

BOARD of SUPERVISORS



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MEMORANDUM

TO: John Rahaim, Director, Planning Department
Olson Lee, Director, Mayor's Office of Housing and Community
Development
Harlan Kelly, Jr., General Manager, Public Utilities Commission
Ed Reiskin, Executive Director, Municipal Transportation Agency
Deborah Raphael, Director, Department of the Environment

FROM: *ell for* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: October 7, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on September 27, 2016:

File No. 161044

Resolution urging the City and County of San Francisco and all relevant agencies to closely monitor and review any development proposal for the Brisbane Baylands Area to ensure that the City of Brisbane prepares a comprehensive and complete Environmental Impact Report, which includes legally required analysis of all impacts, including transportation, air quality and greenhouse gases, water supply and wastewater, and housing and population needs, in particular significant impacts that will occur within San Francisco; and urging Brisbane to adopt a responsible Land Use Plan for this area that will include needed workforce housing.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Scott Sanchez, Planning Department
Lisa Gibson, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department

Jeanie Poling, Planning Department
Eugene Flannery, Mayor's Office of Housing and Community Development
Sophie Hayward, Mayor's Office of Housing and Community Development
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Guillermo Rodriguez, Department of the Environment
Anthony Valdez, Department of the Environment
Mei Ling Hui, Department of the Environment

1 [Urging City Agencies to Monitor and Review Any Development Proposal for the Brisbane
2 Baylands Area and Urging the City of Brisbane to Prepare a Complete Environmental Impact
3 Report and Approve a Responsible Land Use Plan]

4 **Resolution urging the City and County of San Francisco and all relevant agencies to**
5 **closely monitor and review any development proposal for the Brisbane Baylands Area**
6 **to ensure that the City of Brisbane prepares a comprehensive and complete**
7 **Environmental Impact Report, which includes legally required analysis of all impacts,**
8 **including transportation, air quality and greenhouse gases, water supply and**
9 **wastewater, and housing and population needs, in particular significant impacts that**
10 **will occur within San Francisco; and urging Brisbane to adopt a responsible Land Use**
11 **Plan for this area that will include needed workforce housing.**

12
13 WHEREAS, The Brisbane Baylands is a site that contains 684 acres of vacant,
14 underutilized land that is largely inaccessible to the public as a result of the legacy of
15 geotechnical and contamination issues resulting from its former use as a landfill and railyard;
16 and

17 WHEREAS, The Association of Bay Area Governments (ABAG) developed the “Plan
18 Bay Area 2040” which identified the Brisbane Baylands as a Priority Development Area as it
19 presents the prospect of contributing to the responsible growth and vitality of the region; and

20 WHEREAS, The Baylands site presents a rare opportunity to develop the land in a
21 responsible and environmentally-sustainable way that can reestablish useable open and
22 recreational space, protect existing wetlands and ecosystems, encourage active pedestrian
23 and bicycle use in its interior streets, and create residential and commercial space that is high
24 in density and in close proximity to public transportation facilities to minimize the impact on
25 our already-congested regional roadways; and

1 WHEREAS, The Developer of the Baylands site, Universal Paragon Corporation,
2 applied to develop the site with approximately 7 million square feet of office, industrial and
3 commercial uses, 4,434 units of housing, and over 300 acres of open space and lagoon area;
4 and

5 WHEREAS, The Developer subsequently requested analysis of a second development
6 scenario, which included more entertainment-oriented uses for the Site but retained the same
7 4,434 units of housing and amounts of open space and lagoon area; and

8 WHEREAS, The Brisbane Planning Commission recommended on August 25, 2016,
9 that no housing be allowed on this site and that only non-residential development be
10 permitted; and

11 WHEREAS, The Mayor of the City of Brisbane, Clifford Lentz, was quoted in the San
12 Francisco Chronicle as saying, "We'll provide the commercial... San Francisco will provide the
13 housing;" and

14 WHEREAS, San Francisco is in close proximity to the Brisbane Baylands site and will
15 be significantly impacted by any project developed on the Baylands, especially if the project
16 contemplates building *no* new housing for the inevitable influx of workers that will ensue from
17 building 7 – 8 million square feet of new commercial-industrial-institutional-retail-entertainment
18 space; and

19 WHEREAS, State law recognizes the critical responsibility of each local government in
20 the supply and affordability of housing and mandates that each local government in California
21 adopt a Housing Element as part of its General Plan that shows how the community plans to
22 meet the existing and projected housing needs of people at all income levels; and

