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To: Redwood City Planning Commissioners
cc: Redwood City Council; Mayor Alicia C. Aguirre; Vice-Mayor Jeffrey Gee
via Hand Delivery 10/16/2012

RE: Proposed development of Pete's Harbor 1 Uccelli Blvd, Redwood City CA 4063.

Dear Commissioners:

We thank you for your time in considering our viewpoints, which are presented in more detail in the appendices attached to this letter. We present the perspective of Americans who are cruisers and world travelers. Cruisers are a diverse mix—some are retirees, some are workers with a location independent lifestyle, some have young families. Our personal goal is to travel and discover new and interesting places to live. We heard about Pete's Harbor from other cruisers and I can say that, drawn in by the wonderful community, we have now spent much more time than expected at Pete's Harbor.

We believe that Pete's Harbor is not just a local iconic landmark. Pete's Harbor is a valuable cultural and social institution—and—Pete's Harbor, by itself, makes Redwood City a unique and worthy destination for all boaters.

Traveling by boat is different from being a tourist. Ann Davison, the first woman to cross the Atlantic Ocean solo, captured this when she said:

“A tourist remains an outsider throughout their visit, but a sailor is part of the local scene from the moment he arrives.”

Unfortunately much has changed since Ann spoke those words in 1953. Many marinas that we have visited in the USA are gated, unwelcoming to the public, and have strict restrictions on the number of boaters who may stay aboard their boats; as a result many US marinas have no sense of community and are lifeless, sterile, and uninteresting places. Those marinas are little more than a big parking lot for boats. For travelers like us, those places are not a destination.

Ann's transatlantic passage took place at the time that Pete Uccelli started working towards his vision of a vibrant community on the water, with people bound together by a common shared interest in boating. We can say that Pete achieved his goal and, even after his death, the sense of community still exists today: When we arrived at Pete's Harbor, almost immediately we found ourselves at one of the numerous dock parties surrounded by other people with a shared interest in boating--we found ourselves “a part of the local scene.” Within the next few days, countless local residents, who frequent the restaurant and walk the docks, stopped at our slip and asked with interest about where we came from and where we were going. We were welcomed to Redwood City by countless people.

As we've gotten to know our new neighbors in the marina, we have found a uniquely diverse community made up of people from all walks of life united by strong common interests in boating. Some are here for affordable housing but many more seek to achieve their goals for voluntary simplicity, low impact living, and being close to nature. This boating community includes seniors, veterans, and young couples just starting their careers but also with dreams of future boating adventures. Boat owners include doctors, lawyers, business owners, and engineers who make enough money that they could live anywhere, but they choose to live on the water at Pete's Harbor. They contribute to—and are enjoying—this wonderful boating community and are themselves an asset to the larger communities of Redwood City and San Mateo county.

We were fortunate enough to meet the young couple from France that had our slip before us. They were leaving to continue their world travels, but we discovered that they too had spent some time here at Pete's Harbor contributing to the tax base, the community, and the ambiance of boating adventure that continues to draw locals to walk the docks of Pete's Harbor. He was a researcher working to develop new rocket fuels and worked for NASA during his stay. He was, in the true meaning of the word, a “rocket scientist” and he was also part of the Pete's Harbor community.

We request that the city of Redwood City do what is in the best interest of Redwood City and assure that any development projects at 1 Uccelli Blvd preserve the landmark that is Pete's Harbor including the liveboard and public access (commercial) marina, the pedestrian public access to the water which is afforded by the restaurant and docks of the marina. We encourage Redwood City to continue and step up the city's efforts to increase and enhance recreational boating and supporting infrastructure in all parts of the larger Redwood City Harbor, the sloughs, and Redwood Creek. We request that each and every proposal of development along the Redwood Creek, Smith Slough, and Westpoint Slough have the strongest possible city support towards the goal of making Redwood City a destination for all boaters.

