



BAY AREA

Huge Bay Area housing project missed a crucial deadline, or did it? Advocates, city disagree

By **J.K. Dineen**

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 Gift Article



A rendered, aerial view of the planned Baylands development on the San Francisco-Brisbane border that will blend housing and commercial real estate.

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The small San Mateo County town of Brisbane is under fire from housing advocates after failing to meet a deadline for completing an environmental impact report, or EIR, for the [Baylands project](#), a development that would add 2,200 homes and 6.5 million square feet of commercial space to the municipality of about 4,700 residents.

Brisbane's [housing element](#), a state-mandated eight year housing production plan which every municipality in the state is required to complete, was approved in May by the California Department of Housing and Community Development, known as HCD. But Brisbane's plan was unusual because it counts on a single site — the 660-acre railyard and former landfill known as the Baylands — for 90% of its housing production between this year and 2031. Under the city's housing element, Brisbane is charged with permitting 1,588 units by 2031, of which 803 are supposed to be affordable to low- and moderate-income households.

Overall, the Baylands project, slated to start construction next year, will total about 4,000 units spread over a property that is located on both sides of the San Francisco/Brisbane border.

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Because of the reliance on a single project, state housing regulators required that Brisbane include a detailed timeline of when project milestones would be completed. The first deadline — for publishing the environmental impact report — was Oct. 31, and the city has failed to meet it.



A rendering of the planned commercial district that will be built at the Baylands development on the border of San Francisco and Brisbane. The development has missed a crucial deadline, advocates say.

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The missed deadline has prompted the Housing Leadership Council of San Mateo and the Bay Area Council to fire off letters of complaint to HCD.

“They are at risk of being out of compliance on their housing element,” said Ali Sapirman, a San Mateo organizer with the Housing Action Coalition. “The developer has been working in good faith with the city. Unfortunately, the city has not been working in good faith with the developer.”

The developer, Baylands LLC, declined to comment on the deadline.

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Brisbane City Manager Clay Holstein said he disagreed with the characterization that the city had missed a deadline.

“That was an aspirational date,” he said. “It was a best faith effort to try and

reach, but we have three years from May of this year to get the zoning in place and we are working towards that.”

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Holstein said that it's likely the EIR would be published next spring. He said the city is working to resolve two complex issues before the study can be completed: where water for the project is going to come from, and the location of a railyard that the California High-Speed Rail Authority had planned for a part of the site.

A spokesperson for HCD said the agency is “reviewing the complaints letters” and “will work with the city as appropriate.”

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Jeremy Levine, policy manager for the Housing Leadership Council of San Mateo County, said the deadlines are important because they demonstrate a commitment to living up to the goals of the housing element.

“The whole thing that got them approved by HCD was the timeline,” Levine said. “From the beginning, our goal has been to help cities get certified with good

plans that really work. We are trying to help cities get certified and stay certified. They get certified by coming up with a good plan and they stay certified by executing on that plan.”

Louis Mirante, vice president of public policy at the Bay Area Council, said the situation underscores the challenges that arise when small cities with limited staffs and budgets have large, complex developments within their borders.



A rendered example of the type of housing expected as part of the Baylands project on the border of San Francisco and Brisbane.

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He pointed to the redevelopment of the Concord Naval Weapons Station — the biggest housing project in the Bay Area — which has been stalled for more than a decade as several developers have worked on the project for years only to walk away after failing to reach a deal with the city council.

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Mirante said it would make sense for state officials to take an expanded role in

the development of some of the larger projects like Baylands. “The Baylands is a particularly important project and has broader consequences for the Bay Area and the state,” he said. “These are projects with major regional, if not statewide, significance, and we should be treating them in that way.”

The stakes could potentially be high for Brisbane. If HCD deems that Brisbane has missed deadlines, it could “decertify” the city’s housing element, opening it up to the [“builder’s remedy”](#) projects where developers can bypass local approval process. It could also lose out on state funding for transportation and affordable housing.

Mirante said that he hopes that Brisbane’s housing element is not decertified, but that “it’s important for the state to be aware when cities are not meeting their deadlines.”

“Everyone in local government regards HCD as mean regulators, but they are able to provide valuable technical assistance,” he said. “Sometimes the question is, ‘Does the city even want the housing?’ In other jurisdictions the question is, ‘Can we even review the proposal given our resources?’ ”

Sapirman said Brisbane has a track record of dragging its feet on the Baylands project.

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“They put all their eggs in one basket with Baylands,” Sapirman said. “If they are going to do that they need to move the needle to make sure it gets built.”

The fact that Brisbane has a state-approved housing element is an accomplishment in San Mateo County, where just four of the 21 jurisdictions have state-approved plans, according to Levine.

“We have some of the most exclusionary jurisdictions in the region,” he said.

A spokeswoman for Baylands CEO Greg Vilkin declined to comment on the missed deadline. But, recently, Vilkin said he hopes to start construction next year on phase one, which will consist of six buildings, 594 housing units, two parks, a renovated Bayshore Caltrain station and a pedestrian-oriented retail strip, all on the San Francisco portion of the property.

The Brisbane portion of the project has yet to be approved.

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