

for 4/27/06

To: Mayor Bologoff and City Council

From: Clara A. Johnson

Comments on 2/21/06 Specific Plan Application Continued

SPA-38

Phase 2 may never be built and so all improvements needed to make the infrastructure safe and adequately sized must be done as part of Phase 1.

SPA-40

The local streets in Phase 1 must be placed in a specific location in order to understand local traffic patterns and to know where other infrastructure improvements should be located.

SPA-41

The parking on the Tunnel Ave side of the Caltrain Station appears inadequate considering all the new development. There is no easy way to get to the other side of the tracks where there is additional parking.

SPA-43

Fig 3.5, It looks like there isn't any sidewalk on Lagoon Way or on Frontage Rd. Is that correct?

Do you intend to have a sidewalk/trail alongside Sierra Point Parkway by the Lagoon Rd. It doesn't seem like there is much room and the cars are traveling at 35mph?

SPA-44

If MUNI extends a line to Candlestick Park, which is what the plan reserves the right of way to do then there must be an analysis of the traffic that it brings.

## SPA-46

Since this plan would add considerable traffic to Hwy 101 and add a Frontage Rd with 2 to 4 more lanes of traffic, what does BCDC think of the plan being located so close to the Bay's edge.

A longer off-ramp extending northeastward on Sierra Point Parkway by the Lagoon would have a deleterious effect on the Lagoon and on the visual aesthetics of the area. It would also be inconsistent with the General Plan because if these were elevated ramps, it would block the view of the bay from parts of Brisbane. A longer off-ramp into Sierra Point would destroy the entrance to the development.

## SPA-47

The frontage road is too close to the freeway. The freeway is eight lanes wide and the greenway should be at least 500 ft wide in order to dampen the impact of the air pollution and 65db noise before adding two to four more lanes of noise producing traffic to it. Otherwise the Frontage Road intensifies the freeway dead zone of asphalt, air pollution and noise.

Do the traffic levels forecast for Lagoon Rd take into account the connection from 101 to Bayshore and Guadalupe Canyon Pkwy? There are sidewalks beside Lagoon Rd that are mentioned in the text on this page but not shown in Figure 3.5.

## SPA-48

When the Lagoon Rd extension to Bayshore and Guadalupe Canyon Rd was introduced at a City Council meeting, there was strong public sentiment against building it. The road would have to climb from Tunnel to Bayshore. It will block views of the Bay and the mountain depending on the viewer's position which is inconsistent with the General Plan. It is unsafe because it is too close to the tank farm. It is inconsistent with the General Plan policy to keep icehouse hill as a wildlife habitat with high biotic values because it will bring tremendous noise and add to local air pollution.

## SPA-50

Conceptual grading has no place in a Specific Plan how can anyone judge the suitability of the geotechnical conditions created if they are unknown. Conceptual Grading can neither be analyzed nor regulated. The fill that has been used for surcharging may have a particle size that is not appropriate for use as a landfill cap.

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cap. The artificial plateau or ridge form may create water ponding at its base. How will this ponding effect infrastructure elements e.g. roads, underground utilities?

This elevated land will not screen development from Brisbane homes located at 50' or 200' or 200' or 300' elevations.

The railroads track in a ditch will flood sometimes. How will the warehouse area access the train in a ditch?

SPA-52

Subject: Utilities

"studied and applied systems should take a sustainable approach that is consistent with LEED rating standards." This is a good start with no follow through. What happens if they don't achieve some LEED level, evidently nothing. There should be a minimal requirement of sustainability. There should be a requirement that the project be energy neutral so that there is an incentive to create as much generating power as possible on site using renewable energy.

The water and sewer systems will be elevated in the artificial plateaus this will necessitate extra energy to pump the water of effluent up and down. This design seems unwise because it uses extra electrical energy rather than relying on gravity. It will also use up lots of back-up generator energy in a disaster.

Since there are no actual buildings or local streets, there is no actual water piping plan or sewer piping plan or specific storm water plan. The specific plan application is inconsistent with the General Plan because it does not provide adequate information on how and what infrastructure will be provided. The telephone and electricity wires should be underground and there should be a definitive answer on the question if cable for TV, internet and telephone will be provided.

There needs to be an environmental analysis of the newly established creek channel, the associated fresh water wetlands and the sedimentation and detention ponds west of the Caltrain tracks because they are an integral upstream part of the Baylands Phase 1 storm drainage system.

The rebuild and lining of the existing drainage channel project's environmental studies and results must be part of this environmental report in order to fully understand the impact that storm water from the Baylands will have on the Bay.

