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Comm. Dev. Dept. Brisbane

To: The City of Brisbane

RE: Draft EIR Brisbane Baylands #2006022136

Honorable Planning Commissioners and City Council Members:

As a native of Brisbane and former Planning Commissioner and co-author of the old, but still legal and effective, current voter ratified General Plan for the City of Brisbane, I urge you to see the inherent inconsistencies and lack of real data and actual mitigations for possible potential impacts in this proposed Environmental Impact Report and to find this draft E.I.R. to be inadequate.

As admitted over and over in these 3,000 or so pages, no real determination can be made at this time as to any environmental impacts, or mitigations, for this conceptual proposal because, in reality, there is NO SPECIFIC PLAN as required by Brisbane's General Plan. A Project E.I.R, by its very nature, puts the cart before the horse.

UPC is attempting to circumvent CEQA safeguards for our community and the State of California, in asking for carte blanche approval of any and all future "development" of this area by using a Project E.I.R to approve a phantom project, yet-to-be-determined. And it is exactly this that our current General Plan specifically and deliberately prevents by requiring an absolutely Specific Plan for the entire area.

Piecemeal unspecified mitigations and approvals are being asked for unknown building, and if granted, will put all of the responsibilities for the future build-out of a variety of such projects, in a hodge-podge, patchwork, inconsistent pattern, onto the City of Brisbane, rather than on the shoulders of the "developer," which is where such responsibilities lie. This would pave the way for UPC to sell off bits and pieces of the project and their responsibility for it, here and there, potentially leaving Brisbane with a wrecked environment, unfinished or unoccupied buildings, disconnected or inadequate infrastructure, and no economic or other benefits over time, especially given the fluctuating nature of our economy.

It is our duty to make sure that any and all such proposals meet all CEQA guidelines (p. 7-2), with which, despite claims to the contrary, this conceptual proposal has serious issues regards transportation; water; open space and habitat; economic vitality with equity and ecology; and health, safety and happiness.

To give an idea of some of the inherent inconsistencies in trying to create an E.I.R in the absence of a specific plan, p. 3-38, in reference to one of the people's major concerns, the biological environment, we find ***"Issuance of an Incidental Take Permit [for the killing of an endangered species], if necessary, for special status species from CDFW will require completion of specific engineering designs for site-specific development and infra-structure to determine whether such permits would, in fact, be required"*** as a way of not having to actually address this issue in the draft E.I.R. because there is no specific plan. In fact, the entire issue of habitat and its conservation is sidestepped in this report, on p. 4.I-15, in claiming the 'project site' is not subject to any Habitat Conservation Plan, except for Ice House Hill, thereby obviating any responsibility for their erroneous claims that there are no species to protect, e.g. p. 4.C-64, 4.C-13, etc.

Although the draft E.I.R. in question claims this phantom project to be consistent with things like protecting habitat and endangered species, the entire biological assessment is sorely lacking both truth and adequate detail. See p. 4.I-25 for example: It assumes there are no red-legged frogs in the area because of ground (4-C-64) water contaminants, and ignores the fact that this species, along with the chorus frog, and other, rare, amphibians, is indeed found in and around this 'project site.' (At willfully undisclosed locations; we cannot risk the repeat of UPC's poisoning of the 'glory hole of the frogs' in 2009 as noted on page 4.C-11 through their application of "herbicides.")

Just as this "report" doesn't really consider the nature of our wetlands, it assumes that there are no rookeries for the Blue Heron and the Egrets, even though their nests are all over the old rail yard areas – and the birds do in fact roost in the eucalyptus trees. One has only to observe the magnificent Blue Herons flying in, under the cloaking disguise of blue on blue, to the blue gum trees at dusk... How can any biologist miss what is so apparent to a local observer? Perhaps it's only about timing and length of observations?

Their people consistently miss all of the native plants in the area as well, claiming there are only invasive species. Let them see what we have done on our little patch of wetlands on the Crocker Park side, just by weeding out the non-native invasive species and encouraging the natives, with a little helpful seed gathering and propagation. Among the many native species in existence here, but not on their lists, their biologists completely miss the SF Damselyfly. I can only guess that they don't know what one looks like, or when to observe them.

Furthermore, where this draft E.I.R. acknowledges that the proposal falls "short" on meeting various CEQA criteria for General Plan consistency, such as providing adequate recreational open space (p. 4.I-23), it claims this is "Not Applicable" with regard the CPP, because there are no residential units in that plan. This E.I.R. asserts that it need not address the shortfall in the UPC proposed concept which includes residential homes that are currently forbidden by Brisbane's current General Plan. This also ignores the residential units that UPC has already built and plans to build in the surrounding areas in San Francisco, not to mention that which is currently being proposed at the Candlestick site, Bayview/Hunter's Point and Daly City.

