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September 16, 2009

RE: BLAIR PARK

Dear City Council:

Many people have written eloquently on the flawed process the City has followed to get to this point in regard to the proposed project for Blair Park. As a city planner who has spent much of my career managing planning processes, I'm shocked at the lack of open public forums where a matter of this importance to the community and to neighbors could be discussed. The City of Piedmont engages in more process in regard to a simple home addition than it has for this massive project that would have profound and detrimental impacts on neighbors, and which would fundamentally change the character of this community. We don't need an EIR to tell us that. City Council meetings where citizens are given two minutes to speak are not a substitute for open dialogue.

As a professional planner who has worked on Parks and Recreation Master Plans, Parks and Open Space Elements of General Plans, and on planning studies for parks and recreation facilities, I'm also disturbed by the City's approach to this major capital improvement project. A standard process that would eventually lead to a \$8-10 M investment in a sports park (not to mention a half million dollars in studies for the sports park) would begin with a needs assessment and an assessment of alternatives for meeting that need.

We have heard claims that we need this soccer facility, but there has been no independent analysis of that need. Such an assessment would provide everyone with objective information about the problems facing soccer and other sports programs in the City. Once the need is determined, the next step in a typical process would be an evaluation of the alternative means of meeting that need. An analysis of alternatives would consider a range of issues, including the ability of each alternative to address the documented need, the costs of and resources available for each alternative, environmental impacts (again, an EIR is not needed to get a reasonable initial assessment), other impacts (on neighbors, etc). Finally an alternative is selected to commit to the very high costs of schematic design and an environmental assessment.

As someone who has also written, managed or supervised the production of dozens of EIRs, I want to say as emphatically as I can that an EIR is not a substitute for a reasonable planning process. EIRs do not generate an alternatives assessment of the type I've described above; they only look at alternatives from a very narrow environmental

impact point of view. At the end of the day, the EIR will tell the Council that one alternative has less or more significant detrimental environmental effects; it cannot tell you whether one alternative has a better chance of meeting the City's needs at less cost than another. CEQA is a very expensive and poor substitute for good planning.

Even in as wealthy a community as Piedmont, it is very hard to imagine that the soccer enthusiasts in this community can raise \$8-10M for a sports park. Their advocacy to proceed with the EIR is only the next step in a campaign for a City-financed project, just as the City is now being asked to finance this EIR. While the donation of \$160,000 was indeed a generous gift, it is not remotely similar to raising millions of dollars. The City should treat this project as it would any other capital improvement project proposed to be financed by the City, and not allow claims that this or that interest group can implausibly raise huge sums of money push it to the front of the capital improvement cue, or circumvent the City's typical process.

As a concerned Piedmont citizen with some expertise in CEQA, I am also very concerned by how the City is approaching this EIR. It is not in my interest that the City undertake an inefficient process, thereby costing considerably more of my tax dollars than is necessary. CEQA is a very complex and difficult area of the law, and CEQA procedures and processes are not for the inexperienced. I do not believe that anyone on City staff has substantial experience managing an EIR. I made substantial comments on the scope of services in January, but have not seen any revisions to the scope or a revised and more complete scope of services. I would like to renew my offer to the City Manager to offer my expertise in reviewing the scope.

In the past, I have had the greatest respect for LSA as a firm; but the incomplete and inadequate scope of services offered by LSA for this EIR borders on the unethical. I offer the following comments to the City Council and hope that you will address them prior to entering into this contract.

1. **Hire an outside project manager.** As I have noted, CEQA is highly complex, and especially so when there is controversy. Someone with extensive experience in CEQA should manage this process for the City. As I will note in the remainder of my comments, the EIR consultants the City has selected to date have not demonstrated that they can manage this process effectively.
2. **All sub-consultants under the prime consultant.** As discussed in detail under #3, exclusions in the scope of services provided by LSA indicate that the City will provide a significant amount of the technical information required to complete the EIR. This means separate contracts with the traffic, geo-technical and hydrologic consultants. While this keeps the cost of the prime EIR consultant down, it is an approach that is full of pitfalls: the City will be responsible for ensuring that what is provided meets the minimum requirements for inclusion in the EIR, and for correcting any problems. It also hides the full costs of the EIR. Please ask your CEQA consultants whether it is typical in public projects for the jurisdiction to separately contract for key portions of the EIR such as traffic, geo-technical and hydrology, or whether it is standard practice for these sub-

consultants to be under the prime contractor. Ask them what the typical problems are when the sub-consultant is not responsible to the prime.

