

March 21, 2006

To: Mayor Bologoff and Brisbane City Council

From: Clara A. Johnson

These are my comments on the Feb 21, 2006 Specific Plan Application for the Baylands. My first comment is a request to the City Council to restate its intent at the start of each of the public meetings dealing with the future of the Baylands. I'm referring to your outlook on the opinions and comments that the public wants to make. The people need to feel welcome. They want to know that you are interested in what they have to say. There are some people who will come whether welcomed or not but many people are not willing to do so. The integrity of these proceedings will be strengthened if you do personally encourage their comments.

This Specific Plan is not specific enough. It is a beginning but it is not complete according to the definition of "complete" given by Brisbane's Planning Director, Bill Prince, at a previous meeting. He said that the Specific Plan must meet the requirements of California Planning Law and that it must be consistent with the 1994 Brisbane General Plan. The General Plan is a document that many of us in Brisbane take great pride in. Despite statements in this Specific Plan, the Specific Plan disregards the General Plan in several aspects and is not consistent with it. The plan is also supposed to follow California law but it is not detailed enough in several areas to allow for CEQA analysis to take place and provide a meaningful result. According to the CEQA Guidelines, this project qualifies as a project of regional significance in 4 out of the 12 possible criteria, any one of which would require additional procedures of agency notification that don't appear to have been followed.

I oppose the approval of this plan and ask that the City Council make every effort to work with the people to create an acceptable alternative to this Specific Plan that will be consistent with the General Plan, that will follow the wishes of the people of Brisbane and that will insist on rather than suggest Sustainability. Any plan that will be sustainable, will not require a finding of "overriding consideration" to offset an untenable burden of traffic on Hwy 101 or Bayshore Blvd. I trust that you agree that making it impossible to move quickly on our main roads will not serve our financial well-being.

I will place the page number of the 2/21/06 at the beginning of each comment preceded by SPA for Specific Plan Application. I will use GP when referring to the General Plan and Nov 04spa for the first draft of the current SPA.

Page SPA ii

The Specific Plan is required to be consistent with the General Plan but it chooses to disregard the General Plan's definition of Open Space. I think this refusal is emblematic of the refusal to be consistent with The General Plan in other ways.

SPA iii-iv

A Concept Plan is an idea, a general overview. This concept is found in the General Plan. A specific Plan is supposed to provide actual details to tell us what a project looks like and where its parts will be found. The degree of detail will allow for an analysis of what the actual impacts will be. In General Plan policy 329-3, it states "in no event shall a submitted Concept Plan be deemed an application for any form of development project under the City's subdivision or zoning regulations." This 2/21/06 SPA is an enhanced concept plan.

The framework plan referred to is also a very rickety structure whose name is only found in this application. It is a concept plan that tries to avoid the necessary and legally required CEQA investigation of upstream conditions that will cause downstream effects in traffic and in creeks, ditches and canals, by whichever name given. The Specific Plan Application tries to have it both ways. It purports to provide information to investigate these roads and waterways but it does not investigate the conditions in adjacent upstream parts of them that are in their ownership. This condition results from the way they have chosen to draw the boundaries of Phase 1. Another example of the inadequacy of information provided or planned to be investigated is the submersion of the Railroad Tracks in to an artificial ditch. Since one side of the ditch is outside of Phase 1, nothing is mentioned about the possibility of flooding of the tracks every winter. Is the Joint Powers Board aware of this plan? Have you notified the Federal railway safety agency? All the money spent for the Baby Bullet would be wasted if the trains can't run. What does Caltrain JPB think of you placing their train station on the edge of an artificial plateau that may seep water.

The windrow concept that surrounds the planning area of the SPA like a fence would a fort violates the General Plan policy that requires that the public view of the Bay may not be obscured. This plan primarily looks at views from the point of view of its clients. The public view will be from the sidewalks, trails and from the roads. People on the sidewalks and trails won't be able to see the Bay because of all the windrows. The predominant wind direction is from the north and west and so the windrows won't stop the wind. The wind here is famous for its strength and ability to keep a plastic bag in the air for a very long time. Candlestick Park made it famous.

