

RESOLUTION NO. 2018-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA CALLING A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION ON NOVEMBER 6, 2018, FOR SUBMISSION TO THE VOTERS OF A PROPOSED AMENDMENT TO THE CITY OF BRISBANE GENERAL PLAN CONCERNING THE BAYLANDS

WHEREAS, the City Council on July 19, 2018 approved GP-1-18, an amendment to Brisbane General Plan (“the General Plan Amendment”) concerning the Baylands, directed that the General Plan Amendment be submitted to the voters on November 6, 2018 and provided that the General Plan Amendment would not be effective unless and until it was approved by the voters ; and

WHEREAS, the City Council is authorized by State Elections Code, section 9222 to submit Council sponsored initiatives to the voters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA, AS FOLLOWS:

SECTION 1. ELECTION CALLED

Pursuant to State Elections Code, sections 1415, 9222 and 12001, the City Council of the City of Brisbane hereby calls a special municipal election, to be consolidated with the statewide general election on Tuesday, November 6, 2018, at which there shall be submitted for approval by the voters of the City of Brisbane a proposed General Plan Amendment described above concerning the Baylands

SECTION 2. SUBMISSION OF MEASURE TO THE VOTERS.

Pursuant to the State Elections Code, sections 9222, 10201, 10403 and 12001, the City Council hereby orders the measure proposing to amend the Brisbane General Plan to be submitted to the qualified voters of the City of Brisbane at the special City municipal election and statewide general election on November 6, 2018. The full text of the General Plan Amendment that shall be voted on is attached hereto as Exhibit A. The measure shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure, as provided in California Elections Code, section 13116.

SECTION 3. BALLOT QUESTION

The City Council, pursuant to State Elections Code, sections 13119 and 10403, hereby orders that the abbreviated form of the measure as it shall appear on the ballot is as follows:

City of Brisbane Ballot Measure: Shall the Brisbane’s General Plan be amended to permit within the Baylands a range of 1800 to 2200 residences north of an extension of Main Street, and up to 7 million square feet of new commercial development, subject to these restrictions to protect Brisbane: land for housing must be certified safe for ground-level residential use; landfill must be permanently, safely capped; and development must

abide by Brisbane's Sustainability Framework principles and produce net positive City revenues?

SECTION 4. REQUEST TO CONSOLIDATE, CONDUCT ELECTION AND CANVASS RETURNS

The Board of Supervisors of the County of San Mateo is hereby requested to authorize the County Clerk/Registrar of Voters to render all services necessary and proper for the conduct of the special municipal election called by the Resolution. Pursuant to California Elections Code Section 10403, the City Council hereby requests that the San Mateo County Board of Supervisors consolidate that election with the election to be held on November 6, 2018, and order the special municipal election to be conducted by the Registrar of Voters. The San Mateo County Elections Department is authorized to canvass the returns of the special election.

The City Clerk's Office is authorized, instructed and directed to work with the County Elections Division as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in the form and content as required by law. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. REQUIRED VOTER APPROVAL AND EFFECTIVE DATE

If a majority of the voters voting upon the ballot measure vote in its favor, the proposed General Plan Amendment shall become valid and binding. The General Plan Amendment shall be considered as adopted on the date that the vote is declared by the City Council and shall go into effect on that date or such other date as may be specified by the City Council.

SECTION 6. PROCEDURE FOR ARGUMENTS AND REBUTTALS

As provided in Elections Code, section 9285, the City Council authorizes, on behalf of the City Council, a committee of the City Council to file a written Argument For the measure, and a committee of the City Council to file a Rebuttal argument (should an Argument Against the measure be filed) and other Council members may sign such Argument/Rebuttal. Any individual voter who is eligible to vote on the measure or bona fide association of citizens or combination of voters and associations may also submit a written argument for or against the measure. Such argument, whether For or Against, shall not exceed 300 words and be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, in accordance with Article 4, Chapter 3, Division 9 of the Election Code of the State of California. Primary arguments For or Against the measure must be submitted to the City Clerk by August 16, 2018. The Rebuttal arguments must be submitted to the City Clerk by August 27, 2018 and shall not exceed 250 words.

