



CITY COUNCIL AGENDA REPORT

Meeting Date: June 17, 2021

From: John Swiecki, Community Development Director

Subject: Baylands Planning Process Update and Consideration of Preliminary Comments

Community Goal/Result

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability.

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community.

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity.

Purpose

Provide an update on the Baylands planning process and consider comments/suggestions by Baylands subcommittee councilmembers regarding project goals and objectives.

Recommendation

Receive report and forward comments/suggestions to the developer (Baylands Development Inc., "BDI").

Background

BDI submitted a preliminary draft of the Baylands Specific Plan to the City in spring 2021. A high-level overview of the preliminary plan is included as Attachment 1. Submission of this preliminary draft plan has triggered several levels of preliminary review by the City, which are ongoing.

City review steps include:

1. **City staff and consultant review of the preliminary plan to determine if it meets minimum legal and technical requirements to allow for processing.** State law establishes numerous legal and technical requirements regarding what information must be provided in a specific plan. While review of the preliminary plan to determine if it meets these requirements is ongoing, it appears that revisions will be required to meet minimum legal and technical requirements for the content of the specific plan. This ongoing review is not an evaluation of whether the plan (or any aspects of it) are acceptable or unacceptable from a policy standpoint. That evaluation will occur through the public process once the plan meets minimum content requirements and can be released for public review. No action will be taken by the City Council until both the Specific

Plan and its Final Environmental Impact Report have been prepared and reviewed by the public and City.

2. **City staff and consultant review to determine if the submittal includes an adequate description of the project and supporting information to allow for preparation of a Draft Environmental Impact Report (EIR).** As the City Council is aware, a project-level EIR is required for the Specific Plan. Completion of an adequate draft EIR requires a stable project description with a sufficient level of detail and supporting technical information to allow for meaningful environmental analysis. While the City's review is ongoing, some informational gaps have already been identified. Identifying the project objectives and clarifying aspects of the specific plan is needed for the City to develop an accurate project description for the draft EIR.

3. **City Council-level review of project objectives associated with the preliminary draft plan.** The City Council has demonstrated a deep commitment to proactively engaging with the developer in the Baylands planning process. Councilmembers Cunningham and Lentz have participated in this process through their roles on the Baylands Subcommittee, along with Planning Commissioner Sayasane. Other city appointed advisory members have also attended Baylands subcommittee meetings. Since the preliminary draft specific plan was submitted, the Baylands subcommittee has met several times with BDI to gain a better understanding of the preliminary plan and many of the broad goals and concepts which are foundational to the developer's proposal and project objectives. The subcommittee process was not intended or structured as a formal plan review process: rather it was intended to be venue for information sharing and dialogue. Based on this process, Councilmembers Cunningham and Lentz have identified a number of important project objectives and questions about the preliminary draft plan that they wanted to bring up to the full City Council. If the City Council shares these broad concerns, it would be appropriate for these comments to be forwarded to BDI for their consideration. This issue is discussed in more detail in the discussion section of this staff report below.

Discussion

The City Council subcommittee members worked with the City's urban design and planning consultant (MIG) to define a list of observations/questions with the draft plan, as well as other goals or features they would encourage the developer to consider incorporating into the draft plan (see Attachment 2). This effort was focused on project objectives and was not intended as a detailed review of the preliminary plan. MIG will be making a presentation on these broad issues at tonight's meeting. It will be up to the full Council to determine which comments, if any, are provided at this stage to BDI for their consideration. Please note that the comments are intentionally presented in the form of observations and suggestions. Given the project will be subject to a formal public review process it would be premature and inappropriate for the City Council to offer comments at this point in time in the form of specific recommendations and/or requirements. The developer has the legal right to control the content of their proposed plan for the Baylands as it is submitted to the City for review. The city ultimately retains the right to approve, modify or deny the plan as submitted after considering the Final EIR on the plan and all public input and testimony.

Next Steps

The results of the staff analysis discussed above, and any City Council comments will be forwarded to BDI. While the City Council's comments are advisory in nature, the legal and technical issues addressed in staff's completeness review noted above (items 1 & 2 in the background section of this report) must ultimately be addressed to allow the formal public specific plan review process and EIR preparation to commence.

Fiscal Impact

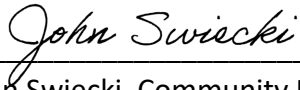
None.

Measure of Success

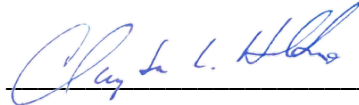
For the City Council to provide meaningful proactive input to BDI in the further refinement of the project description for the draft Baylands Specific Plan EIR.

Attachments

1. Summary – Preliminary Draft Specific Plan
2. Suggested City Council Comments



John Swiecki, Community Development Director



Clay Holstine, City Manager