

WRITTEN CORRESPONDENCE RECEIVED BY CITY COUNCIL
(5/5/23-5/18/23)

Roland Lebrun (5/9/23) Revised NOP of an EIR for the Brisbane Baylands Specific Plan

Alison Sapirman, Housing Action Coalition (5/16/23) Housing Element Comment Letter

Department of Housing and Community Development (5/18/23) Cit of Brisbane's 6th Cycle (2023-2031)
Revised Draft Housing Element

From: Lebrun, Roland <ccss@msn.com>
Sent: Tuesday, May 9, 2023 1:40 PM
To: Viana, Alberto <aviana@ci.brisbane.ca.us>
Cc: Ingrid <IMCEAUNDEFINED-ipadilla+40ci+2Ebrisbane+2Eca+2Eus@namprd19.prod.outlook.com>;
Cheung, Caroline <ccheung@brisbaneca.org>; Council Members <CouncilMembers@ci.brisbane.ca.us>
Subject: Re: Revised Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the
Brisbane Baylands Specific Plan - Tuesday, May 9, 2023

Hi Alberto,

Can you please upload the attached presentation for tonight's scoping meeting?

Thank You

Roland

From: Viana, Alberto <aviana@ci.brisbane.ca.us>
Sent: Wednesday, April 26, 2023 8:00 AM
To: Viana, Alberto <aviana@ci.brisbane.ca.us>
Subject: Revised Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Brisbane
Baylands Specific Plan - Tuesday, May 9, 2023

The City of Brisbane will hold a Scoping Meeting on May 9, 2023 at 7:00 pm in the Community Meeting Room at the Brisbane City Hall located at 50 Park Place, Brisbane, CA 94005 to solicit input from the public and agencies on specific topics they believe should be addressed in the Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan. For more information regarding the revisions to the project, visit the revised [Baylands NOP page](#). The scoping process is designed to enable the City to determine the scope and content of the EIR and identify potentially significant environmental effects and alternatives to be analyzed in the EIR.

If you are unable to attend the meeting in-person, you may also join remotely and comment virtually via Zoom webinar.

Join Zoom Webinar: <http://www.brisbaneca.org/pc-zoom>

Meeting ID: 970 0458 3387

A call-in number is also available for those watching the meeting on YouTube or Channel 27 for oral communications and public hearing items:

Phone Number: +1 (669) 900-9128

Meeting ID: 970 0458 3387

Press *6 on your phone to unmute yourself before addressing the panelists. To avoid feedback, please turn off the volume of the meeting broadcast on your TV or computer. You will still be able to hear the panelists through your phone.



ALBERTO VIANA | [he/him](#)