23 WHEREAS, State law also mandates a process to determine the total number of
24 housing units, by affordability level, that each jurisdiction must accommodate in its Housing
25

1 Element which is known as the Regional Housing Need Allocation (RHNA) and is measured
2 by permits issued; and

3 WHEREAS, For the 2007-2014 RHNA, Brisbane was responsible for 401 new units of
4 housing and met 36% of its assigned housing goals whereas San Francisco was responsible
5 for 31,193 units and met 64% of its goal; and

6 WHEREAS, For the 2015-2022 RHNA, Brisbane's RHNA allocation was 83 units total
7 and one year into this cycle, Brisbane has issued permits for 3 units; and

8 WHEREAS, The Draft Preferred Scenario for Plan Bay Area published by ABAG in
9 September 2016 allocates growth of 4,400 housing units to Brisbane; and

10 WHEREAS, The San Francisco Planning Department's residential pipeline report that
11 tracks the completed units and entitled units in the current residential pipeline to the first
12 quarter of 2016 (Q1) shows that San Francisco has already met 79% or 22,806 out of its
13 assigned 28,869 housing units according to the RHNA production goals for the period 2015-
14 2022 to date; and

15 WHEREAS, The City and County of San Francisco, which is only 49 square miles, is
16 already attempting to address the lack of affordable housing in the region but cannot
17 physically absorb thousands of new workers without significant negative impacts to its already
18 heavily-used streets, its increasingly unaffordable housing market, public utility use,
19 overstrained childcare and educational institutions, and other vital city services and
20 infrastructure; and

21 WHEREAS, The Brisbane Baylands also present a unique and extremely rare
22 opportunity for a local jurisdiction to create new housing—and meet its regional responsibility
23 for creating 4,400 new housing units--without displacing current tenants or other uses of land
24 and actually would afford an opportunity to make an existing brownfield useable; and

1 WHEREAS, The development plan that the Brisbane Planning Commission has
2 recommended does not provide jobs/housing balance in any way and is irresponsible in the
3 face of the housing crisis throughout the Bay Area and the State of California; and

4 WHEREAS, Brisbane's Planning Commission has recommended disapproval of
5 residential uses, potentially violating the California Housing Accountability Act and other State
6 laws that attempt to address the California housing crisis throughout the State; and

7 WHEREAS, The City of Brisbane is considering certification of an Environmental
8 Impact Report (EIR), as required by the California Environmental Quality Act (CEQA), which
9 was initiated in early 2006, over ten years ago, continuing through August 2016 and now
10 pending before the Brisbane City Council, and the EIR lacks the required consideration of the
11 numerous and significant changes in the region over the last ten years, including but not
12 limited to climate change, private and public transit options, density and migration of the
13 workforce and significant housing needs, and the significant environmental impacts that will
14 occur in San Francisco if no housing is built on the Baylands site as part of this development;
15 and

16 WHEREAS, Brisbane has not adequately considered significant environmental impacts
17 that will occur as a result of the new water supply demands and has not set forth a realistic
18 plan to provide the new water supply necessary for this site; now, therefore, be it

19 RESOLVED, That the City and County of San Francisco urges and directs its Planning
20 Department, the Mayor's Office of Housing and Community Development, the Public Utilities
21 Commission, Municipal Transportation Agency, Department on the Environment, and any
22 other relevant City Departments, to closely monitor, review, participate and comment upon all
23 actions proposed to be taken by the City of Brisbane for any development of the Brisbane
24 Baylands site; and, be it

1 FURTHER RESOLVED, That the City and County of San Francisco, including the City
2 Attorney, should explore all possible legal actions available both to encourage consideration
3 and approval of lawful, responsible development on the Baylands Site, or, alternatively, to
4 prevent development of the Brisbane Baylands site that does not include a balance of
5 affordable and market-rate housing along with non-residential development; and, be it

6 FURTHER RESOLVED, That the City and County of San Francisco should investigate
7 the viability of annexing Brisbane so that it is fully incorporated into the County of San
8 Francisco should the City of Brisbane continue to contemplate building no new housing as
9 part of any project on the Brisbane Baylands; and, be it

10 FUTHER RESOLVED, That the City and County of San Francisco urges the City of
11 Brisbane to commit to a responsible project for the Brisbane Baylands that includes a rational
12 jobs and housing balance that would result in the creation of a sufficient number of housing
13 units to accommodate new workers for any projected new jobs that would be generated by
14 new office, industrial, institutional, entertainment or other commercial development on the
15 Baylands site.