# City of Brisbane

## Agenda Report

**TO:** Honorable Mayor and City Council

**FROM:** Community Development Director and City Attorney via City Manager

**SUBJECT:** **Brisbane Baylands General Plan Amendment Case GP-1-18**

**DATE:** Meeting of June 7, 2018

**Background/Discussion:**

On March 22, 2018 the City Council directed staff to develop language for a Baylands general plan amendment to allow for a range of 1800-2200 residential units and up to 4 million square feet of commercial development on the Baylands. The City Council further directed that the draft general plan amendment include companion performance standards and policies to ensure that community concerns including but not limited to remediation, site safety, water supply, fiscal impacts to the City, habitat/cultural resource preservation and enhancement, sea level rise, and sustainability are addressed at a policy level. The text of draft General Plan Amendment which is consistent with the Council's direction as to the range of housing units and substantially consistent with the Council direction on the amount of new commercial development is attached as Attachment 1.

Additionally, the City Council has committed to putting a decision regarding the Baylands to the voters. Draft language for a potential future November 2018 ballot measure is also attached for reference purposes as Attachment 2.

The purpose of tonight's public hearing is for public to have the opportunity to comment on the draft general plan amendment. **The City Council will not be making a decision on the proposed general plan amendment at this evening's meeting**.

The public hearing will be continued to June 21, 2018 at which time the Baylands Final EIR will be considered along with the proposed general plan amendment.

***Attachments*:**

Draft General Plan Amendment
Draft Ballot Initiative Question

John Swiecki, Community Development Director

Clay Holstine, City Manager

Michael Roush, City Attorney

Attachment 1

# GENERAL PLAN AMENDMENT NO.
# FOR THE BAYLANDS, NORTHEAST BAYSHORE, AND BEATTY SUBAREAS
# DRAFT 6/1/18

## Chapter V: Land Use

1. **General Plan Land Use Diagram**. Revise as follows:

   a. Delete the Northeast Bayshore subarea and incorporate this former subarea into the Baylands subarea

   b. Revise the boundaries of the Beatty subarea to include the area bordered by the rail line on the west and the area south of a straight line extension of the existing Geneva Avenue right of way through the Baylands to the rail line, as illustrated in Exhibit 1.

   c. Redesignate the Baylands subarea as "Baylands Planned Development - Mixed Use."

2. **Land Use Designations.** Add a Baylands Mixed Use land use designation to read as follows:

Baylands Mixed Use (BMU) provides for a transit-oriented mix of residential, employment- and revenue-generating uses; natural resource management; and public and semi-public facilities. A range of 1800-2200 dwelling units (the upper range of which must include, if applicable, all units permitted under the State density bonus or other law providing for affordable housing), up to 4.5 million square feet of new commercial development, and 500,000 square feet of hotel development shall be permitted. Non-residential development shall be distributed both to the west and to the east of the rail line. Development within the Mixed-Use designation shall be subject to the City's approval of a single specific plan for the entirety of the Baylands Subarea that is consistent with General Plan policies, incorporates all applicable EIR mitigation measures, and is consistent with the following standards:

- The single specific plan subject to City review and approval referenced above shall include:

  (a) detailed plans for Title 27 compliant closure of the landfill and Remedial Action Plans for OU-1 and OU-2 that have been approved by all appropriate regulatory agencies, which include, but shall not be limited to, CalRecycle, the San Mateo County Environmental Health Department, the California Department of Toxic Substances Control, the California Regional Water Quality Control Board;

  (b) a specific schedule establishing the time frames by which (i) the landfill must be closed in full compliance with Title 27 and (ii) the remediation of OU-1 and OU-2 must be completed; and

  (c) specific means by which the City may enforce the applicant's adherence to the schedule for closure and remediation and specific consequences, e.g., monetary penalties, suspension of building permits, etc., that the City may impose on the applicant for failing to adhere to the schedule.

