



UNITE HERE!

June 3, 2026

Via email

Mayor Coleen Mackin
50 Park Place
Brisbane, CA 94005

Dear Mayor Mackin and Councilmembers,

We are writing to express UNITE HERE Local 2's strong opposition to the current development proposal for the Brisbane Baylands, as described in the May 2026 version of the Specific Plan and the Final Environmental Impact Report (FEIR). Local 2 represents approximately 15,000 hotel and food service workers in the San Francisco Bay Area, including residents of Brisbane. In addition to Brisbane residents, thousands of Local 2 members live in neighboring cities within a few miles of the project site, including in Daly City, South San Francisco, and the southeastern neighborhoods of San Francisco.

As currently proposed, the Baylands project would cause harm to our members, to the residents of Brisbane, and to residents of the entire region. The Specific Plan should not be approved until it is significantly revised to address serious problems in these areas: (1) the jobs-housing imbalance, (2) the toxicity of the site, and (3) the project's impact on greenhouse gas emissions.

Local 2 is acutely aware of the need for more housing in the Bay Area, and we understand the pressure that Brisbane is under to approve housing development in the Baylands. However, the current proposal risks making things significantly worse.

The bulk of this letter describes our concerns related to the three areas named above. See the end of each section and the conclusion of the letter for our specific recommendations.

Jobs-housing imbalance and housing affordability

The problem

For years, the Baylands project has been promoted as necessary to address the Bay Area's severe housing shortage. Brisbane has faced significant political pressure and legal mandates stemming from this notion. Local 2 welcomes the development of safe, affordable housing for workers everywhere. However, the current proposal will make the housing crisis worse.

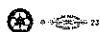
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The proposed project would provide a large amount of housing, roughly doubling the population of Brisbane. However, the residential component of the development would be dwarfed by the proposed 7 million square feet of commercial development. The EIR estimates that the commercial development would increase employment in Brisbane by over 19,000 jobs¹—far more than the residential development can accommodate. This type of severe imbalance between commercial development and residential development—between new jobs and new housing—is a major part of what has driven the housing crisis that the Bay Area currently faces.

For forty years, San Francisco has attempted to manage office growth under Measure M (1986) for precisely this reason. By limiting the amount of new office growth annually, the City hoped to prevent severe pressure on the housing market caused by job growth far outpacing housing growth. While this has probably helped somewhat, it has proven no match for the jobs-housing imbalance caused by other jurisdictions in the region—especially in San Mateo and Santa Clara Counties—allowing a tremendous amount of office growth, primarily for the tech industry, while approving very little new housing. As employers made it easier for tech workers to commute from San Francisco to Silicon Valley by providing private buses, regional job growth caused the severe housing affordability crisis in San Francisco that Measure M was supposed to prevent.

This crisis, of course, affects the entire region, not just San Francisco. San Mateo County has one of the most unaffordable housing markets in the world. The 7 million square feet of commercial development in the Baylands will greatly exacerbate the housing affordability crisis for our members and thousands of other working-class residents throughout the region, especially those who live very nearby in Daly City, South San Francisco, and the southeastern neighborhoods of San Francisco. This means more and more displacement of working-class residents from the inner Bay Area to far-flung exurbs like Antioch and Tracy. And it means more and more homelessness in the inner Bay Area.

In response to comments about the jobs-housing imbalance by the Sierra Club and other organizations, the FEIR argues that there is nothing to worry about because the 2,200 proposed housing units would allow Brisbane to meet its Regional Housing Needs Allocation (RHNA) goals and the 19,000 jobs are within the regional job growth projections contained in *Plan Bay Area 2050*.² This analysis ignores the fact that, if every jurisdiction continues to approve massive imbalances between commercial and residential development, the balanced growth envisioned by *Plan Bay Area 2050* cannot possibly come to pass. Approving the Baylands project with this level of jobs-housing imbalance would simply be irresponsible.

¹ Baylands Specific Plan Final EIR, May 2026, Volume 2, p. 4.10-45.

² *Ibid.*, Volume 4, pp. 13-10 to 13-15.