## SPA-52 (continued)

How many acres of tidal wetlands will be established in the reconstructed wetlands?

## SPA-54

There must be a very specific mitigation monitoring plan with stringent standards and milestones clearly articulated and with interim goals and final goals identified. This mitigation monitoring plan will require a permanent staff of people to monitor what will no doubt be hundreds if not thousands of mitigation measures that will require ongoing oversight. *I am thinking of all the: financial, cultural, archeological, architectural, landscape architectural, social, planning, toxic, energy, environmental (including air quality, water quality, wetlands, wildlife and habitat), traffic, public safety and the maintenance of many elements in the plan.* The ongoing mitigation monitoring of all these issues will assure that A Baylands project is constituted and will perform as it is supposed to in the final version of a plan that is approved.

The stormwater management system consisting of bioswales and filtration/infiltration measures requires stringent standards and a higher level of best management practices in place like the Baylands. The buildout of 8 million square feet of development space means that the roads and parking lots will accumulate a substantial amount of petrochemical and tire residue

The reference to a tidal marsh at the midpoint of the Baylands between the rail tracks and Tunnel Ave is puzzling since it is at or near this location where Sierra Point Lumber and Van Arsdale Harris Lumber companies will be relocated. A tidal marsh would also make it seem more likely that the railroad tracks in a ditch would flood. Where is this tidal marsh exactly? Is it the Visitacion Creek shoreline? How will the tidal marsh ebb and flow be kept out of the landfill? How will the lumber companies unload lumber from train cars if the rail tracks are in a ditch?

The drainage crossing from the Levinson Overflow Area under Bayshore Blvd, the Upper Visitacion Creek channel and the box culvert beneath the railroad right of way should be investigated and analyzed because of the effects on Phase 1 and the cumulative impacts created.

The reference on page 54 and in other places to another channel on the west side and then the east side of the rail tracks is confusing. The brick arch sewer and the 5'3" box culvert need structural integrity investigations.

SPA-55,234,235

How many millions of gallons of water per day or week or year will Phase 1 require? How many gallons of water per day will build out on the Baylands require? BASQWA has future estimated allotments for each of its members.

Does the total project (phase 1 and 2) or the Phase 1 portion go beyond Brisbane's and GVMID's allotment? The statement on this page about information on water usage being provided in the future based on typical usage rate is inadequate to base an analysis of the projects impacts.

SPA-56 and 242

The two paragraphs devoted to the need for police and fire services are woefully inadequate. The section is inconsistent with the General Plan (pg 107, Policy 69). General Plan Policy 372 is not satisfied. This project radically changes the need for: police, fire and disaster response for the City of Brisbane. If you consider the need to evacuate an additional 15,000 people in a disaster you can see the problem. There needs to be a clear statement of the expected need for a police substation, a fire station, police officers and support personnel, firefighter-paramedics and support personnel and the equipment that both departments would need to serve 8 million square feet of developed space overall and the 10,000 employees working in Phase one alone, as well as serving the thousands of people visiting and passing through the area in their cars and trucks. There should be disaster planning integrated into the planning of the project. There is nothing about how disaster mitigation or disaster shelters will be provided for employees or clients. Where is an evacuation plan? Since local streets are left out of the plan, it would be difficult to create an evacuation plan.

SPA-56 and 245

There is not a provision for state of the art commercial recycling facilities nor a requirement for a space for them adjacent to as yet to be designed buildings. The lack of provision for recycling facilities violates General Plan Policy 364.

SPA-57

In 2006, you need to articulate more about cable and telecommunications facilities necessary for modern business.

SPA-58

All agencies should receive clear information on all Baylands issues in any way related to their jurisdiction. Shouldn't the railroad safety officials be included.

## SPA-59

This page is labeled *purpose* and in my mind it is an ironic use of the term. The purpose of this document is to take an unspecific set of possible alternatives both in type, location and size and masquerade it as a plan for a real development. As it says on this page, it is only a description of what "could be" realized and be consistent with the General Plan but since it isn't real and isn't detailed enough then it is not consistent with The General Plan nor is it possible to analyze it for the purpose of CEQA. It is not only the graphic representations which are conceptual and illustrative in nature, but this entire application is conceptual and illustrative in its nature. The General Plan states that a conceptual plan cannot be used to apply for a real development. The General Plan policies that are violated by this Application are policy 71 on page 107 and policy 329 on page 238.

