

Brisbane Baylands development moving to voters

Amidst local control fight, officials push ahead mixed-used plan despite reservations

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Indicating they felt backed into a corner by state legislators ardently pushing for housing development along the Baylands, Brisbane officials reluctantly agreed to permit building at the highly-watched site.

The Brisbane City Council unanimously approved moving toward a ballot measure allowing construction of as many as 2,200 housing units and 4 million square feet of commercial space in a potentially transformative development, according to video of a meeting Thursday, March 22.

The pivotal decision was not made without a great deal of consternation though, as councilmembers shared their dissatisfaction with the pressure to build housing in Brisbane as a means of alleviating the regional affordability crunch.

The challenge in balancing health and environmental concerns borne by a proposal to build on contaminated land against the constant encroachment on local authority relating to land use decisions was the source of great discomfort for most officials.

Vice Mayor Madison Davis laid out the tight spot facing councilmembers.

“The housing crisis is intense. It’s real. And unfortunately it’s overpowering a lot of the arguments we are making. It’s a stronger motivator than a lot of the safety concerns we have described,” she said.

Mayor Clark Conway more flatly laid out a similar perspective.

“It sucks,” he said. “That’s the truth. Right now, as a council, we know we probably have to move forward here and that’s it.”

Under the decision, city officials will return before councilmembers with a proposed General Plan amendment allowing to build between 1,800 and 2,200 housing units as well as up to 4 million square feet of commercial space at the Baylands. The upcoming discussion will also detail environmental remediation requirements and a fiscal impact analysis of the project. The decision is slated to ultimately give way to a fall ballot measure, allowing voters to have the final say in determining whether development is allowed at the site.

Like officials, many residents have been deeply critical of Universal Paragon Corporation’s development proposal. But as the state’s housing crisis worsens and political momentum builds toward loosening residential construction regulations, the bind facing opponents is clear.

“If the council approves housing and the voters don’t, that puts us in an even greater danger of having the developer’s proposal forced on us,” said former mayor Lori Liu.

The risk to which Liu refers is posed from draft legislation authored by state lawmakers last year designed to force housing development at the Baylands. Though the bill spearheaded by state Sen. Jerry Hill, D-San Mateo, was never formally proposed, it was seen by Brisbane officials as a shot across the bow in the battle over local control.

Tom McMorrow, a legislative consultant hired to help city officials navigate the political process, said the project before officials is a product of exhaustive bargaining between councilmembers and state legislators.

The range of residential development is about half the size of the builder's initial proposal.

Should Brisbane officials reject the development proposal, McMorrow suggested legislation targeting the Baylands would again be introduced. If state lawmakers approved the bill, Brisbane officials could challenge the issue in court. But rather than face a likely lengthy and expensive legal battle which would be challenging to win, McMorrow lauded the trimmed-down proposal generated by discussions between Brisbane and state officials.

“The goal was to avoid being in a local control fight on the basis of a reasonable compromise of some nature and putting it to voters,” he said.

Some residents took a more skeptical view of the discussions between state lawmakers and those elected to represent Brisbane.

“It's so unbelievably irresponsible of our state Legislature to bully us ... into building housing so they can look bright and shiny for all the housing advocates. It just makes me sick,” said Michelle Salmon, joining a chorus of many other frustrated community members.

Opposition was not unanimous though, as some did express a willingness to allow housing at the Baylands.

“I think the agreement you and the legislators came up with is very reasonable ... and I would very much encourage you to bring this to voters in November. I think have between 1,800 to 2,200 housing units on the Baylands is very reasonable,” said resident James Christie.

Councilman Cliff Lentz said by allowing the proposal to move ahead, Brisbane officials are more likely to preserve their authority in the process than they would by outright denying it.

“That local control is the most important thing that we need to maintain,” he said, noting the extensive toxic remediation required at the former landfill to make much of the nearly 700-acre property suitable for development.

Davis also detailed the desire of Brisbane officials to oversee the process before handing it off to voters, while also noting the challenges for those critiquing development in the face of the ongoing push for more housing.

“At the end of the day, there comes a time when you have to make a strategic choice that you think is best long term for your community. And that’s the position we are in. And to me, I hate it. And I lose sleep over this at night. I feel so frustrated.”

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