3. Review the scope of services for exclusions. Since there was no new scope of services attached to the September 8, 2009 staff report, I assume that the scope is still that dated December, 2008. Please note the following in that scope:

a. **Geology and Soils** (page 5): Some of the analytical work for the EIR has been prepared by a consultant to the City (Treadwell and Rollo). However, such work is normally peer-reviewed during the CEQA process, and evaluated in regard to potential environmental impacts and mitigations - a somewhat different perspective on this issue than the approach to the design. Please ask your CEQA consultant if they believe the geo-technical work provided is sufficient and whether additional work is needed.

b. **Hydrology and Water Quality:** (page 5). Some of the technical work has been provided by BKF Engineers, a sub-consultant to the project architect. This analysis is incomplete: there is no analysis of the actual expected impact on water quality, or any estimate of the effectiveness of the proposed mitigation. The math used by the consultant is also somewhat confusing where on page 2 of the technical report (9/2/09), he states that there is .22 acres of impervious surface pre-project, and 5.18 acres post project, and yet only finds a 2.28 acre increase in impervious surface. Please note that part of the project includes large underground vaults to capture and treat water and ensure that it drains slowly into the stormwater system. The architect has not shown those in his sections for the project. They will be very expensive elements of this project. They are also not the best approaches for a City that is trying to be more "green". Please ensure in your direction to all of your consultants that a "green" approach to the hydrologic issues is required and ask them to indicate what more would need to be done to make the project "green".

c. **Traffic: Excluded** (page 7) According to the Scope, LSA is relying on the "City's traffic consultant" to evaluate impacts. It should go without saying that traffic, parking, and pedestrian safety are key issues in this project. The proposed project is providing very little parking for a facility of this size in a highly isolated location. Moreover, it is unclear how traffic impacts will be addressed (see below for further comments).

Not only are there exclusions, but the scope is generally inadequate and should be substantially modified. I have already described some of my concerns with the scope in my January 2009 letter and will not repeat them here. I suggest that the Council ask LSA to describe any potential issues *they* see in the scope that might affect cost. For example, since the scope does not include any information on the number of hours assumed for each section of the EIR (unlike any scope that I would accept), please ask your consultant how many hours they are proposing to devote to respond to comments for the Final Environmental Impact Report. You should then ask whether, given the extent of public interest in this project, they believe what they have assumed in their scope is sufficient.

As I have previously noted, until now I have had great respect for LSA as a firm, and hope that they would respond candidly and honestly to the questions I've suggested you ask them.

4. Get a full cost estimate. Before agreeing to proceed, please ensure that you and the public know the full costs of the EIR. Certainly, the costs of the traffic assessment are not included and should be known. The Council should also know whether additional hydrologic or geo-technical work will be needed. Finally, as noted above, although it is difficult to determine because the level of effort for each portion of the EIR has not been set forth (as is typically required), I suspect the consultant has underestimated the cost of doing several of the EIR sections. Based on my experience, I would estimate the EIR is likely to cost more than double the \$90,000 contract amount, when the total cost is finally tallied.

Design Concerns

Although there has not been much time to devote to reviewing the actual design, I have the following observations.

1. **Bridge Elevator.** Please ask your design consultant to provide the City with examples of where similar elevators (outdoor, unsecured elevators for bridges) have been built, and the experience with maintenance and vandalism. I believe you will find that almost no jurisdiction will build an elevator such as this due to the very high costs of maintenance, security issues, and constant vandalism.

2. **Visual Simulations.** If you choose to prepare an EIR, please ensure that the visual simulations of the project show the project in its first year after it is built, and in five year increments thereafter, not just after 20 years when trees have perhaps grown, and the large concrete wall is somehow completely covered with flowers. Note that the EIR consultant is proposing only two simulations. This will clearly be insufficient. Street views are essential for both directions, as are views from homes across from the proposed sports field, as well as from the neighbors above.

3. **Parking.** Since there does not seem to have been a traffic consultant included in the team designing this project, it is unclear what standards were used for arriving at the 40 space parking supply. It seems highly inadequate for a facility of this size and isolation. Although pedestrians will be expected to take a bridge, it is also obvious that many people, and especially young people, will choose to cross a very dangerous road. It is unclear how safety will be addressed for pedestrians, for autos accessing the parking lots, or how traffic exiting this site on this very dangerous street can be accommodated safely. Please note that a redesign of the circulation and parking could lead to new significant impacts of this project, requiring additional work on the EIR. This is yet another example of the backward approach the City has taken to this project.

4. **Retaining Walls.** The proposed retaining wall (see Section B of the BKF submittal) is built on 25 feet of fill. The actual change in elevation from existing grade to the highest

point on the retaining wall is approximately 55 feet. This will be a truly monumental change in the character of the area.

5. Lighting. Based on the experience with Coaches Playfield where the City is now proposing to abrogate promises to the neighbors about not having lighting, it is very hard for us to rely on statements made today about not lighting Blair Park. If the goal is for these fields to have lighting, then we request that the City evaluate that issue today, and not decide to revisit this issue later. It is more efficient to evaluate the impacts now rather than undertake a new EIR later, and allows for a full understanding of the long term impacts of this project on the neighborhood and on the community.

Thank you for the opportunity to comment. As noted above, I would be happy to assist in reviewing a more complete and revised scope to the EIR and to assist the City in any way that I can to ensure a fully compliant CEQA process.

Sincerely,

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

Dan Marks