The last eight lines on page 59 of the Specific Plan application. Demonstrate the lack of specificity of this plan. The plan does not tell you what or where anything will be constructed. It describes what it might look like if it were consistent with the General Plan and that should not be confused with an as yet unavailable ... specific plan that describes a particular project that is consistent with The General Plan. The General Plan stipulates that a specific plan must allow for a regulatory analysis of its impacts and not be conceptual if it is going to be used an applications for development. Since this plan application does not do that and it plans actions that are inconsistent with the General Plan, it is not complete nor is it adequate basis for environmental analysis.

## SPA-62

The General Plan specifically excludes using the Lagoon as open space.

This plan application obfuscates the open space issue by ignoring the General Plan definition (GP-111) and substituting its own definition.

## SPA-64

This application is inconsistent with the General Plan because there are no architectural designs for buildings and so policy 330, programs 330a and 330b cannot be fulfilled. There is no design nor is there any specific siting.

## SPA-66

The 4%(13 acres) of open area in development sites out of 328 acres of land area is inadequate to provide for an uncrowded quality of life.

## SPA-67

The traffic impact of the relocated lumber companies cannot be ignored because of their direct impact on this Phase 1 area. They are being moved from Phase 1 to adjacent to phase 1. This appears to be an attempt to bifurcate a project in order to avoid assessing the cumulative impact and the significance of the impact caused by the relocation and enlargement of one of the companies. They are being placed near or in a new wetland. The potential for catastrophic disaster at the tank farm is being ignored and no reasonable person could possibly consider that an acceptable way to apply CEQA.

## SPA-68

The long term fiscal impact of this project will not be known until that analysis is done and it can only be done when there is a specific project proposed rather than a series of possible options.

Since this is a redevelopment area, the difference in the property tax created by developments and called the tax increment can only be used in or for the redevelopment area. The only benefit to the city's general fund will be from sales tax and only for as long as sales tax laws remain as they are. There will be tremendous infrastructure maintenance costs associated with a development on landfill and adjacent toxic areas. There will also great demand for city services from all departments.

## SPA-69

*stopped here*

The next to the last paragraph violates the spirit of the General Plan by piecemeal development. It disregards the public welfare for private benefit.

## SPA-70 Table 4-3

This table demonstrates why this plan is inadequate and incomplete. The heading "Flexible" is key to the inadequacies that interfere with meaningful CEQA analysis and fall short of the requirements of the General Plan areas of and use, streets and open space. Something that is flexible is not measurable and its impact is uncertain. The quad loop road cannot be flexible if it is to be analyzed for traffic impacts on other streets.

## SPA-71

There is inadequate open space, wetland and wildlife habitat.

SPA-71 (cont)

In section 4.6.1, there is a discussion of development by the roundhouse arc road. If the reason is to allow for traffic analysis, then that is good but why not analyze the whole of phase 2, as well.

SPA-73

The paseos between the primary main street frontages and the parking areas must also have business frontages-doors or outdoor activity such as small service businesses or cafes to prevent the paseos from becoming dangerous lonely paths where people are mugged and robbed. There should be more indoor parking in buildings that have roof gardens or parapet plantings and solar panels cascading down the sides.

SPA-76

The auto park area is much too large. The cars should be stored inside buildings for the most part just as they are on Van Ness Ave in San Francisco. These buildings could have solar panels on the sides and on the roofs.

SPA-140

The auto park guidelines in 4.8.3.5 are not adequate. There is too much vehicle storage outside which, along with the surface parking creates visual blight when seen from hillside homes in Brisbane.

SPA-141-142

There should be a greater relationship between the inside of the building and the outside. It would complement the glazed garage doors. Autos could be displayed on a plaza highlighting a few while the rest were stored inside out of the salt air.

The outdoor storage lots will hold heat and look harsh. The attempts to soften this much asphalt and concrete appear totally inadequate. How many square feet of exterior vehicle storage is there in this area. How many square feet of parking lots and outdoor vehicle inventory storage is there in all of Phase 1?

The Baylands should not be dominated by parking lots. It is a visual affront to the public.

SPA-143

Standards in Table 4-9

I object to the max lot coverage. There should be a 75% lot coverage including parking and driveways. The remainder should be set aside for landscaping, arbors, benches.

An aside, the internal combustion engine is not sustainable.

All sidewalks in all areas should be a minimum of 12' wide and on primary main street, they should be 20' wide with room for outdoor cafes, vendors, street trees and street furniture, who knows perhaps a sculpture.

The auto park walkways should be landscaped and have an occasional bench.

I object to a height limit which prevents multistory buildings to use for the storage of car inventory (45 or 50 ft would be better). Since individual developers are expected to build the structures, solar panels should be required on all the buildings.