SECTION 7. IMPARTIAL ANALYSIS

Pursuant to Elections Code Section 9280, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, and directs the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The analysis shall be printed preceding the arguments For and Against the measure. The analysis shall not exceed 500 words in length. The impartial analysis shall be filed by the date set by this resolution for the filing of primary arguments.

SECTION 8. FULL TEXT OF THE GENERAL PLAN AMENDMENT

The full text of the General Plan Amendment shall be printed in the Voter Information Pamphlet.

SECTION 9. CONDUCT OF ELECTION

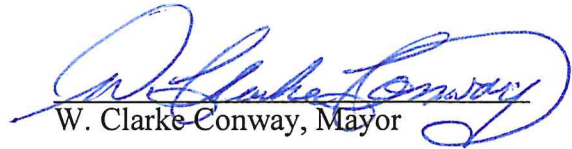
The election on said ballot measure shall be consolidated with the statewide general election to be held on November 6, 2018 and shall be held and conducted in the manner prescribed by State Elections Code, section 10418.

SECTION 10. CEQA

Submitting this measure to the voters is a “project” under the California Environmental Quality Act. On July 19, 2018, the City Council certified a Final Environmental Impact Report for the General Plan Amendment, adopted a Mitigation Monitoring and Reporting Program and adopted a Statement of Overriding Considerations. Therefore, no additional environmental review is required to adopt this resolution.

SECTION 11. EFFECTIVE DATE

This Resolution shall become effective upon its adoption.


W. Clarke Conway, Mayor

I hereby certify that the foregoing Resolution No. 2018-63 was duly and regularly adopted at the meeting of the Brisbane City Council on July 19, 2018 by the following vote:

AYES: Councilmembers Cunningham, Davis, Lentz, O’Connell and Mayor Conway

NOES: None

ABSENT: None


Ingrid Padilla, City Clerk

The People of the City of Brisbane do ordain as follows:

**GENERAL PLAN AMENDMENT NO. GP-1-18
FOR THE BAYLANDS, NORTHEAST BAYSHORE, AND BEATTY SUBAREAS**

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, Highway 101 on the east and the future extension of Geneva Avenue on the south as illustrated in the General Plan Land Use Diagram.
- c. Redesignate the Baylands subarea as "Baylands Planned Development" specifically identifying locations within the subarea where residential uses are permitted and prohibited as illustrated in the General Plan Land Use Diagram.

2. Land Use Designations. Revise the Baylands Subarea land use designation to read as follows:

The Baylands Subarea provides for a transit-oriented variety 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 shall not exceed all units permitted under the State density bonus or other law providing for affordable housing), up to 6.5 million square feet of new commercial development, with an additional 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. Residential uses shall be permitted only in the northwest quadrant of the site bounded by Bayshore Boulevard on the west, the City and County of San Francisco on the north, the Caltrain rail line on the east, and the line of Main Street (extended) on the south as shown on the General Plan Land Use Diagram.

3. Development within the Baylands Subarea shall be subject to the City's approval of a single specific plan for the entirety of the Baylands Subarea and a development agreement that is consistent with General Plan policies, incorporate all applicable EIR mitigation measures, and is consistent with the following standards:

A. The single specific plan and development agreement subject to City review and approval referenced above shall include:

- (i) 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;

- (ii) 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
 - (iii) 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.
- B. A reliable water supply approved by the City of Brisbane to support proposed uses within the Baylands shall be secured prior to site development.
- C. All residential development shall 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. Key habitat areas, including Icehouse Hill and Brisbane Lagoon and adjacent habitat as identified in the 2001 City Open Space Master Plan shall be preserved, enhanced, and protected.
- I. 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.
- J. 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.

K. 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	4,032 – 4,928 residents 1.23 – 3.22 E/1,000	1,800 to 2,200 dwelling units increase of up to 6.5 million square feet of non-residential building area with an additional 500,000 square feet of hotel development. South of channel** 0-2.4 FAR 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

** as stated in Policy LU.1 “ the intent of the FARs given for the Baylands is to accommodate diversity in the height and intensity of structure in order to encourage interesting, flexible, and variable development. In no event shall the FARs shown be interpreted as permitting the maximum intensities to be established throughout the subarea.”

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.~~

General Plan Land Use Diagram GP - 1 - 18

