TO CITY COUNCIL
FROM: DANA DILLWORTH , Director CLEAN
RE: NOP
January 4, 2011

OBJECTIONS TO Public Notice, Availability of Pertinent Information, what is being called the Community Preferred Alternative, New Plan slipped in under inadequate-previous plan, and some issues in the new NOP.

30-Day notice was inadequate due to City Hall closures, newly instituted State-level furlough days and a legal holiday period. Request for an extension for submission is requested.

Project Description is inadequate. Due to the legal definition difference between open space and open area, the legal description for this purpose should include that the 330 acres of open space in the CPP also includes plazas and walkways or "open areas." The impact of this omission must be quantified since on paper, 330 acres appears vast, but on the ground it may not be sufficient for habitat conservation and human protection purposes due to fragmentation.

Was this event's notice properly circulated? I have a request for this information, which I have not received. Please note that the customary public notification avenues have changed. Citizens would get a letter or postcard in the mail. Certainly the landowners in the project area would have gotten notice? The city's website has changed, the city's calendar and the city's planning or council meeting pages did not mention this meeting, only an imbedded notation on a page identified as a NOP (if the public knows what a NOP is) mentions this meeting. This is NOT adequate public notice. It should be recirculated when a viable, legitimate Specific Plan exists, not just an Executive Summary.

Since we have no new information--- or do we? --- all previous objections (going back to GPA 1-91 including Luman Drake's objections about working in the interest of the Public Trust) remain part of the public record. I will reiterate that we have inadequate knowledge about the environmental conditions and incorporate the findings of University of Oregon (Kinder Morgan facility,) G F Lee Associates, and Camp Dresser McGee, which have come since 2005-2006.

New information? New uses, new numbers of people just mean MORE people at risk of exposure to the toxins and more false-claims of sustainability. Was this document circulated to ALL responsible agencies? Was it circulated to the USGS? (Doesn't appear on the list at OPR's SCH site.) We don't know if the risks of this project have been fully evaluated by the responsible agencies. It might be difficult to accurately fill out your NOC without sending this notice to the USGS, USDOE, and USEPA as well as the local agencies like the Bayshore Sanitary District, Cities of Daly City and San Francisco and the adjacent land-owners.

The Community Preferred Alternative has yet to be determined to be preferable. Don't get me wrong, there are wonderful things, but they get overshadowed by the impacts their adjacent uses will have.

Objections are made to having never had a say in the anticipated square footage of uses (because they were hidden in the survey/public process.) These objections remain on the record.

We do not prefer continued industrial uses. For the lumberyards, the Land Use designation has to be different than Industrial.

We do not prefer water treatment plants that may impact the local flora and fauna and the presence of retention basins **MUST BE SEPARATE** from the freshwater watershed wetlands that are part of the Guadalupe and Visitation Watersheds.

We do not prefer a plan that ignores the watershed and migratory bird populations with improper planting materials and bisection of open space by roads and soccer fields.

Since the language on page 21 states that the Developer Sponsored Plan "**could include** [blah, blah, blah]" verses **will** include the things the public has told would make it an acceptable plan, that things won't happen due to market conditions… there is NO reason to study this plan, because it is UNACCEPTABLE.

WE DO NOT PREFER a wait for OUR open space restoration as the last developer (Brookfield Homes) is yet to dedicate their promised open space and it is over twenty years later of destructive acts we have observed. These issues need to be mitigated first.

It also states that you will begin building one year before remediation begins? Is that a typo?

> "The construction phase would begin one year prior to the start of grading with remediation of contaminated soil and groundwater occurring at the site. Post-grading open space, infrastructure and building construction would occur over multiple years, depending upon market conditions."

WE DO PREFER the developer take full responsibility for the health impacts to the Lagoon and our watershed and to develop a plan looking at positive environmental contributions rather than offering the most toxic land for our open space and then include a little asterisk that indicates "Your actual results may vary."

The figures on Table One, page 7 have never been circulated to the public in any legislative action. The notation letter "a" which states "the CPP will incorporate alternative energy generation within the project: location, size, and type of facilities will be determined at a later date. Acreages of other proposed land uses may decrease as a result." What, our open space? How is this measurable?

Regarding the Recology variant: the public access/discharge area should be moved to a location closer to 101 and/or Geneva which doesn't impact the city street and Bayshore parking (staging inside their boundaries.) It is already a traffic snarl and increases the gas-burning load on the community.

Additional comments will be forthcoming.