In fact, the lack of concern and consideration over what's going on in neighboring areas, e.g. at Candlestick, adjacent to this particular phantom Baylands project, calls into question the whole idea of "economic vitality with equity and ecology." Can it really be economically sustainable for the region to have such similar projects side by side, albeit in different counties, in one of the poorer areas of the region, or is everyone assuming that the poor will be successfully driven from the area? What about equity? What are the consequences of adding more and more residents, and buildings, without providing the required open space? That is why I refer to these "developers" as "devious envelopers."

Likewise, Traffic Impacts are effectively ignored in this report, because no specific plans have been proposed. On p. 4.I-39, this draft E.I.R. claims some impacts are consistent with the General Plan ***"...Because concept plans focus on land use and issues to be resolved, this policy would be applied to specific plans, rather than to concept plans."*** In other words, by trickery of language, aka

'doublespeak,' it absolves itself of any responsibility in actually studying impacts such as the traffic congestion and nitrogen output that would result from the current idea of a Geneva extension carving a swath right through some of the most sensitive seasonal wetland habitat (see map on p. 4.H-9—all the area in purple, subject to flooding now, a greater problem with rising sea levels, is prime and rare marshland).

By the way, most of the Brisbane citizens attending Brisbane's architectural consultant-driven workshop, were against this extension of Daly City into Brisbane. Our opinions that were expressed during the workshop have been conveniently ignored by those paid to write up the output from the workshop. We were thinking that since Geneva has historically ended in a T-intersection at Bayshore, that kind of intersection should be preserved, routing any traffic up or down Bayshore to the freeway entrances at Beatty or at Sierra Point. Brisbane does not need another freeway, carrying traffic currently traveling from the center of San Francisco to 280 to 380, pouring through Brisbane, shoved down our throats. Again, any possible traffic mitigations in this draft E.I.R. are all subsumed under the need for specific plans, of which there are none.

Many real safety issues are pretty much ignored, such as the idea of building schools (p. 3-57) on toxic grounds. There seems to be even a lack of mention of previous land uses, e.g. Stauffer Chemical, the old slaughterhouses, boneyards, and a glue factory, the stench of which actually helped to preserve our little community for so long. Other safety issues include using old data (p. 4-H-7) on expected rising sea levels. Not to mention the previously noted piecemeal unspecified mitigations on issues of water quality affecting San Francisco Bay; p. 4.H-34 allows the use of pesticides in sensitive habitat! Nor have real water supply issues been addressed, nor can they be without knowing what is actually being proposed. Likewise, the entire explosive issue of the tank farm, in conjunction with Landfill Gas control problems (c.f. p. 4-6-80) is completely ignored. The whole seismic problem is likewise sidestepped. What is in this report is not even the complete version of the work as found on-line, where basically, there really are no mitigations for liquefaction – all bets are off in any major seismic activity, downslope of the Levinson property and Ice House Hill.

Other health and happiness issues that are mentioned, but not adequately dealt with, are things like daytime glare (p. A-41), a direct result of large scale parking lots and rooftops, if we're to be looking at the kind of construction UPC has already built. And this report is woefully inadequate with regard to issues of artificial light at night (pp. A-39; A-35, etc.). What is really needed to address this issue is actual architecture for larger buildings on small footprints with controlled orientation and light leakage. This issue is essential for preserving the dark of our night sky, as well as for the diurnal health of plants and animals, including the humans in our environment. This was the whole reason we designated the current unusual FARs in the General Plan.

I do believe that UPC erred in the "bait and switch" of offering us the lyrical architect James Wines, and then trying to pawn off a miss-assortment of imaginary, empty blocks for building their 'conceptual' land use plan. Regrettably, much time and effort has been wasted.

Any proposed uses and building on this site clearly requires the vision and artistry of an architect, as well as competent engineering of any such plans to be submitted for the project in whole by the current land title holder, before impacts can be assessed, or mitigations offered.

This rather large bit of land is vitally important not only to our future as a small community nestled against the bay at the foot of San Bruno Mountain, but to the sustainability of the bay and the entire region.

The use of this land must be carefully considered, regionally, and in its entirety. And that means putting everything in the proper order. The cart does not drive the horse.

We must trust that the City of Brisbane will not buy this emperor's new clothing and will shelve this draft Project E.I.R. on a concept, as well as the whole idea of accepting a Project E.I.R.

We continue to await an actual specific plan from an (hopefully world renowned) architect, as previously requested of and promised us by UPC, on which a real, specific, study of Environmental Impacts can be conducted responsibly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Linda K. Salmon', with a long horizontal flourish extending to the right.

Linda K. Salmon

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