Community Development Technician | Community Development

Phone: 415.508.2120 | Fax: 415.467.5547 | Email: aviana@brisbaneca.org

City Hall Public Walk-in Hours: M, Tu, Th: 9-4; W: 9-7; F: 9-12



Baylands Circulation

How multimodal integration can deliver seamless intermodal transfers

Mobility

REFER TO THE BAYLANDS SPECIFIC PLAN CHAPTER 6 (CIRCULATION) FOR MORE INFORMATION



IMPROVE ACCESS TO TRANSIT



CREATE BIKE FACILITIES



DEVELOP WALKABLE NEIGHBORHOODS



TDM

COMPREHENSIVE TDM PROGRAM



Shuttle

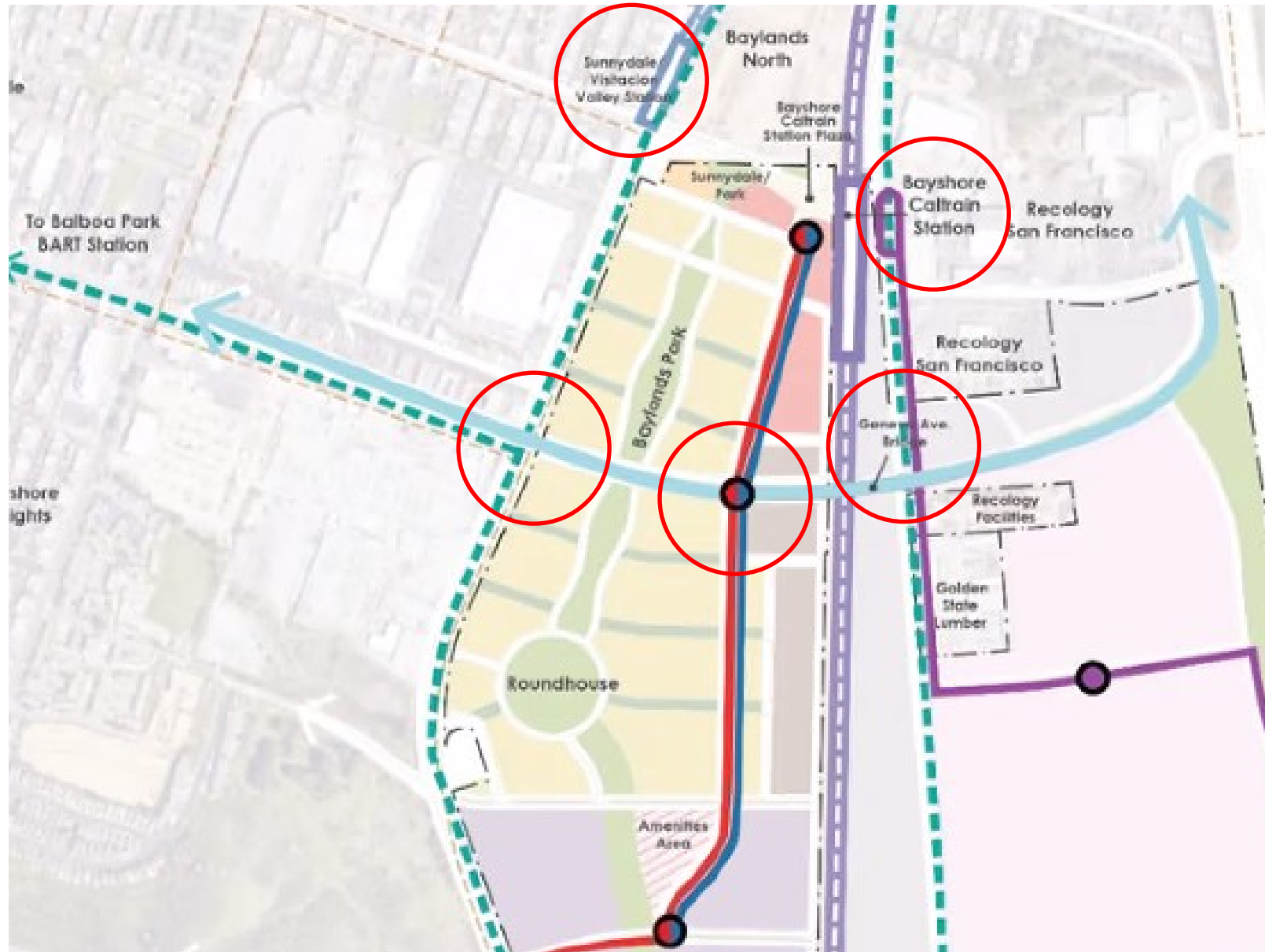


- Proposed Baylands Shuttle Routes**
- Phase One
 - Phase One - Internal Only
 - Phase Two
 - ● Mobility Hub
- Existing Transit**
- - - Local Bus Network
 - - - Light Rail (MUNI)
 - - - Heavy Rail (Caltrain)
 - - - Shuttle Routes
- Planned Transit**
- Planned BRT