- A reliable water supply approved by the City of Brisbane to support proposed uses within the Baylands shall be secured prior to site development.
- Any proposed residential development shall:
    - Occur within the area west of the Caltrain rail line and north of a straight line extension of the existing Geneva Avenue right-of-way through the Baylands to the rail line as illustrated in Exhibit 1; and
    - Be designed and remediated to accommodate ground level residential uses and ground level residential-supportive uses such as daycare, parks, schools, playgrounds, and medical facilities.
- Each increment of development shall be provided with appropriate transportation related and other infrastructure, facilities, and site amenities as determined by the City. Such transportation related and other infrastructure, facilities, and site amenities (e.g., parks, open space preservation, habitat enhancement) shall be provided at the developer's cost.
- Baylands development shall be revenue positive to the City on an annual basis where all City costs (e.g., annual operating costs, maintenance and replacement of equipment, facilities, infrastructure, cultural resource and habitat protection and management etc.) are exceeded by project-generated revenues to the City (e.g., to the City's General Fund, enterprise funds, special funds, etc.) during all phases of development and upon final buildout.
- Sufficient assurances for the satisfactory ongoing performance of site remediation and site development (e.g. site monitoring, performance bonds, environmental insurance) shall be provided as determined by the City.
- The required specific plan for the Baylands shall include a sustainability program for new development consistent with the principles of the Sustainability Framework for the Brisbane Baylands, Final Report accepted by the City Council on November 5, 2015. Baylands development shall be designed so as to be energy neutral on an ongoing basis.
- Key habitat areas, including Icehouse Hill and Brisbane Lagoon and adjacent habitat shall be preserved, enhanced, and protected.
- The historic Roundhouse shall be protected and preserved. The required specific plan shall ensure rehabilitation of the Roundhouse for adaptive reuse at the developer's cost.
- Development shall be designed to protect uses from the 100-year flood, including 100 years of projected sea level rise as determined based on regulatory standards or guidelines in effect at the time of project construction, with the reference to guidelines and sea level rise projections approved by the Director of Public Works/City Engineer based on context-specific considerations of risk tolerance and adaptive capacity.

- Prior to the issuance of a grading permit to export soil or move soil from the existing landfill area for incorporation in a remediation or grading plan, the soil shall be tested in a manner approved by the City.

3. **Table 5, 1994 General Plan: Land Use Designations and Density/Intensity by Subarea.** Revise to read as follows:

| SUBAREA | LAND USE DESIGNATION | POPULATION DENSITY | NUMBER OF UNITS/ MAXIMUM FLOOR AREA RATIO | MINIMUM OPEN SPACE/OPEN AREA |
|---|---|---|---|---|
| ~~Northeast Bayshore~~ | ~~Trade Commercial~~ | ~~1.23 – 3.22 E/1,000~~ | ~~2.0 FAR~~ | ~~Per Zoning Requirements~~ |
| Baylands | ~~Planned Development Trade Commercial~~ Mixed Use | 4,032 – 4,928 residents<br>1.23 – 3.22 E/1,000 | 1,800 to 2,200 dwelling units increase of 4.50 million square feet of non-residential building area with an additional 500,00 square feet of hotel development. 0.3 to 1.4 FAR<br>~~South of channel** 0-2.4 FAR~~<br>~~North of channel** 0-4.8 FAR~~ | Minimum 25% of land area |
| | Bayfront | 0 | 0 | 100% |
| | Lagoon | 0 | 0 | 100% |
| Beatty | Heavy Commercial | 0 - 1.23 E/1,000 | 0 -1.0 FAR | Per Specific Plan |

* E/1,000 = employees per 1,000 square feet

## Chapter XII: Policies and Programs by Subarea

4. Delete Policy BL.5 (formerly Policy 330.1) as follows:

Policy BL.5. ~~Prohibit housing on the Baylands~~.

**ATTACHMENT 2**

Draft Ballot Question

Shall Brisbane's General Plan be amended to permit within the Baylands a range of 1800 to 2200 residences, up to 4.5 million square feet of new commercial development and .5 million square feet of hotel development, subject to these restrictions to protect Brisbane: land for housing must be certified safe for residential use; landfill must be permanently, safely capped; and development must abide by Brisbane's Sustainability Framework principles and produce net positive city revenues? [74 words]