

*Dan Marks
618 Moraga Avenue
Piedmont, CA 94611*

March 21, 2011

John O. Tulloch
City Clerk
City of Piedmont
120 Vista Ave
Piedmont, CA 94611

RE: Comments on Proposed Blair Park Sports Fields

Dear Mayor and City Council:

In my earlier letters to the City Council, I strongly recommended, based on my over 25 years of experience in land use planning and CEQA that the Council not proceed with an EIR on a specific project in advance of a more deliberative process that began with an objective needs assessment followed by an analysis of alternative ways of meeting that need.

In the face of pressure from an interest group who had thrown together an unrealistic and unbuildable plan, the Council proceeded with the EIR. Over a year later, we are not any closer to a reasonable response to the need. The two sides are more divided than ever and agree about nothing: not the scope of the need, not the range of alternatives that should be considered, not the level of impact of any project or how to address those impacts. The proponents reject all alternatives that do not meet all of their alleged need and see no reason to accept anything less so long as they are convinced the City Council will approve their "gift". The opponents, in the face of what feels like a political juggernaut, have been forced to obtain legal counsel to explore options and are considering other measures to address past and proposed misallocation of City funds for this and other projects.

If the City Council is truly interested in seeking room for agreement, it is not too late to step back. There are two things the Council should do:

1. Support the Planning Commission's determination that the project as proposed is too intense, too dangerous for our children, and too out-of-scale with our community. Urge the parties to work together to find common ground.
2. Belatedly fund an objective independent study of need and alternatives, including options outside Piedmont. The costs of such a study would be far less than the costs of continuing down the CEQA route. CEQA requires a very fine level of environmental analysis rather than a fine tuning of options based on more targeted analysis. A study by

a non-partisan, respected third party could help to bridge some of the heated debate and bring some needed facts - rather than opinions - to the table to form the basis for rational decision making. Should the Council choose to proceed with a project at Blair Park after this analysis is completed, none of the EIR work done to date would be lost.

If the Council insists on moving forward now with some version of the current project, in addition to requiring further analysis of traffic and safety impacts as unanimously urged by all three commissions, please require an objective estimate of the cost of the project proposed by PRFO - for both construction and maintenance. I am convinced that the costs to develop this project will be far more than the unsubstantiated estimates provided by the advocates - higher than can be reasonably expected from private fund raising.

Because I have consistently made the same above request over a long period of time, I do not hold much hope for this final plea for a more rational process. Accordingly, I have the following additional comments and requests.

What is the Project?

Because the Council simply forwarded to the Commissions the unbuildable and unmitigated project in the EIR without providing any direction as to how it should be modified, the three commissions looked at three different options presented at various times by the proponents. Two additional options were generated by concerned citizens but have not had the benefit of any analysis by staff. One of the citizen options was seen by only two of the three Commissions.

The staff report and its attachments presented to the Council for the March 21 meeting include as an attachment only one of the many alternatives that have been presented at various times. The staff report does not even reference where the other alternatives can be found. In order to see Mr. Oraftik's alternative mentioned on page 2 of the staff report, I researched back through the documents presented to the various commissions. No summary description of Mr. Oraftik's alternative or Mr. Blackwell's alternative is presented in the Council staff report. In fact, there is a complete absence of any independent staff analysis of what is being presented to Council for its consideration.

In regard to the PRFO alternatives, even after reviewing the documentation in other commission presentations, the piecemeal nature of what has been presented to Commissions makes it impossible to have a full understanding of what is now being proposed by the project "proponents." At each step in the process, they added something new.

At this time, as a relatively informed member of the public and a professional planner who has worked on park master plans and reviewed hundreds of development projects including sports field developments, I am at a loss to know what is before the Council, let alone how the Council could provide any firm direction on March 21 with the information presented to it by staff. I am equally troubled by the two commissions who supported the PRFO proposals - one proposal significantly modified the night of the

meeting - without any analysis, and without benefit of the story poles that were finally erected for the Planning Commission.

Prior to the Council providing direction on a project, I assume that it is typical for staff to provide some analysis of that project and alternatives. As noted above, the staff report does not even include a description, much less analysis. In regard to the most recent modification to the PRFO project, community members have forwarded significant questions regarding the feasibility of the roundabouts proposed at the Planning Commission meeting. Some of the feasibility questions could be answered by staff. For example, one issue is whether fire trucks would be hampered by inadequately sized roundabouts on a major artery. The Fire Department does not seem to have been asked its opinion of such a radical redesign of Moraga Avenue. The "citizen alternatives" may have their own feasibility issues, but the staff report fails to provide any basic analysis, including information as to how much of the need will be met by the alternatives. The staff report even fails to state that there was unanimous agreement by all of the Commissions that further traffic/safety analysis is needed before the Council acts on the project.

Once the PRFO project description settles long enough to be finally and fully described, I urge the Council to request that staff provide basic analysis of that project, comparing it to the project evaluated in the EIR, as well as the alternatives before providing direction on additional costly CEQA analysis.

How Much Will the Project Cost?

Also not noted in the Staff report was agreement by two of three commissions that there is need for analysis of the cost to build and maintain whatever project is proposed. Somehow the figure of, variously, \$5 million or \$6 million or, in the Chronicle on March 17, \$6.5 million, has become the accepted cost range for building one of the various PRFO projects. This cost estimate continues to be cited despite the fact that the basis for the estimate has never been disclosed. The source of these estimates, as far as I can tell, is the project proponents who have not indicated the source of their estimate.