SPA-113 Illustration

The drawing is skewed to de-emphasize the buildings. There are too many surface parking lots and not enough parking structures. There aren't any roof gardens nor are there plants incorporated into the buildings exterior. There aren't any solar panels.

SPA-145, 166

Parking lot and street lighting should be LED solar powered tied to the grid. Parking lots should have plantings in addition to trees.

SPA-147

The minimum landscaped areas in these lots should be 25% stand alone plus 10% scattered in the parking lots. That is sufficient to make a difference.

SPA-152, Table 4-10

Lot coverage (building, parking, driveways) should be 75% and open area/landscaping should be 25%.

SPA-166

The Bioswales and other stormwater filtration maintenance requirements should be backed up by a 15 year maintenance bond.

(dupe comment)

SPA-167

Section 4.8.4.7. I don't think that CC&R's alone will be sufficient to assure a high level of maintenance on private properties split among dozens of owners. It was not intention of the General Plan to have such a precarious circumstance in regard to the upkeep of the property. I don't believe that you should allow the developer to subdivide the land in a way that they or their successors are not responsible for the maintenance of the land

This project has a strong possibility of becoming a derelict development because of its location, the lack of experience and lack of vision of the property owner and the high cost of its maintenance which could lead to bankruptcy for those financially responsible. A rundown crime ridden project will not help the City of Brisbane.

The environmental firm Camp Dresser McGee has advised that the city protect itself financially by requiring bonds or other guarantees for the maintenance of all ongoing toxic remediation efforts. I believe that it would be monumentally irresponsible if you don't take that advice.

SPA-168

The sustainability guidelines while addressing many important issues don't mention allocating areas for recycled trash containers located where the trucks can efficiently pick them up.

(dupe comment)

The sustainability guidelines appear entirely voluntary without any incentive to follow them. There should be requirements for sustainability strategies and goals that each building must meet and that each sub-area must meet. Voluntary guidelines won't have any effect on the project. They only sound good.

(dupe comment)

Beginning SPA-169 Conservation and Open Space

There are elements of this plan e.g. Visitacion Creek Park that begin to satisfy goals of The Brisbane General Plan. The problem is that they don't rise to the level of satisfying those goals. The Visitacion Creek Park is too narrow considering the traffic volume and the resulting noise from the adjacent street. There is a lack of imagination in the design park.

The Lagoon Park lacks imagination and doesn't have enough ingenuity to protect the environment while giving people a close view of it. It may be too small. We should refer to the ideas presented by the UCB Landscape Architecture students for ideas. The 5 acre Bay Trail greenway is too narrow and needs enough width to soften the freeway effect and the effect of the frontage road. It could be a very unpleasant place because of the 65 dba traffic noise. Figure 5.4 shows a 78 foot right of way with 48 ft either used for road or reserved for road. 100ft by 400ft is one acre and this Greenway is hundreds of feet long and so you can see how narrow it must be. There needs to be more area devoted to wetland and wildlife preservation. There isn't very much of it. I think there should be trees in the development but the windrows violate the General Plan and should be abandoned. It blocks views of the Bay and the Mountain. The quad is too narrow because it is surrounded by the central northeast to southwest traffic artery in Phase 1.

#### Beginning SPA186 Traffic and Circulation

Guadalupe Canyon Parkway should carry low traffic volumes. It divides a State and County Park and San Bruno is the home of three endangered butterflies.

Lagoon Road should not be extended to Bayshore Blvd. It would create a visual blight, go dangerously close to the tank farm and degrade biotic values on Icehouse Hill. The circuitous route along the Lagoon to reach northbound 101 serves the admirable purpose of not further obstructing views with a boondoggle project to serve only the automobile. And drivers enjoy the pleasure of seeing lagoon's water and wildlife. (dupe)

There is insufficient parking planned for the Tunnel Road side of the Caltrain/M~~OMA~~ stations. (new)

Does the narrow three lane Beatty St underpass need to be seismically strengthened and widened to accommodate this project?

How can retail main street, quad loop road, quad loop entry parkway, south creek parkway and roundhouse arc road be called local streets when they will collect traffic and carry it to the arterials. Some or all of them are collector streets. This application leaves out the actual local streets for the most part.

There are numerous references to the policies of the specific plan. This is a propaganda technique. There is no specific plan. There is only a humble application which does not have the right to any policies. (dupe)

The project should have state of the art electronic timing for traffic devices. Transit agencies should be encouraged to coordinate schedules. TDM provisions are sound.