## SPA 1

- 1.1 This plan is not consistent with the letter or the spirit of the General Plan. This Specific Plan will not further the objectives and policies of many of the policies of the General Plan. It will, in part, obstruct their attainment.

## SPA 2

There will be 10,000 jobs in this SPA alone. There will be thousands of clients, customers, delivery people and people passing through on the roads. It will mean a nearly tripling of everyone who lives and works here now and this is just the first phase.

## SPA 4

This plan must have sufficient level of detail in order to understand the impacts. It does not. If the land is sold off in small pieces, who will be responsible for what? How will all the character, environmental and other unifying elements be enforced?

## SPA 19

I previously mentioned the problems that could arise with a train traveling in an artificial ditch. Another issue is, how will the warehouse area gain side access to the train?

The Baylands' 541 acres represent 26% of the total land area of the city. We have every right to closely regulate anything that will effect us all so radically.

## SPA 22

The Kinder Morgan Tank farm located adjacent to Tunnel Road is just outside the planning area but it is in the Baylands. Its effect on development in this planning area is significant but it is being ignored. It is more than a "negative visual element". It is also a source of air pollution that processes more than 1,000,000 gallons a day of aviation fuel and gasoline. It presents a serious risk of fire disaster and of spill potential in an earthquake. It could impede evacuation in a disaster if it were on fire. This application calls for a road to connect Lagoon with Bayshore. It would be close to this tank farm. The road is ill conceived because of this safety issue, because it would degrade the biotic values of ice house hill and because it would bring traffic further into Brisbane.

The 20' to 30' high fill material that overlies the landfill site may be inappropriate since the fill may not be of the correct particle size that is appropriate as a capping material.

The 20' to 30' high artificial plateau may create unpredictable drainage patterns and it may experience increased shaking in an earthquake so that anything not anchored by pilings might be violently shaken. These possibilities should be thoroughly investigated. The plateau must be tested to see if it is consistent in its constituent soil.

This plan does not include enough information in many subject areas. The information is necessary to understand the impacts of the proposed development. In some cases, it is needed to know what the development consists of.

#### SPA 23

The first sentence on page 23 is a misrepresentation. There are grasses and wetland vegetation well established in a number of areas of planning area. North of the Lagoon and parts of the landfill are examples. Figure IX on Page 142 of the General Plan shows some of it and if you go up on the Northeast Ridge, you can see it for yourself.

#### SPA 24

The Lagoon is 42% owned by other entities and people. It is not wholly owned by UPC. The p25 illustration is not correct.

The relocation of Sierra Point Lumber and Van Arsdale Harris Lumber must be considered in the Specific Plan Application because of traffic, visual and infrastructure impacts caused by the relocation. The new location will ultimately result in new traffic patterns due to access via North Creek Parkway and create impacts on Bayshore Blvd and other roads in phase 2. The Bayshore Blvd impact must be analyzed now. The relocation includes the enlargement of one of these businesses and is an increase of intensity of use.

#### SPA 24

What does the State Lands Commission think of the SPA's intent to create or extend a ridge to loom over their land?

Does the Joint Powers Board of Caltrain hold an easement over the Railroad track? Isn't the easement 60 ft wide?

Who holds the drainage easement and the waterline easement mentioned on page 24?

What are the restrictions or conditions on the waterline easement? It appears to follow the same path and the re-aligned Lagoon Road? That seems like it might be a problem. What investigation has been done?

SPA25

The windrows are inconsistent with the General Plan on maintaining public views of the Bay.

The upstream impact of Geneva, the North Creek Parkway connection to Bayshore, the Lagoon extension to Bayshore Blvd need to be analyzed. The upstream impact of Visitacion Creek needs to be analyzed to understand the traffic that will be flowing through this area.

SPA32

The Open Space has not been maximized or made substantial. It has been minimized and the spirit and intent of the General Plan has been subverted.

SPA 35

Five acres is too small and the current width is too narrow for greenway.

The landscape areas are insufficient.

I will submit the remainder of my comments by April 27<sup>th</sup>. I have a conflicting meeting that night.

I appreciate the opportunity to present my comments in a public forum and I would appreciate your careful consideration of them/

Thank-you