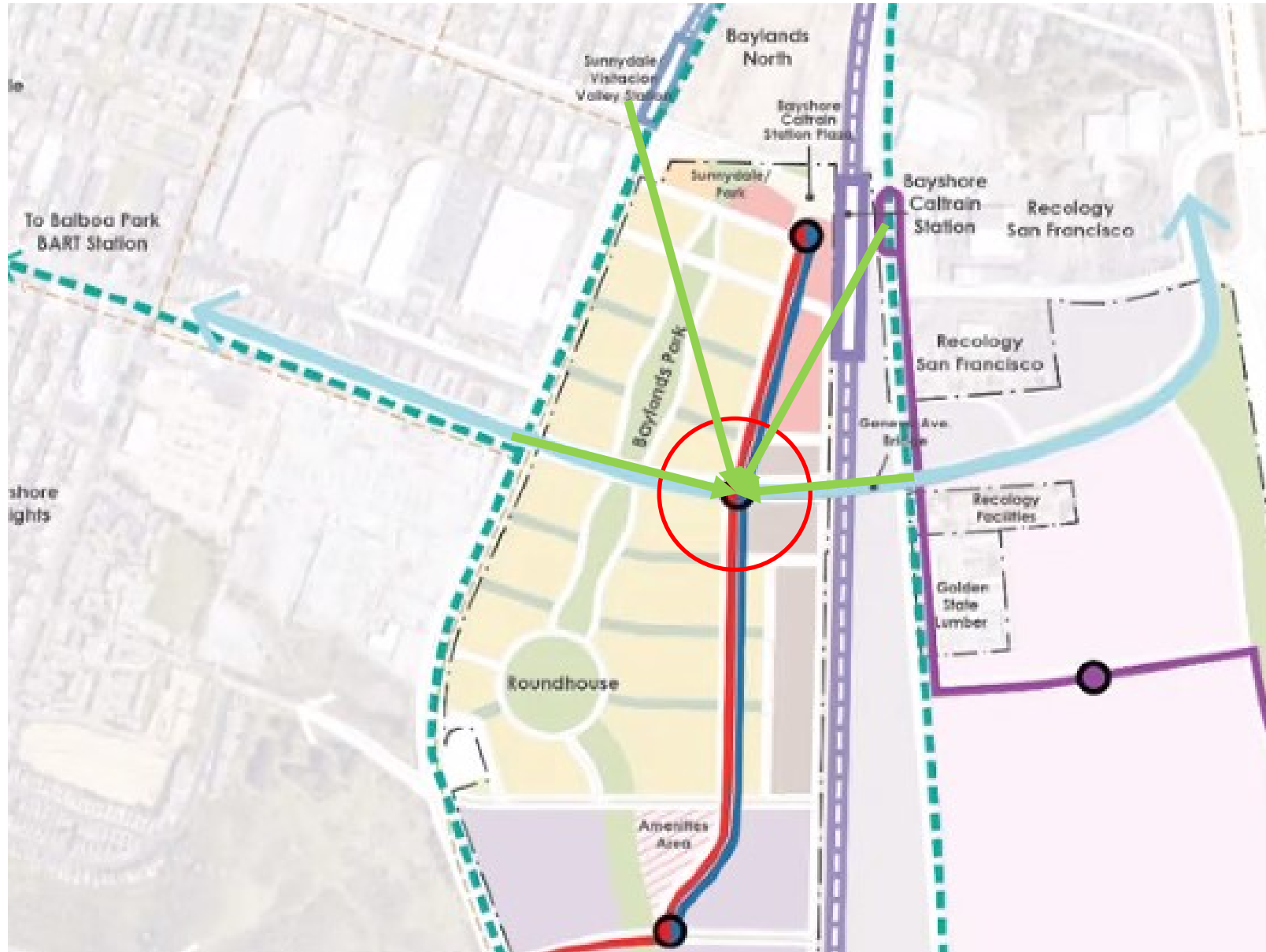
MOBILITY HUBS
 The Baylands includes strategically placed mobility hubs to provide seamless first-last mile solutions that deliver people from transit stop to destination. Mobility hubs are places where multiple travel options come together, like bus or shuttle service, bikeshare, and/or carshare

IMPLEMENTATION:
 Prior to 50% occupancy of any Baylands Specific Plan Area District