Pete Uccelli's legacy of the harbor community should be cherished and incorporating into any development of the property. We want to be able to tell other travelers and cruisers that are heading towards San Francisco Bay to be sure to go visit Pete's Harbor, because if they do, they will find a welcoming, boater- friendly community, and within walking distance, they will discover what we and other traveling boaters before us have discovered--that Redwood City is a wonderful place to be.

Most respectfully,

Brenda K Hattery

David W Hattery, D.Sc.

Enclosure

Appendix A: Review of Proposal to Develop 1 Uccelli Blvd, Redwood City California

Purpose

We have reviewed the proposed development for 1 Uccelli Blvd and enclose here an outline of some impacts of the proposed development and the issues which arise regarding development of waterfront and marina properties. The issues raised and discussed in more detail center on recreational boating along Smith Slough, Redwood Creek, and Westpoint Slough as well as the continued use of this particular property in support of public access to recreational boating on the Bay. During our review of the General Plan as well as the state's CEQA requirements for such projects, several other issues arose that we would like to request the Planning Commission include in an evaluation of proposed development along the waterfront of Redwood City, CA. This review is not exhaustive but provided simply to alert the Planning Commission to the issues and questions that we have regarding the proposed project.

Today, there is much confusion about the EIR and associated addendum, the changes in the city's General Plan and the city's own CEQA guidance, and the state guidance on CEQA. As the issues not already addressed by the EIR are raised by the public, it is in the best interests of Redwood City, the property owner, and the proposed developer to respond openly with audience-appropriate information and to schedule the opportunity for Planning Commission approval of the project at a date with sufficient lead time following the responses such that the public will be able to digest the information and understand if it has not addressed their particular concerns why it did not do so. At the moment, there are far too many open concerns for the Planning Commission to responsibly approve the proposed plan of development for this site.

At a future date, after the Planning Commission has engaged in the open and public discussion of how the development at this site fits within the city's General Plan and how the impacts of any proposed development at this site will be addressed or mitigated, it should be possible for the developer and the City to achieve the support of the public for development and use of this site in such a way to meet the current goals of Redwood City.

GOAL: Maximizing Waterfront use for Port-related or Recreational Boating-related Use

Issue: Waterfront Land Use

Visiting cruisers to the San Francisco Bay area, like all Bay area boaters, are impacted by the local land use trends which allow and even favor the development of Bay-front land for uses which are not water dependent nor water-related; do not serve a statewide or national public purpose; and can be located on non-waterfront property. These uses are inconsistent with both the California public trust doctrine and good land-use public policy for commercially-zoned waterfront private lands, yet they are favored by many local governments around the Bay. These uses increase costs of boating and reduce boater safety by reducing affordable access to a competitive waterfront population of marine industry vendors.

The Office of Government Affairs of Boat US writes:

“Spiraling land values for waterfront property in the last few years have created a crisis for recreational boating. Traditional marinas with public slips are giving way to residential development, working boatyards are being taxed at "highest and best use" rates that deflate the bottom line, permitting issues are driving up costs and delaying any new marina or dry-stack facility construction, and public launching ramps are in short supply and often outmoded.

While access issues are complex and usually very local problems that deal with private property, there is at least one potential solution at the federal level. The Keep America's Waterfronts Working Act of 2011 has been introduced in Congress. This bill (H.R. 3109) sponsored by Maine Rep. Chellie Pingree, is aimed at preserving sites for "waterfront dependent commercial activities."

<http://www.boatus.com/gov/fed/workingwaterfronts.asp>

Though the above may be true, some boating-minded people must have been active here in Redwood City during the development and writing of the city's General Plan. Today, the city of Redwood City provides quite a bit of very specific guidance on waterfront land use (including General Plan land use MU-Marina and MU-Waterfront) that appears—on paper at least—to favor mixed use with a marine focus rather than purely residential use.

For example, the General Plan of 2010 EIR states:

“In all, the New General Plan would allow for new development to occur in areas within BCDC’s jurisdiction. The state legislation that created BCDC (also known as the McAteer Petris Act, or California Government Code Section 66600 et seq) specifically states that BCDC jurisdiction includes a portion of lands along Redwood Creek, inland from the Bay to the confluence with Smith Slough at the southern end of Bair Island. To the extent any new development should be proposed for these or other portions of the plan area subject to BCDC jurisdiction, individual project proponents will be required to get any City permits followed by the pertinent BCDC permit. The New General Plan would not encourage significant new development in BCDC jurisdictional lands and would not alter the requirement for project proponents to obtain BCDC permits.”

Policies BE-10.1 through BE-10.8 (and associated programs) address development in Waterfront Neighborhoods. Specifically, the policies and programs call for context-sensitive development in waterfront areas that emphasizes retention and/or development of public access areas along shorelines. Policy BE-10.2 would “allow for a diversity of unique housing types, including floating homes and live-aboard boats.” The policy also calls for the City to “collaborate with interested stakeholders to enhance existing floating communities and to establish floating community best practices and standards.”

“The New General Plan includes programs to devise development standards for waterfront neighborhoods and would thus be consistent with the Bay Plan’s recommendation for tighter development control in waterfront residential development.”

“Moreover, several policies and implementation programs of the New General Plan would result in the protection and enhancement of the San Francisco Bay, specifically the San Francisco Bay baylands and marshlands, and provide encouragement of the Bay’s responsible use. Policy NR-6.1 would preclude development from encroaching into sensitive baylands habitats; Policy NR-6.2 would restore and maintain marshlands including tidal flats, tidal marshes, and salt marshes; and Policy NR-6.4 would allow for appropriate public access to Bayfront open space lands for recreation activities while protecting and restoring the Bayfront’s natural ecosystem and minimizing environmental damage. Further, Program NR-38 of the New General Plan would encourage cooperation with the BCDC to integrate public recreation and access opportunities with Bayfront restoration and preservation effects.”

Given this and other guidance by Redwood City about land use and development of the waterfront, one would believe that Redwood City values marina and commercial waterfront activities as primary/best use of the land and wishes to protect sensitive baylands habitats such as Smith Slough from encroaching development.

Is it possible that Redwood City would seriously entertain a waterfront development, such as that to be discussed in the upcoming public hearing of October 16, 2012, that does not feature the water-related activities of a commercial marina and related restaurant as primary use and place the residential use as a secondary use of the property.

Project Issue: The zoning for this area is CG-R and as is typically required of commercial mixed use properties, when they include a housing component, the housing is built around the commercial activity. Stated another way, the housing development should not comprise the bulk of the land development but rather play a secondary role in CG-R development projects. This proposed project centers on the residential use—this should be addressed by the developer. Certainly, we note that the parking impacts of the residential use alone have not been mitigated and perhaps that is why the developer chose to remove the restaurant and marina community element. Even so, scaling back the residential development is more appropriate to the site, the zoning, and both the waterfront and marina MU land use designations than is the present proposal to completely remove the commercial element from the commercial mixed use site.

We request that the Planning Commission seriously evaluate the “mixed use” aspect of this project and site and recommend that the residential element be seriously scaled-back to achieve a mixed use development at this site.

Process Issue: The Redwood City General Plan 2010 designated the Pete's Harbor property at 1 Uccelli Blvd as Mixed Use Marina as “existing use” and as planned use in some documents (e.g. figures in the General Plan) but discuss it as Mixed Use Waterfront in other places.

The nature of the physical site that is largely taken up by a man-made harbor coupled with its current use as a marina and restaurant, as well as a spot that the public comes to walk and enjoy the waterfront and views across to Bair Island, is more appropriate for the MU-Marina land use designation. In our discussions of this matter with local Redwood City residents, we have learned that the public feels that

the process of modifying the land use from Marina to Waterfront was done behind closed doors without sufficient public input and full understanding of the impact of that change. After reading through the numerous documents associated with the Redwood City General Plan of 2010 and the new Inner Harbor Precise Plan which is presently in the process of being developed in 2012/13, we believe that Redwood City demonstrates in other ways, clearly, a full understanding of the importance of waterfront and marina land use for their intended water-related uses; thus this change in land use for the Pete's Harbor site in the General Plan projects, to the public, the appearance of being done for special interests rather than the good of the people of Redwood City and the general public.

Considering that the Planning Commission is treating this development proposal under the less appropriate MU-Waterfront land use designation,

We request that the Planning Commission provide the public a full explanation and documentation regarding the process and decision to accept a change of land use for Pete's Harbor Marina from "Mixed Use Marina" to "Mixed Use Waterfront" for the proposed development.

As mentioned, we assess that the site is more appropriately used as characterized by the MU-Marina land use designation which (1) limits building heights to three stories and (2) precludes 100% residential development projects. As such,

We also request that the Planning Commission return the land use of Pete's Harbor to that which it was as recently as the time of the writing of the 2010 General Plan EIR: the more appropriate land use of MU-Marina.

Reference per General Plan table H-38:

Mixed Use Marina Housing options can include housing within mixed use structures, floating homes, and live aboard boats. Stand alone residential building development is not permitted.

Mixed Use Waterfront Mix of uses includes housing and supporting commercial businesses, hospitality and restaurant uses that attract visitors, and businesses that support marina functions. Housing options can include structured housing, floating homes, houseboats, and live aboard boats.

Public Administration Goal: Improve the Process: "Sunshine" and Public Participation

Context

The issue of improper land use near the Bay is driven along by seemingly steady and relentless lobbying and political pressures by individuals and special interests to allow inappropriate private development on tidelands or private lands directly abutting the tidelands and the Bay.

It appears that here in the San Francisco Bay area, local governments are really competing for increased tax revenues from development activities on these lands and that the pressures upon local elected officials and appointees may preclude those officials from setting aside immediate local fiscal

matters for the long term public good of all boaters as well as the people of Redwood City.

The city government of Redwood City has broad discretion to block inappropriate development in the Harbor as well as along Smith Slough and Redwood Creek. Per the 2010 General Plan, waterfront projects must have a connection to water-related activities—and preferably those that provide benefits to the public. Failure to achieve this, simply to make a development financially attractive, sacrifices public benefit for private advantage.

There may be some cases where all that may easily be done is for the Planning Commission to provide sufficient notice to the public to alert the public of such projects so that the people may weigh in. Even with no other actions, this timely public vetting process is an important part of assuring that precious waterfront lands aren't misused for the benefit of a few private interests to the detriment of the public.

As boaters, we believe that the city should very carefully evaluate, and deliberate on, the unintended consequences and the impact on all boaters of Redwood City approval of zoning, land use, or development projects that come in which will support the ultimate change of use of current or former marinas, boatyards, or other marine-related industry for anything other than public use and marine-related activities which are *accessible to the public*.

Process Issue: The Redwood City General Plan includes language throughout it which supports and requires the Planning Commission to invite and make use of public participation in the planning process. When this process breaks down, a lack of transparency opens up opportunity for the people of Redwood City to become non-participants in the planning process and to lose faith in their local government to act on behalf of the public.

We request that the Planning Commission investigate and explain why the marina property of Pete's Harbor was initially included in the Inner Harbor Precise Plan but now appears to have been dropped from it.

Project Issue: CEQA Appendix G § 15183. Projects Consistent with a Community Plan, General Plan, or Zoning, points the Planning Commission in the direction of resolving this issue before accepting an EIR for a proposed project at this site. While different proposals of development of this site have been on the table in the past, there was a period of four years ending July 23, 2012 when no development plans were filed for this site. The proposed development under consideration was not filed with Redwood City until 7/23/2012, a month after the initial 6/25/2012 Inner Harbor Precise Plan kick-off meeting to discuss the planning of public participation for the Precise Plan.

Even if a waterfront property were not located in the area designated as “Inner Harbor” for the purposes of development of a precise plan, we believe that the precise plan development process itself will be able to achieve high levels of public participation and can develop excellent guidance for the future re-development of all existing waterfront properties. As such,

We request that the city not act to approve any development projects on properties adjacent to Redwood Creek or Smith Slough until after the Redwood City Inner Harbor Precise Plan is adopted.