Retail Main Street and Geneva extension should have a 20' sidewalk. Sidewalks in other areas should be at least 12' wide.

The application calls for all internal streets to be developed to "local cross street standards" as defined with in this plan. What is an internal street? They call streets that connect to arterials local streets and so I would be suspicious of this requirement.

#### Beginning SPA-227 Utilities and Services

If the goal is to have "efficient and environmentally compatible utilities and services that adequately serve the new development" as stated, then you should use gravity as the main method for moving water and effluent and not use electricity to pump it because it is a poorly designed system requiring such pumping and will be prone to need greater amounts of maintenance.

The city standards for utilities should be approved or disapproved by the City Council.

The City and people of Brisbane need assurance and reassurance. There is a lack of detail and the absence of specific provision for unforeseen events that threatens to leave the financial and environmental responsibility on their backs. There must be methods of assurance and re-assurance against that possibility. There must be performance bonds for all of the infrastructure that is built here. I would include the roads, sidewalks, overpass, underpass, environmental clean-up facilities, landfill cap and gas burning system, underground electrical, telecommunications, water, sewer, stormwater with particular attention to the functioning of natural methods that require maintenance, environmental contamination with health risk, faulty clean-up, faulty construction, use of faulty fill materials. Any system that is needed for this part of the city to function should be bonded and this is particularly true of all improvements that that are financed through the city. The following are the expected costs and they may be low : water facilities-\$4.4million, sanitary sewer-\$2.5million, storm drain-\$5.1million. The long term fiscal analysis of this project should be presented in detail to the public before there is any approval given.

The plan does not explain how stormwater will be transported. Is the use of this much bioswale transported stormwater ever been tested on a landfill of this size? This plan is required to contain a reasonably complete description of basic infrastructure improvements. Stormwater movement through the remainder of

the Baylands should be described in this plan since the General Plan requires major infrastructure be described by the first project that is developed.

The following section relates to the City Staff questions and comments of 3/7/05 and the 2/21/06 version of the Specific Plan application.

Question 73 on page 164, I did not see this answered in the 2/21/06 specific plan application

Q 76 This comment was ignored and there is still reference to Daly City as a possible water source.

Q 78 The water section needs fire flow date. It is not there

Q 82 The status of cable is still unknown. The staff comment was ignored.

This section is inspired by the City Attorney letter of 3/2/05 regarding the first application and the second application of 2/21/06.

The applicant continues to have sub districts that not provided for by the planned development zoning regulations. The City Attorney points out that under the PD District regulations every use is conditional and requires an individual PD permit. This is an important regulatory device to keep in place because this plan application sabotages the General Plan's attempt to create a coordinated coherent whole in the Baylands. The device they use to do so is piecemeal development by various individual developers. The result will be piecemeal development with uneven results and unreliable upkeep. The City should not allow this to happen.

In the new plan, where is there any reference to an organization of owners or leaseholders who will be responsible for the ongoing operation and upkeep of the project. CC&R's or other devices are needed to ensure compliance with approval conditions and shouldering responsibility for the mitigation monitoring program. Bonds are needed for the maintenance of the common areas.

We need a firm grip on our ability to enforce our laws, regulations and policies. Their plan tends to obscure how responsibility will be apportioned but it definitely tries to spread it toward others.

This section pertains to City Staff Comments

The 2/21/06 application still doesn't mention concern over contamination.

With regard to the relocation of the two lumber businesses, the City Attorney stated that a General Plan Amendment may be needed to make this relocation a separate project. There is no evidence of any awareness of this comment in the 2/21/06 plan application.

(mentioned)

#### Appendix A

I do not agree with the analysis and conclusions of many of the GP and Specific Plan application assertions of consistency. Please see prior text of these comments.

#### In Summary

This plan is not complete. It contains many inconsistencies with the General Plan. It is not detailed enough to be able to do meaningful analysis of the impacts as required by the California Environmental Quality Act. The irony of the plan is that we know more about the bicycle racks than we about the buildings. It is an enhanced conceptual plan forbidden by the Brisbane General Plan to be used as an application for development. The plan attempts to organize the site but it lacks imagination and innovation. It does not respect the site location. It disregards the dreams that the people of Brisbane memorialized in the 1994 General Plan. It has created a partial framework to be used to create piecemeal development through boilerplate development standards with a dubious ability to assign and enforce responsibility for the thousands of conditions that will need to be enforced. It attempts to subvert the General Plan policies and planned development regulations to make it easier for the developer to build without regard to the impact. The City and the applicant create a plan that is acceptable to all, a plan that will serve the people, the environment and the property owner.