built in this situation if homeowners can't build equity.

Commissioner Anderson asked for clarity on low-cost housing equity building.

Commissioner Parker said in a condominium development so much was dependent on association fees. She saw a real problem with the current laws regarding equity building in low-cost housing.

Director Swiecki noted the concerns being raised are important but would be addressed at a project-specific level. He added there is more nuance to regarding for-sale, deed-restricted affordable housing and the capability to build equity, and that it is largely dependent on how such developments are financed and managed. He cautioned the Commission against reaching an absolute conclusion based on the information at hand.

Commissioner Munir said he had many concerns with traffic and other issues he didn't want to discuss at this point. He was not sure whether housing should or shouldn't be a part of the project because there are a number of things that he still hasn't determined. The most important thing is compliance with the General Plan. He is a firm believer that the General Plan must be modified first before going through anything else, and a citizen vote is required to change the General Plan. The Commission should not be able to change the General Plan. He was concerned with the EIR. At this point, he cannot say whether he is for or against housing. He thinks the deficiencies in the EIR should be addressed first. The traffic issue cannot be fixed. The Geneva extension won't do anything; the big concern is Highway 101.

Commissioner Parker said she doesn't want housing. She thinks the City can do good things with the Baylands but it is not for housing. She doesn't want to change the General Plan.

Consulting legal counsel Alison Krumbein said when a General Plan amendment comes forward, the Commission's role according to State law is to make a recommendation to the City Council. It is up to the City Council to make the final decision. There is no legal requirement for the community to vote on the General Plan, but the Council may choose to do so at its discretion.

Commissioner Anderson said they had heard much testimony for the housing need in the region. Brisbane should grow in areas where it is appropriate and at a rate that is affordable. He still has concerns about whether the Baylands was a suitable housing site. His main concern prior to tonight was whether repairs could be made if something went wrong, but he was encouraged by Dr. Mearns comments about retrofitting. He was encouraged that there are extant sites that have been around for a couple of decades without any issues, but he would like to study those directly before making any decision. The extant sites the Commission reviewed were only seven years old, which is insufficient. Liquefaction and earthquake dangers were also primary concerns since the entire site is mapped at high risk for liquefaction. At a past meeting, he asked to compare San Francisco Marina building codes to see how those areas are protected against future earthquakes. Other issues such as capacity and character still needed to be discussed.

Commissioner Munir said the Baylands was different from the Marina as it has a changing water table, which creates another element from a geotechnical standpoint.

Commissioner Anderson said they didn't know what would happen if sea level rise occurred in the area. He said the main problem at Love Canal was that large volumes of water entered the area and brought elements to the surface. Controlling hydrology on the Baylands is really key. There has been a lot of talk about controlling hydrology from the top but he doesn't understand whether it is controllable from the bottom.

Chairperson Reinhardt said since joining the Sustainability Subcommittee, his main concern was impacts to character and how to connect the two areas of Brisbane. He was not completely opposed to housing, but he hasn't seen many solutions to connecting OU-1 and OU-2 to the rest of town. He is still gathering information of the suitability of the site overall for housing.

Chairperson Reinhardt invited speakers from the public to address the Commission.

Ben Paul said he was a commercial real estate broker with Cushman & Wakefield specializing in office buildings. He has leased and sold over 1 million square feet of office buildings in Brisbane. He said new office buildings, R&D and lab buildings, are needed near residential. He said many large tenants would be very attracted to Brisbane, but those users consistently ask for sites with nearby residential development. He wanted the Commission to consider the importance of that in their deliberations.