Potential solutions

Measure JJ allows up to 7 million square feet of commercial development in the Baylands. However, it also requires a development agreement that ensures the development will be fiscally responsible for the city. Brisbane does not have to allow the developer to profit from commercial development while externalizing the costs. One of the costs created by commercial and market-rate housing development is the need to subsidize below-market-rate housing due to the growth of low-wage employment induced by such development.

Established methodologies allow cities to estimate these costs in order to lawfully impose development impact fees to mitigate them. Nexus studies estimate the number of jobs created, either directly by commercial development or indirectly because of service-sector growth induced by an increase in high-income residents and workers; how many of these jobs will be at various income levels; how many low-income residents will require below-market-rate housing; and the amount of public subsidy required to finance the development of enough below-market-rate units.

For example, a 2019 Jobs Housing Nexus Analysis for San Francisco concluded that each 1,000 square feet of office development creates a need for approximately 0.8 units of below-market-rate housing.³ This analysis supports a fee of up to \$85.90 per square foot of office development. Other commercial uses (such as retail, hotels, medical, and institutional) are associated with different levels of affordable housing demand.⁴ If these factors were applied to the Baylands development, the commercial portion of the project alone would require the development of more below-market-rate (BMR) units than the total number of housing units proposed for the project:

Use	Square feet ⁵	Factor ⁶	BMR units
Office	6.4 million	0.8/1000 sq ft	5,118
Retail	100,000	1/1000 sq ft	100
Hotel	500,000 ⁷	0.5/1000 sq ft	<u>250</u>
			5,468 total units

Similarly, a 2016 Residential Affordable Housing Nexus Analysis for San Francisco concluded that each 100 market-rate units creates a need for over 30 BMR units (with the exact number depending on the type of unit),⁸ supporting an impact fee of roughly \$50 per square foot of market-rate residential development.⁹ (This fee can be waived if the developer provides affordable units in the project.)

³ Keyser Marston Associates, *Jobs Housing Nexus Analysis: San Francisco, California*, May 2019.

⁴ https://sfplanning.org/sites/default/files/forms/Impact_Fee_Schedule.pdf

⁵ Baylands Specific Plan Final EIR, May 2025, Volume 1, p. 3-15.

⁶ Keyser Marston Associates, *Jobs Housing Nexus Analysis: San Francisco, California*, May 2019, p. 14.

⁷ Measure JJ allows 500,000 square feet of hotel use. The Specific Plan envisions 800 hotel rooms, which is roughly equivalent.

⁸ Keyser Marston Associates, *Residential Affordable Housing Nexus Analysis: San Francisco, California*, November 2016.

⁹ https://sfplanning.org/sites/default/files/forms/Impact_Fee_Schedule.pdf

Brisbane should prepare similar nexus analyses for the Baylands development. Based on these analyses, the city should include appropriate affordable housing requirements in the Specific Plan and development agreement, to be satisfied by including affordable housing in the project and by development fees to make up for the additional need. Given that the vast majority of the need for affordable housing is generated by the commercial portion of the project, the city should also negotiate with the developer to sharply reduce the amount of commercial development, resulting in a more feasible and responsible project.

Toxic soil

It is widely known that the soil in the Baylands is heavily contaminated due to its former uses as a landfill, a shooting range, and a railyard, among others. Mercury, lead, arsenic, carcinogenic polycyclic aromatic hydrocarbons (PAHs), chlorinated volatile organic compounds (CVOCs), and other toxins have been identified as “contaminants of concern” at the site.¹⁰

The Feasibility Study/Remedial Action Plan (FS/RAP) conducted for each of the portions of the site where residential uses are proposed (OU-SM and OU-2) evaluated options for the excavation and offsite disposal of the hazardous soil. In both cases, this option was deemed “readily implementable from a technical and administrative feasibility perspective.”¹¹

However, in each case, a much cheaper option was selected, which will leave the vast majority of the toxic soil in place, covered by a cap (either hardscape or five feet of imported soil). Among other problems with this approach, the roots of plants will grow through the imported soil and will grow horizontally under hardscaped areas. As a result, land use covenants will be required that prohibit “growing produce or vegetables for human consumption in native soil.”¹² Trees producing edible fruit or nuts would be prohibited unless “they are grown in containers with a bottom that prevents the roots from penetrating the native soil.”¹³ It will be easy to write such prohibitions into the property’s CC&Rs, but enforcing them for decades into the future is another matter. While the recording of these deed restrictions is a mandatory condition of the FS/RAPs, neither the EIR nor the Specific Plan seem to contain any measures to ensure ongoing compliance.