The problem

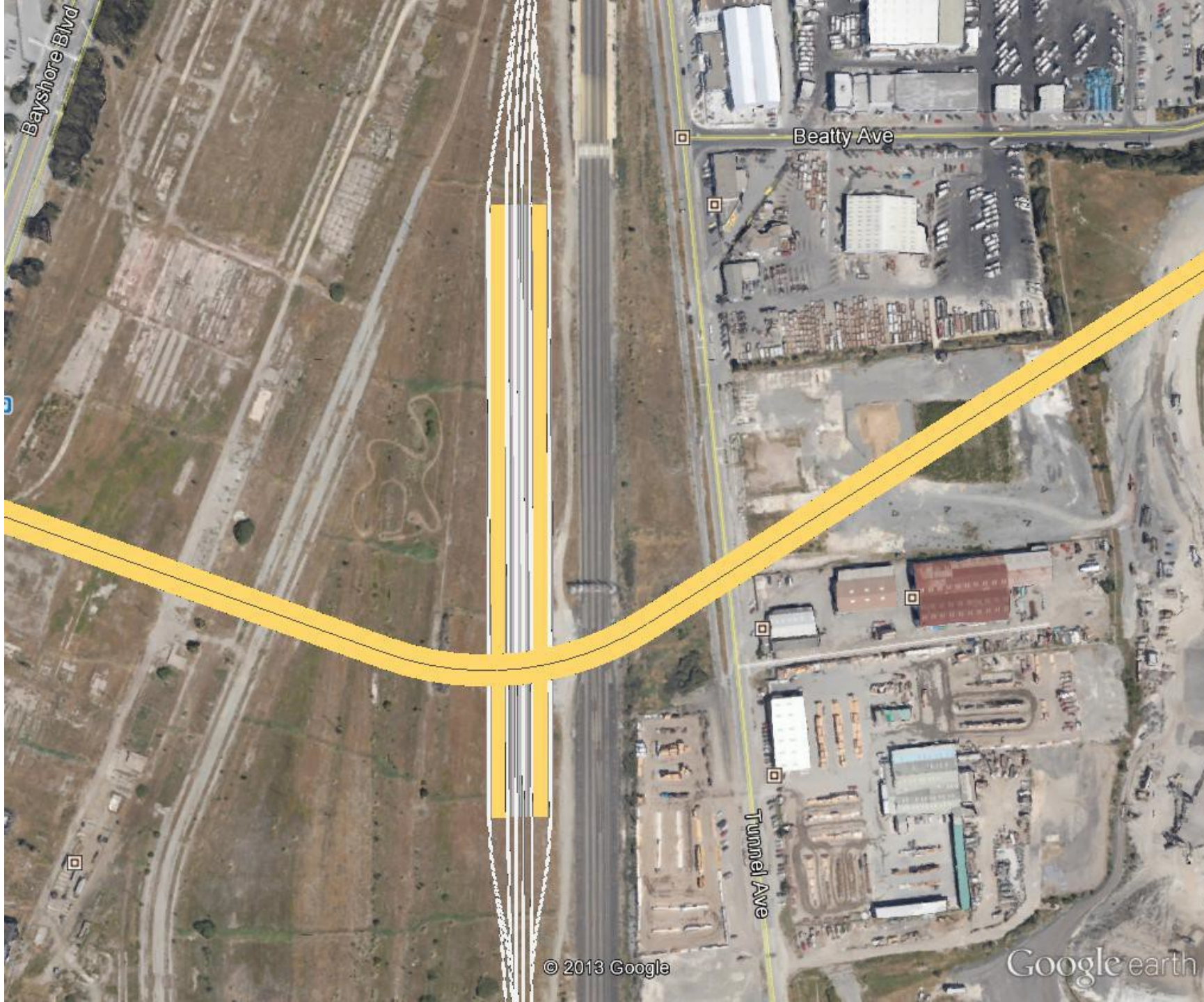


Integrated Multimodal Hub Solution



Six Big Moves

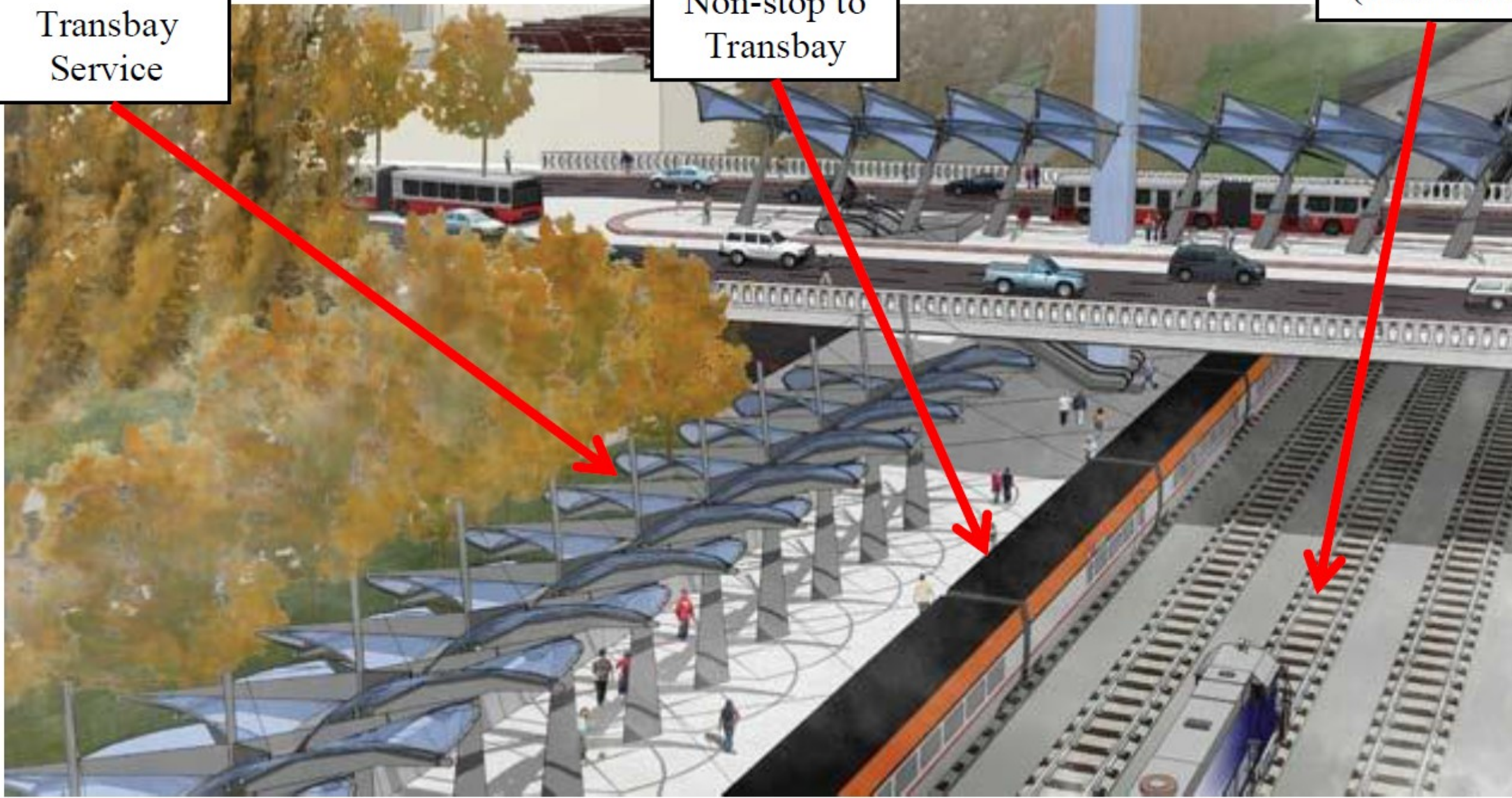
- 1) Bring on the dirt (30 feet of clean dirt)
- 2) Build the train box (30 feet deep)
- 3) Cover the train box
- 4) Build above the train box
- 5) Reroute Caltrain/HSR tracks to the new train box
- 6) Build above the ROW previously occupied by the Caltrain tracks.



Local
Transbay
Service

Non-stop to
Transbay

Mainline
(100+ MPH)



SFCTA Partnership

<https://www.sfcta.org/sites/default/files/2023-01/R23-24%20ED%202023%20Performance%20Objectives.pdf>

*"26. Bring forward a sales tax appropriation request to develop a planning concept for improved transit connection across the U.S. 101 corridor between Candlestick Point and Bayshore Caltrain Station. Continue to coordinate with the City of Brisbane, San Mateo C/CAG, and city departments SFMTA and SF Planning Department on Bi-County Transportation improvements on both sides of the county line, including Geneva-Harney BRT underpass at U.S. 101, traffic calming in the area as being studied by SFMTA in the Visitacion Valley Community-based Transportation Plan, **and Brisbane's Geneva Roadway Extension and related transportation facilities from its Baylands development project EIR.**"*

From: Ali Sapirman <ali@housingactioncoalition.org>
Date: May 16, 2023 at 3:10:23 PM PDT
To: Council Members <CouncilMembers@ci.brisbane.ca.us>
Cc: "McDougall, Paul@HCD" <Paul.McDougall@hcd.ca.gov>
Subject: Housing Element Comment Letter

Dear Brisbane Council and Staff,

Please see the attached comment letter, on behalf of the Housing Action Coalition, regarding the draft housing element. Please feel free to reach out if you have any questions or concerns.

In solidarity,
Ali

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Ali Sapirman | Pronouns: They/Them

South Bay & Peninsula Organizer | Housing Action Coalition
50 Otis St, San Francisco, CA 94103
Cell: (407) 739-8818 | Email: ali@housingactioncoalition.org



To opt out of all HAC emails, respond to this email with "unsubscribe all".

Housing Element Law has been meaningfully reformed in recent years to ensure that the commitments a city makes in its Housing Element are not merely words on paper but rather binding commitments to meet the city's fair share of the regional need for housing. As HCD has put it, "[a] housing element is no longer a paper exercise – it's a contract with the state of housing commitments for eight years . . ."¹ This requires a city to commit not just to plan for housing, but also to actually approve the housing for which it has planned. See Martinez v. City of Clovis (2023) 90 Cal.App.5th 193, 244 "**The goal is not just to identify land, but to pinpoint sites that are adequate and realistically available for residential development targets for each income level**".