As I have noted before, the project design has been completely unconstrained by cost considerations: huge underground vaults, massive walls and grading, relocating sewer mains, water mains and storm drains, roundabouts (or signals or bridges, depending on what project is selected), artificial turf, etc. The turf alone is over \$1 M. Knowledgeable sources tell me the cost could be double or triple the amounts asserted by the proponents - but any estimate is unreliable without a careful evaluation of the project.

What I find troubling is that the City Council would be at this point of considering this project without an objective cost estimate being presented to it. Raising \$6.5 million from private sources for this project would be daunting - even in Piedmont. It is very hard to imagine raising double or triple that amount. And that is without establishing the cost and responsibility for maintaining this "gift" (including turf replacement in 10 years). I fail to understand why the Council would continue to put the community

through the kind of divisive process already engendered by this project with no sense of how feasible it is to implement.

Although I urge the Council to put this project on-hold while undertaking an appropriate process, if the Council chooses to proceed with consideration of some version of the Blair Park project, I hope that once it has defined some "preferred project," it will require an independent assessment of the cost to build and maintain it. I also hope the City Council will seek an independent assessment of the liability the City may face when predictable traffic accidents occur on Moraga (no matter what system is used to deal with traffic), or when the retaining walls fail or cause homes above this project to be damaged during the next earthquake along the Hayward fault.

The proponents keep saying this is a gift. So far, it's been the gift that keeps on taking. Not only had the City already devoted over \$200,000 of unreimbursed expense towards this project as of a few months ago, but that \$200,000+ does not include the hundreds of staff hours and the continuing costs of the outside attorney to assist staff. There are still substantial costs associated with preparing findings and a mitigation monitoring program and the other work that will be needed to adopt any project. There is no estimate of the cost of the remaining work needed to act on the project. I urge the Council to put a stop to the City absorbing the costs of a project that the majority of the Council members has indicated in various forums will not be borne by the City.

As the amount of effort being devoted to this project continues to increase, I have also yet to determine how this project became what seems to be the highest priority for the City of Piedmont. It has absorbed huge amounts of staff time and resources at a time when the City has indicated that it, like almost every city in the state, is facing substantial financial challenges. Why has City staff been directed to spend so much time on a project that is not included in any Capital Improvement Plan (except for the lights and turf at Coaches) and was not rated in the top 10 concerns found in a relatively recent poll of residents? I doubt the City maintains records of staff time spent on projects, but this project has involved several Council meetings, staff reports for three Commissions, management of an EIR, huge expenses for attorneys, responses to public requests for information, noticing to hundreds of affected residents, and who knows what else. I know City staff works hard and is dedicated to the City, but as a manager of a city department I also know that there is only so much time in the workday. If this project has absorbed hundreds of hours of staff time, then other worthy projects are not being done or are not receiving the attention and priority they may deserve.

As a long time resident of Piedmont who had been relatively satisfied with the services I have received from this community, this project has been a wake-up call. The City Council has yet to hold anyone accountable for the \$2 million under-grounding fiasco or to begin the process of addressing the failings described in the League of Women Voters' report in relation to project management, liability, conflict of interest and risk. The City Council is struggling with a failed private/public partnership in regard to a swimming facility. And yet the Council has proceeded down those very same paths in regard to this project: no assessment of project cost or liability; a conflict of interest with a project

proponent handed without bid the contract for project design; staff with no experience in CEQA managing an EIR; the expenditure of over \$200,000 of City General Funds on an extravagant project for the seemingly exclusive use of sports clubs, and a huge commitment of limited staff resources. My neighbors and I have had a rude awakening, and I'm sure we will all think long and hard the next time the City asks the citizens of Piedmont for additional funding.

Alternatives

To date, the only alternatives that have been under consideration are those within the City of Piedmont - despite the fact that the City has traditionally met a significant portion of its sports-field needs outside of this land-constrained city, despite the significant environmental impacts of the project, despite its impacts on its neighbors, and despite the extremely high costs of this project.

The sports clubs allege that there are no options outside of Piedmont, and the Recreation Commission went so far as to claim in its resolution that various groups and individuals have failed to find space outside of Piedmont. Where is this alleged evaluation of options outside of Piedmont? Who undertook a thorough and independent evaluation of such options? Even the FEIR finally acknowledged that Merritt College may be available. Even if Alameda has indicated it wants to end long-term commitments to outside groups for the use of its fields, how actively has the City pursued working with Alameda to try and gain a longer term commitment? Even a small fraction of the \$6.5 million that the sports clubs say they can raise would be a significant enticement to another community to allow long-term use of fields elsewhere.

The fact is that the City has done little to evaluate alternatives, either outside or inside Piedmont.

Within Piedmont, options have been put on the table to address some of the need at much less cost and without destroying the oak woodlands in Blair Park. None of those alternatives were considered in the EIR and the proponents have consistently rejected any consideration of them because they do not meet all of the alleged need (I'll note here that there has not been an independent needs-assessment).

As I said at the beginning of this letter, I believe that until the City Council tells the sports clubs - as the Planning Commission bravely and intelligently did - that the proposed project is unacceptable, the proponents will not consider reasonable alternatives. I implore you to reject the proposed Blair Park project on March 21, and allow for a more productive discussion of alternatives to begin.

Sincerely,

Dan Marks