Even assuming the restrictions will be enforced, the necessity of such restrictions underscores how close to dangerous toxins future residents (and workers) will be living (and working). We believe this violates the spirit of Measure JJ, which requires that land for residential use in the Baylands be “remediated to accommodate ground level residential uses and ground level residential-supportive uses such as daycare, parks, schools, playgrounds, and medical facilities.” If it is unsafe to grow vegetables in the soil, who will want their children playing in the dirt at playgrounds and parks? Unfortunately, most residents will not have read all the fine print.

¹⁰ Baylands Specific Plan Final EIR, May 2026, Volume 2, p. 4.13-11.

¹¹ Geosyntec Consultants, OU-2 Feasibility Study/Remedial Action Plan, 22 December 2021, p. 57; Geosyntec Consultants, UPC OU-SM Feasibility Study/Remedial Action Plan, 11 October 2021, p. 51.

¹² Baylands Specific Plan Final EIR, May 2026, Volume 2, pp. 4.13-64 to 4.13-65.

¹³ *Ibid.*, pp. 4.13-64 to 4.13-65.

A 2010 report by G. Fred Lee and Associates raised concerns about the contention by the developer's consultants and the conclusion by the RWQCB that a remediation plan that depends primarily on capping the contaminated soil with imported soil is sufficient. The report concluded that "it does not appear that adequate consideration has been given to other potentially hazardous and otherwise deleterious chemicals, known, unrecognized, and yet-to-be-identified, that may be associated with the complex mixtures of chemicals at that site." The report also emphasized the importance of independent third-party review and actual enforcement of "appropriate deed restrictions." Furthermore, the plan contemplated at that time called for a cap of 7 to 10 feet of clean soil, whereas the current plan calls for only 5 feet.¹⁴

Consistent with the intent of Measure JJ, the Baylands Specific Plan should not be approved unless and until additional mitigation measures can be identified that will ensure the safety of future residents and workers at the site. The City should make such measures conditions of any development agreement conveying vested development rights to the developer.

Greenhouse gas emissions

The Draft EIR analyzed the increase in greenhouse gas emissions that would be caused by the development as compared to existing conditions in at the site. This analysis concluded that the impact would be significant and unavoidable, producing the equivalent of 51,260 metric tons of carbon dioxide annually at full build-out, before mitigation.¹⁵ Although the mitigations identified by the DEIR were insufficient to reduce the impact below the threshold of significance, those mitigations would have made a substantial dent in the project's greenhouse gas (GHG) impact. One of these mitigations was a requirement to purchase GHG offset credits in a quantity sufficient to offset 100% of the project's construction and operational emissions.¹⁶ The reason this mitigation was not deemed sufficient to reduce the impact below the threshold of significance was the uncertainty of the availability of sufficient credits.¹⁷ Nevertheless, these offsets likely would have helped finance a significant amount of clean energy development and other climate mitigation projects.

Shamefully, the FEIR strikes the significance conclusion and all the associated mitigation measures associated with this greenhouse gas significance threshold. This revision apparently comes in response to pressure from developer advocates such as the Housing Action Coalition and YIMBY Law.¹⁸ This is a betrayal of the promise of a "zero-carbon" or "energy neutral" development, as envisioned by Measure JJ, the Sustainability Framework for the Brisbane Baylands, and the developer's own website.¹⁹

The FEIR justifies this drastic revision on the basis that (a) "GHG emissions are an inherently cumulative and global issue,"²⁰ (b) the project is consistent with *Plan Bay Area 2050* growth

¹⁴ G. Fred Lee & Associates, Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property, 1 November 2010, pp. 2-5.

¹⁵ Baylands Specific Plan Draft EIR, April 2025, p. 4.10-32.

¹⁶ *Ibid.*, p. 4.10-34.

¹⁷ *Ibid.*, p. 4.10-44.

¹⁸ Baylands Specific Plan Final EIR, May 2026, Volume 4, pp. 13-23 to 13-24.

¹⁹ <https://thebaylands.com/>

²⁰ Baylands Specific Plan Final EIR, May 2026, Volume 5, p. 15-2.

projections,²¹ (c) the amount of commercial and residential development envisioned in the project would happen somewhere else if not at the Baylands,²² (d) the project would reduce long-term vehicle miles travelled due to its mix of land uses and proximity to public transportation,²³ and (e) it will help alleviate the Bay Area's housing shortage, which is a major driver of increased vehicle miles travelled.²⁴

Inherent in this justification is an abdication of Brisbane's (or any city's) responsibility to make wise development decisions, hiding behind projections of regional growth and assumptions about future economic development. Furthermore, the justification related to the project's purportedly ameliorative impact on the region's housing shortage is severely undermined by the fact that the project also includes 7 million square feet of commercial development. The impacts of the jobs-housing imbalance on housing affordability were discussed above; these affordability impacts in turn have an impact on vehicle miles travelled and greenhouse gas emissions. The FEIR articulates these impacts as follows:

As people move further away from urban centers to find affordable housing, they often face longer travel times to get to work (UCITS 2019). Longer commutes contribute to higher VMT, as more people rely on cars for their daily travel. Studies have shown that high housing costs and the resulting longer commutes are significant factors in increasing VMT (Islam and Saphores 2024).²⁵

The FEIR marshals these concepts to support the argument that the Baylands project will ameliorate these issues by providing sorely needed housing. But it ignores the fact that the 7 million square feet of commercial development will have precisely the opposite effect. As the project worsens the jobs-housing imbalance, more and more working-class residents will be forced to look for affordable housing in far-flung exurbs such as Antioch and Tracy, as discussed above. This has happened already to far too many of our members and other workers. We fear that this project will increase the displacement pressure on our members, particularly those who live in Brisbane, Daly City, South San Francisco, and the southeastern neighborhoods of San Francisco. As this happens, not only will they be uprooted from their communities, but their long commutes will contribute to increased greenhouse gas emissions.

Conclusion

The Baylands Specific Plan should not be approved as currently proposed. The project must be significantly revised to make it safe, affordable, and reasonable. In particular, the City Council should insist on the following:

1. Significant reduction in the amount of commercial development to reduce the jobs-housing imbalance.

²¹ *Ibid.*, Volume 5, p. 15-51.

²² *Ibid.*, Volume 5, p. 15-2.

²³ *Ibid.*, Volume 5, pp. 15-53 to 15-54. See also *Ibid.*, Volume 2, pp. 4.8-72 to 4.8-73.

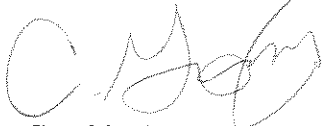
²⁴ *Ibid.*, Volume 5, pp. 15-51 to 15-54.

²⁵ *Ibid.*, Volume 5, pp. 15-52.

2. Provision of sufficient on-site affordable housing and imposition of impact fees on commercial and market-rate housing development to accommodate the demand for below-market-rate housing that the project will create. A Baylands-specific nexus analysis should be conducted to estimate the affordable housing demand and to determine the amount of the impact fees.
3. Additional remediation of the contaminated soil at the site, sufficient to ensure the safety of ground level residential use (including children playing outdoors in parks and backyards), along with independent review of the remediation plans and the progress of their implementation.
4. Restoration of the greenhouse gas mitigations included in the Draft EIR, consistent with Measure JJ and the Sustainability Framework.

Thank you for your careful consideration of these issues and for your years of work overseeing the Baylands development process. We hope you will stand up to the political pressures you are facing and do the right thing for Brisbane residents and for the entire region.

Sincerely,



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Ty Hudson
Research Director