As we noted in our past comment letters, and as HCD emphasized in its last letter to the City, the Baylands Project is essential to the City meeting their regional housing needs allocation. The Baylands Project comprises approximately 90% of the City's entire RHNA. **Without timely approval of the Baylands Project, the City cannot comply with Housing Element Law.**

We appreciate that the City's revised draft Housing Element now includes a schedule to complete processing of Baylands and that the City proposes to make those commitments part of its General Plan. We plan to monitor compliance with these timelines closely and our organization stands ready to enforce Housing Element Law should the City fail to meet them.

However, we note that the draft Housing Element does not expressly commit to final approval of the Specific Plan, and certification of the EIR, by 12/24. Instead, it merely says "hearings on Final EIR/Specific Plan" will occur by December 2024. **We request that the City clarify that approval of the Specific Plan and all requested entitlements, as well as certification of the EIR, will be issued by December 31, 2024.**

Furthermore, as HCD has noted repeatedly (for example in correspondence to the cities of San Francisco, Berkeley and Sonoma), "excessive CEQA review timeframes can delay project approval and pose a constraint to the development of housing,² and therefore a commitment to streamlined processing is often necessary to ensure compliance with Housing Element Law.³ Here, CEQA requires the city to streamline CEQA review by using the previously certified Program EIR for the Baylands Project. See Pub. Res. Code § 21083.3(b) (CEQA review "shall be limited" as provided in the statute when a prior EIR has been certified); see also CEQA Guidelines § 15152(b) ("Agencies are encouraged to tier the environmental analyses . . . [to] eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review").

The EIR Notice of Preparation, however, did not reference this statute or expressly confirm that CEQA review will be streamlined as the law requires. **We request that draft Housing Element**

¹ <https://www.hcd.ca.gov/about-hcd/newsroom/hcd-strengthens-efforts-increase-housing-accountability>

² "City of Sonoma's 6th Cycle (2023-2031) Adopted Housing Element" (Apr. 13, 2023) ("[D]iscretionary decisions in relation to CEQA should not unduly constrain development. HCD reminds the City that excessive CEQA review timeframes can delay project approval and pose a constraint to the development of housing").

³ See "San Francisco – Letter of Inquiry and Technical Support" (November 22, 2021); "Berkeley – Letter of Technical Assistance" (June 3, 2022).

confirm that impact analyses for the Brisbane Project-level EIR will be limited to those impacts “which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report,” and that the project-level EIR will be tiered from the Program EIR in compliance with the law. Pub. Res Code § 21083.3(b). We note that public agencies have, with the City’s concurrence, previously relied on the Program EIR for project-level clearances, such as approval of the remediation plan for the Project.

Making these and other efforts to promptly advance the Baylands project are necessary to ensure that the City’s identified Housing Element sites have “realistic and demonstrated potential for redevelopment during the planning period,” Gov. Code § 65583(a)(3), to meet the City’s legal obligation to remove any and all governmental constraints on housing supply, Gov. Code § 65583(a)(5), and to “affirmatively further” fair housing, Gov. Code § 8899.50(b), as the law requires.

We continue to support full and timely development of the Baylands project as required by state laws, including Housing Element Law and the Housing Accountability Act, and look forward to our continued work in support of this critical housing project.

In solidarity,

Ali Sapirman
Housing Action Coalition

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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www.hcd.ca.gov



May 18, 2023

John Swiecki, Director
Community Development Department
City of Brisbane
50 Park Place
Brisbane, CA 94005

Dear John Swiecki:

RE: City of Brisbane's 6th Cycle (2023-2031) Revised Draft Housing Element

Thank you for submitting the City of Brisbane's (City) revised draft housing element update that was on received May 15, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Housing Action Coalition pursuant to Government Code section 65585, subdivision (c).

The revised draft element meets the statutory requirements that were described in HCD's April 5, 2023 review. For example, the element now includes a schedule of actions, including rezoning, to facilitate development of Baylands in the planning period. The housing element will substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq.) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent

John Swiecki, Director
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Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and cooperation of you and the housing element update team and looks forward to receiving the City's adopted housing element. If you have any questions or need additional technical assistance, please contact Anthony Errichetto, of our staff, at Anthony.Errichetto@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager