

July 11, 2018

Re: Proposed General Plan Amendment to allow housing on the Brisbane Baylands

Dear Honorable Brisbane City Council Members,

Brisbane is facing pressure from all sides and we are being forced to choose between the devil and the deep blue sea.

As you know, I have been advocating no housing on the Baylands from the beginning and so did most of you. Our founding fathers never intended the Baylands for housing and I still do not want housing on the Baylands. I do not believe that it is the best use for this deeply compromised land.

However, because of pressure from the California State Legislature and other outside influencers, I was asked to consider supporting up to 2,200 hundred units of high-density housing in OU-1 in close proximity with the Caltrain Station and SF Muni with a cap on non-residential development of 4.5 million square feet – more than enough to support this level of housing with full services plus a surplus for the City of Brisbane.

If we are **forced** to allow any housing on the Baylands, I think that our safest option would be to allow high-density transit-oriented housing in OU-1 only. This is not NIMBYism. It is a serious matter of public health and safety.

In addition to meeting the specific demands of our State Legislators for affordable transit-oriented housing, the toxicology of OU-1 is better known than it is for the rest of the Baylands. The San Francisco portion is already being developed so that we can learn from the problems that are encountered with remediation to podium-level (second story and above) housing and apply it to ground-level housing remediation in Brisbane's portion of OU-1. This looks like the area with the least land fill and least subject to inundation and liquefaction. We are being promised the most stringent clean-up allowed by law.

However, the City Council is now proposing more than doubling the area where housing would be allowed and into areas where we do not have a clear understanding or accounting of what is beneath the surface and the inherent risks to life and property. We **do not know** the extent of the dangers lurking in OU-2 and if those will be deleterious to human health.

Residential clean-up levels are not all the same.

You might think that expanding the area allowed for housing will mean higher level clean-up for the whole area, but **this is not true**. Each plot will only be cleaned-up or "remediated" to the level required by law for the specific use based on estimated exposure time to toxins **known** to exist on that site. So while the plot of land that the housing actually sits on may be remediated to residential clean-up levels based on 24/7 exposure, the park next door only needs to be cleaned up to the level of estimated "exposure" at the lowest standard required by law.

The Geneva Extension is not funded for development any time in the near future. Development of housing in the extended proposed area is no longer within reasonable walking distance to public transportation options. This defeats the purpose of the State's mandate for housing next to public transit.

The proposed General Plan Amendment has dramatically increased the amount of non-residential development up from the 4 million square feet deemed necessary to 7 million square feet. Based on the square footage estimated in the Developer's Specific Plan (DSP) from the Environmental Impact Report (EIR), 2200 units would exceed 2.5 million square feet and could easily top 3 million square feet with amenities. There is no requirement for high-density or low-income housing in this and there is no cap on the amount of square feet that can be built for housing. This can circumvent the State's mandate for affordable housing.

It has been estimated that we have seven million square feet of non-residential development currently supporting our City. Brisbane currently has less than 1600 housing units. If we more than double the housing units, I have heard the argument that we should more than double the commercial to support this at the same level of services and privileges we currently enjoy.

***This is a false argument.*** True that we would need to increase in services as outlined in the study done, but the cost to run the City at our current high level of service **would not double**. We would not need two city managers, two police chiefs, two public works directors, two libraries, two city halls, and so on.

The proposed General Plan Amendment now proposes an estimated 10 million square feet of development. This is in addition to what currently exists today on the Baylands. How much is 10 million square feet? That is 1/3 of the total Brisbane Baylands acreage (except the Lagoon) completely covered with one story buildings – or the equivalent of 6.24 Salesforce Towers.

Our housing to non-housing ratio with the proposed General Plan Amendment will again be too low and will draw even more housing advocates to pound on our door demanding a fair ratio of housing to jobs.

Thus far, we have ignored the 800-pound gorilla in the room – ***High Speed Rail***. I know that we would like to pretend that it is not going to happen, but that is ludicrous. ***It will happen***. And it will happen here. This raises more serious concerns for Brisbane and the Baylands.

Will the California High Speed Rail Authority choose the east side of the Baylands or the west side of the Baylands? That puts Brisbane ***between a rock and a hard place*** – literally. If they choose the west side, will they want to remove Ice House Hill? Will there still be room for 2200 units of housing?

If the Rail Authority takes the west part of the Baylands through eminent domain, what would happen to the housing rights we have allowed UPC (or subsequent entities) if this General

Plan Amendment passes? Where will 7 million square feet of non-residential development be built?

If the Rail Authority chooses the east side of the Baylands, will all 10 million square feet of development proposed, housing and non-housing, be allowed to be built west of the tracks? After all, UPC would now have “rights” to build over 10 million square feet of development in addition to what exists today.

UPC is seeking the rights to build housing and has campaigned hard and at great expense with our Legislature and the public. That is very different than actually seeking to build the housing. UPC covets the housing rights because **land value will increase** dramatically once housing is an allowed use.

If the California High Speed Rail Authority takes the land designated to allow housing through eminent domain, UPC will get a huge payout – at the expense of the taxpayer. If they don’t, then UPC still has much higher valued land **without doing anything**.

I do not understand why our California State Legislators would be forcing Brisbane to allow housing on the Baylands, thus dramatically driving up the price of the land, when the State’s own California High Speed Rail Authority intends to acquire land in the Baylands through eminent domain – thus forcing a higher compensation for the land owner than the actual value of the land as it is today.

Maybe some think that UPC deserves that higher level of compensation, but in truth, Tuntex, now known as UPC Inc., knew that this site was toxic (4 potential Superfund sites) and not zoned for housing when they acquired it. They have done almost nothing to remediate it in the last 30 years.

We are seeking to protect Brisbane from being overrun by outside interests, rampant development under unsafe conditions, and to retain local control over Brisbane.

What exactly is the big rush? We can amend the General Plan by a vote of the people in the future to include housing or more intense development once we know the fate of the High Speed Rail Project and have addressed the serious data gaps in the Environmental Impact Review that make any development dangerous on this very unique brownfield site.

I’d rather take our chances with our California State Legislature than write a blank check for UPC Inc. at the taxpayers’ and Brisbane’s expense.

***As currently proposed in the documents provided for the July 12, 2018 meeting, I cannot support this General Plan Amendment.***

Respectfully,

Michele Salmon  
Brisbane Resident and Voter