

**Comments on and suggested modifications to  
Proposed General Plan Amendment  
For the Baylands**

**June 7, 2018**

**Chapter V: Land Use**

**1. General Plan Land Use Diagram**

- a. Keep Northeast Bayshore subarea as Trade Commercial. (Maintain a viable small business section.)
- b. New southern boundary of Beatty Heavy Commercial land use area should go straight across from current southwestern corner rather than angle up. (More flexibility for Recology)
- c. Keep most of the Baylands land use designation as PD-TC (Planned Development - Trade Commercial). (Changing the entire area to the proposed Mixed Use [MU] in which residential is allowed is an invitation to the legislature to impose mandatory approval for thousands of additional units.)
- d. Keep the Mixed Use Residential (PD-MU-RES) on the west side of the CalTrain right-of-way, but bring the southern boundary down to the level where Main Street intersects with Bayshore. (This change would allow for greater variety of densities and heights as well as more open areas.)
- e. Designate Ice House Hill and the Wetland River Park as Open Space per the approved Open Space Plan (2001).

**2. Land Use Designations**

Add a new land use designation for the Baylands:

PD-MU-RES: encompasses a transit-oriented primarily residential land use as well as some commercial, open space and areas, and public facilities. The maximum number of housing units would be 1,800 with a 25% bonus available for affordable housing units.

Up to 4 million square feet of new commercial development plus 500,000 square feet of hotel development is permitted in the Baylands areas designated as Trade Commercial (PD-TC).

Areas in PD-MU-RES and PD-TC shall be subject to the City's approval of a single specific plan. It should be consistent with General Plan policies, all applicable EIR mitigation measures and the following standards:

- a. Remediation Action Plans (RAPs) for OU-1, OU-2, & the Landfill. The lead regulatory agencies responsible for developing the RAPs are the Department of Toxic and Substances Control (DTSC) and the Regional Water Quality Board (RWQB). The agency responsible for declaring compliance with Title 27 landfill closure requirements is the San Mateo County Environmental Health Department. Satisfying the requirements of other regulatory agencies may also be necessary. (The City will rely on its own professional consultant to make sure that nothing is overlooked in the inspections and remediation planning processes.)
- b. The area designated for residential development (PD-MU-RES) shall be remediated to the highest residential level that is deemed safe for ground-level housing, schools, daycare facilities, playgrounds, parks, and medical facilities.
- c. A schedule for completion of the remediation plans and landfill closure requirements shall be developed and any unexcused delays by the landowner/developer should be appropriately penalized.
- d. No residential or commercial construction may begin until all of the remediation plans and landfill closure requirements have been declared completed by the responsible regulatory agency.
- e. The on-going performance of the remediation plans shall be closely monitored and any failures should be promptly corrected. A long-term (50 years), well-secured, financial plan must be approved by the City before any residential or commercial construction is permitted.
- f. Prior to the issuance of a grading permit to export soil or move soil from the existing landfill area to other areas in the Baylands, the soil shall be tested for contamination, including radioactivity. The City will not issue a grading permit until the soils involved are declared free of contamination.
- g. The Specific Plan for the Baylands shall include a sustainability program that is consistent with the principles of the Sustainability Framework as adopted by the City Council on November 5, 2015. The Specific Plan must include a renewable energy plan that covers 100%

of the needs of the Baylands and also contributes to the energy needs of the wider community.

h. The developer must provide at each increment of the development all of the appropriate public infrastructure as determined by the City. That would include facilities for transportation, utilities, public safety, parks, etc.

i. In cooperation with the City, the developer must provide a reliable long-term water supply to support all proposed uses within the Baylands. The water agreement must be approved by the City and all involved agencies before any construction can begin.

j. The development must be designed to protect the entire Baylands from 100 year flooding that includes sea level rise. Guidance will come from the Bay Conservation and Development Commission (BCDC) and regional efforts to protect against sea level rise but the final approval will come from the City based on recommendations from the City Engineer.

k. Key habitat areas, including Ice House Hill, the River Park, and the Brisbane Lagoon along with adjacent habitat shall be preserved, enhanced and protected.

l. The developer shall rehabilitate, protect and preserve the historic roundhouse.

m. The Baylands development shall be planned so as to produce an annual net fiscal benefit to the City from beginning of construction to final build out. Project generated revenue to the City's funds must annually exceed operating and capital costs.

### **3. Table 5 - 1994 General Plan: Land Use Designations and Density/Intensity by Subarea.**

Table needs to be revised to be consistent with above changes in land use designations, especially housing units and maximum commercial square footage.

### **Draft Ballot Question**

Shall the section of Brisbane's General Plan on the Baylands be amended to allow for 1) a basic 1800 units of housing with a possibility of up to a 25% bonus for affordable housing, 2) up to 4 million square feet of new commercial development plus 500,000 square of hotel development subject to the following restrictions: the

housing area must be remediated to the highest level as certified by the responsible regulatory agencies; the landfill must be permanently and safely capped; the integrity of the remediation measures must be permanently monitored and secure financial measures must be in place to ensure a means to mitigate any future problems; and the project must have a feasible plan for annually producing a net fiscal benefit to the City. (136 words)

Submitted by former Mayor Ray Miller

June 7, 2018