Paula Stinson said she was the interim Executive Director of HEART of San Mateo County, a JPA and non-profit made up of 19 of the 20 cities in the County and the County to raise money for pre-development loans for affordable housing programs and first-time homebuyer loans. Mayor Lentz was a Board member as well as many County supervisors. HEART encourages

cities to build more housing. In the past 10 years, they have put \$14 million into loans for 982 homes. She said the housing crisis has reached epic proportions. In the 2007-2014 housing element period, there were 33,000 jobs created and 7,000 housing units built. Of those units, 70% were affordable to households making at minimum \$150,000. Brisbane has an amazing chance with this piece of land to add new housing. HEART has a first time homebuyer program for up to \$500,000 with 5 percent down and no PMI. They have done 65 loans since 2009. They do many workshops throughout the region and at \$500,000 there is nothing for these homeowners to buy. They prequalified 100 people last spring, and seven of them bought condos in South San Francisco. Fifty to sixty people from all walks of life attend each workshop. There is nothing to buy at that price. She and her husband have been renting for 10 years and have a kind landlord who has not raised the rent, but the house may be sold this summer for just under \$1 million. She gets calls every day from people who are being evicted or are living with their parents. Even with a half million-dollar loan program, there is nothing for them here. We need affordable rental housing and housing for normal folks. There is an opportunity with the Baylands to make a difference. If Brisbane, San Mateo, and Redwood City build more housing, there will be more housing. Brisbane has a chance to be part of the housing solution. If they just add more jobs, that adds to the problem. She said HEART would be happy to work with the City on loan programs.

Richard Koenig spoke for the Sheet Metal Works Union Local 104. The union fully supports the Baylands project and wants to work in and improve their community. The project will support hundreds of jobs to support their families and provide economic stimulus in Brisbane. The Bay Area is growing quickly and it has become hard for most families to find a place to live. The Baylands can become a beacon for those looking for a home or place to work. This is an opportunity for Brisbane to become greater than it already is. The City's decision will be important for Brisbane and neighboring cities. He urged the Commission to recommend approval to the City Council.

Nadine Makki said she represented the Housing Leadership Council of San Mateo County who worked to produce and preserve quality affordable homes. Housing is a critical issue in the region and in recent years San Mateo County has added 55,000 new jobs and only 2,100 new housing units. The imbalance has caused a growing number of our workforce to commute from far away communities causing congestion on our roads. Low-income families are hit the hardest and must choose between medication, housing, and food if they stay in the county. Rising rents are causing a tidal wave of displacement. Community character is threatened more by displacement than housing construction. The people that live in communities are the ones that create its character and displacement is a great threat to community character. According to Zillow average rents in the County are now \$3977, up 10 percent in the last year and almost double from 2011. The rents are higher than in San Francisco. Approving development in the Baylands without housing construction would only exacerbate the problem. She urged the Commission to require housing on the Baylands and adopt an impact fee to mitigate the development in the area.

Chris Collins said he represented San Mateo County Plumbers, Pipe Fitters, HVAC and Refrigeration Service Union Local 467. The union's 1,200 members supported the Baylands project. There is a need for middle class jobs to sustain local economies. Projects like the Baylands provide more than just construction and economic sustainability for the community,

more than open space, and more than much needed housing and for businesses to become part of the community. By using skilled labor to construct this project will provide necessary support for building trade apprenticeship programs that teach the proper skills and work ethics that are the foundation of the building trades unions. Today's apprentices are essential to building the much needed sustainable communities of tomorrow. There are many construction workers in the Bay Area and all are searching for honorable toil. They want to do more than sit in a dark room and type all day. They want to work with their hands and see tangible results from their efforts and want to say to their children, "I built that." There is no better opportunity to promote these values than the Baylands. He urged the Commission to support the Baylands sustainable community.

James Ruigomez said he represented the San Mateo County Building Construction Trade Council comprised of 22 affiliated local unions with over 16,000 highly skilled members in the County. This diverse workforce has many Brisbane residents and they are proud of the work they've done and continue to do in the County. Their jobs allow them to live in this County and provide for their families. They understand the critical need of moving forward with the Baylands site. By moving forward tonight the Commission will provide more good paying jobs with benefits for the members and their families and clear path for Brisbane and the Bay Area to continue adding the parts needed that make this region one of the most innovative places for ideas. There is a lot of pressure to build large campuses and headquarters for large companies, but we have to act now to catch the wave. The building trade is prepared to use their skills and talent to build housing at market, workforce, and affordable rates desired by companies in a transit oriented location like the Baylands. Public transportation benefits employees and the region's population and economy. The potential for revenue to Brisbane and economic benefits and potential to raise the living standards of those on the Peninsula is greater than any other project in recent memory. The trades appreciate the work of the Commission and support residential on the site. The trades stand by Universal Paragon to build a vision that all citizens will look on with great pride. He echoed previous comments regarding the need for housing in the Peninsula.

Noveed Safipour said he represented the Peninsula Young Democrats of San Mateo and Santa Clara counties. He said the organization recently passed a resolution regarding housing. He gave hard copies of the resolution to staff and asked staff to distribute it to the Commission. He said the housing resolution addresses the need for housing and a variety of potential solutions, including corporate impact fees, rent stabilization ordinances, encouraging in law units, and others. He said we need to increase housing supply to solve the housing crisis, specifically high density housing along public transit corridors. He said there is skepticism that increasing supply will address the housing need. The California Legislative Analyst's Office recently released a study that confirmed that building new market rate housing increases housing affordability for people of all incomes. He said any amount of housing in the Baylands would make a big difference. Using himself as an example, he said if there is no increase in supply, he may need to move out of the Peninsula. He is already paying more than 30 percent of his income toward housing. Many of his coworkers live in the East Bay and commute into the Peninsula. Regarding community character, he grew up in Saratoga on the border of San Jose in a neighborhood called Sunland Park that juts into San Jose and is removed from downtown Saratoga. He still thought of himself as a Saratogan when growing up. He went to the Saratoga Library and went downtown for coffee, and he turned out fine. The people in the Saratoga Hills still thought of themselves as living in a wealthy neighborhood. He doesn't see new homes here as changing the community

based on his personal experience. If homes aren't built, no one will have access to Brisbane and that is more damaging than the risk of possibly altering the perception of Brisbane's character. He asked the Commission to prioritize what is more important and evaluate objectively. Reducing displacement in the region is of much higher priority and he encouraged them to approve as much housing as possible and not worry about the character of the neighborhood.

Cris Hart said he was a Brisbane resident. He realized this matter was one of the toughest decisions Brisbane residents and its leaders have faced. He supports some housing on the Baylands. It's a transit friendly area and to deny people the opportunity to live next to transit violates every element of sustainability that he understands. He just learned of a 70-year-old family restaurant in San Francisco is closing because it can't retain workers because of housing costs. Workers are forced into debt because of costly commutes and home prices, families don't get to spend time together, and early childhood education suffers when children don't have their parents present to help them learn and grow. The Baylands has bus, rail, and trolley nearby to bring workers to jobs instead of costly and polluting commutes. He also supports commercial recreation. To deny housing is to deny a sustainable economy and lifestyle for our future.

Alvin Louie said he was a 16-year Brisbane resident living on the Ridge. He supports housing development on the Baylands. When the Baylands develops, new residents would oversee the use of that land. People make the lifeblood of a community. The residents would use transit, retail, and attract more people to the area with their family and friends. They could work in new businesses in the development and use the recreational facilities. Residents make the community sustainable. The residents would ensure things were safe because they live there. He recently retired as a police officer after 34 years. Tens of thousands of people are retiring each year. We are living longer and retirees aren't leaving the area. They've earned their keep and want to enjoy where they live. The jobs they are leaving need to be filled, and people living in the new housing fill those replacement jobs. The proposed housing in the Baylands will be very far from town. Other development has occurred closer to town, along Carter Street for example, that hasn't impacted Brisbane. He has talked to many Brisbane residents who see the need for housing and can't understand how housing could be denied to the region. He said whoever lives in the new homes would love their home and take care of their neighborhood. They would have a vested interest in their home. Regarding connectivity, he said it will be a new development and new neighborhood completely different from Brisbane, but they will be Brisbanians, just like residents of the Ridge.

Alex Lantsberg said he lived in Bayview- Hunters Point. He thanked the Commission for their work. As a neighbor of Brisbane, he has always perceived the city as having stewardship over the mountain, and that shows in the Commission's discussions. He said asked the Commission to broaden that perspective to include the Bay Area and adjacent neighborhoods. If the City builds 8 million square feet of commercial space without new housing, it will set off a displacement bomb in South City, Daly City, Crocker-Amazon, and Bayview-Hunters Point, many of which are low-income communities. The jobs in that 8 million square feet would include higher income office jobs, but also custodians and retail employees- where will they live? He asked the Commission to incorporate that into their ethic of stewardship. Regarding community character, he said the people make up a community. Questions of urban design and architecture can be shaped by the City. Mitigation programs can be set up, such as the maintenance annuity fund developed by the City of Rohnert Park. Mello-Roos districts can fund those things. There are

many financing schemes. Brisbane can't drop 8 million square feet in an area that is dying for housing, shrug their shoulders and say "We like things the way they are." He asked the Commission to pull those values together, look at the project as a whole and its impacts on its neighbors, and what can be done for the future of the city long after they are sitting in their chairs or on the planet.

Chairperson Reinhardt moved to extend the meeting 15 minutes. Commissioner Munir seconded and the motion was approved 4-0.

Debra Horen said she appreciated the previous speaker's reference to stewardship. She said Brisbane is "the little town that could" because they saved the mountain from becoming a sea of condos. San Bruno Mountain is a world-class biodiversity hotspot. Part of the village character is that they care about people and healthy spaces and places. She agrees that the Baylands may not be a healthy space for people to live. She said there are housing and job shortages and economic upturns and downturns where there may be too much housing or too many jobs. She wondered why they needed more housing to get more jobs and why businesses don't locate in Walnut Creek and Stockton where people are. She felt claustrophobic piling jobs and housing on every space of land they have. Brisbane was recognized as one of the greenest cities in the state last year. She saw this as an opportunity to help solve the climate change problem. More cities in the region need to contribute to protect the earth, not pile on, take advantage, and destroy the natural resources we have. She loves the idea of giving jobs to skilled craftspeople through solar and wind farms and generating renewable energy. There are things to do with the land to create revenue. Is it suitable and safe and healthy for people to live on? It's an important question for the people of Brisbane who care about people and it's part of their core values. The land is an opportunity but Brisbane needs to maintain its core values.

Joel Diaz said Brisbane is historically a union town and very much appreciates unions so whatever happens should involve the unions. Brisbane is going to build housing; it's not a question of if, it's when, where and how and it has to be appropriate. It's about doing the right thing. Is this the best location? Potentially no, potentially it is. There are some big items of concern. One in particular is that the project has been presented on the idea that housing will support the employees of the commercial development. But the phasing plan shows the housing will be built first and commercial will come later. There's no knowing when the commercial will come. The housing will be absorbed and used. When the commercial is built years later the housing will be full. The intent to use the residential to support the commercial development is a false premise. We will have 8 million square feet of commercial development without housing to support it. Both developments should happen at the same time. The other item addressed tonight is that housing is a drain on the City's budget and a potential liability. The reason to do it is the revenue the commercial development will bring; however, because of the phasing the City could run deficits for a long time. It seems unwise to spend money without guarantee of money coming in. They learned from the Sierra Point development, which has been vacant for 40 years. He gets that there are regulations in place to achieve regulatory requirements for toxicity and site safety but doesn't mean it's a good idea. Putting people in proximity to toxic landfill is not a good idea. As an analogy, we know it's not good to pollute the planet, yet regulations allow us to pollute and frack. Just because the regulations allow it does not mean it's a good idea to put people near a toxic dump.

Commissioner Munir moved and Commissioner Parker seconded to close the public comments. The motion passed 4-0.

H. ITEMS INITIATED BY STAFF

None.

I. ITEMS INITIATED BY THE COMMISSION

None.

J. ADJOURNMENT to the Regular Meeting of March 24, 2016 at 7:30 p.m.

Commissioner Anderson moved and Commissioner Munir seconded to adjourn to the regular meeting of March 24, 2016 at 7:30 p.m. Commissioner Parker said she would be absent. The motion passed 4-0 and the meeting adjourned at 10:30 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](http://www.brisbaneca.org).