Why Do We Care About Boaters?

There are thousands of cruisers world-wide who travel from port to port via the world's oceans as well as coastal and inland navigable waterways. There are hundreds of cruisers that visit the San Francisco Bay area every year. The concerns of cruisers parallel those of the general boating public with only a few distinctions for those of us who do travel port-to-port while living aboard our boats. Local boating, zoning, or environmental matters can emerge which reduce cruisers' access to good anchorages; marine repair and haul out facilities; access to pump outs and water; as well as reasonably priced berthing accepting of cruisers living aboard while in harbor.

Why should Redwood City care about recreational boaters and cruisers? Just as the ability to come to the waterfront and experience the views draw visitors and residents to Redwood City, having boats on the water enhances the pedestrian waterfront experience by adding to the complete waterfront aesthetic. Boaters are a positive economic impact on the economy. For example, the State of Maryland (<http://www.mdsg.umd.edu/programs/extension/communities/boating/index.php>) discovered that approximately every 6.5 boats registered in Maryland lead to more than one full-time job somewhere in the state's economy and each boat contributes over \$8,600 a year in economic activity. When factoring in boats that simply visit Maryland (not registered in MD), boating's total impact on the Maryland economy for a year was approximately \$2.0 billion with over 34,500 jobs provided.

We can safely assume that boating activities of boats and boaters here in the San Francisco Bay, along the nearby Pacific Coast, and in the inland Delta are qualitatively similar to, and should provide a similar economic benefit to, the benefit quantified by the state of Maryland with that state's smaller footprint which includes boater access to Chesapeake Bay, Atlantic oceanfront, and inland waters. If we believe that California's Bay area regional economy—and Redwood City—experience similar economic activity from boaters as does the state of Maryland, then there is a clear economic incentive to retain and increase opportunities for local recreational boating and to provide boating resources nearby for their use as well as the use of visiting boaters.

Keeping Existing Boat Slips Open Is Important

Redwood City competes with numerous other cities around the San Francisco Bay for all recreational boaters' spending. Redwood City used to have a boatyard at Pete's Harbor but doesn't have one at this time; we understand that there were plans to provide a boatyard at the new Westpoint Marina and we encourage Redwood City to enable and foster activities to increase the likelihood of success for a boatyard at that location. Redwood City needs to increase—not decrease—the total number of slips available to recreational boaters. It is a major concern to us that the same developer that, on September 20th, 2012 informed the Pete's Harbor marina tenants that the commercial marina there must close for this development and will not reopen (stating instead it will become private docks) is the same developer responsible for emptying and closing the 427 slip Peninsula Marina many years ago—and it hasn't yet reopened as a commercial or private marina. Most marinas in the Bay are full. If that marina were open and operating, we don't know the economic gain for local marine businesses but we do know that 427 boats x average \$8,600/yr = \$3.672 Million/year in economic activity for the boats that could now be in those slips. When will they re-open? Will those slips ever again be available to the boating public of California?

Policy and Environmental Issue: The lack of slips here in Redwood City is also directly impacting the Redwood City residents who liveaboard their boats as well as many other boaters who live on land here and wish to keep their boats at a safe marina with a vibrant community here in Redwood City. The Affordable Housing Element of the Redwood City General Plan is impacted by removing the affordable housing at Pete's Harbor Marina. All boaters of Redwood City and the marina owners are facing a series of barriers to opening more slips to the people of Redwood City.

We request that the Planning Commission convene a public meeting specifically to address the needs of recreational boaters in Redwood City and ways of assuring Redwood City is acting on policies, already in place, to meet the needs of recreational boating, including liveaboard boats, here in Redwood City.

We are informed that the same developer proposing this plan at Pete's Harbor, at the One Marina site, has had difficulties in obtaining all the required State and Federal governmental approvals to progress on rebuilding and re-opening a marina at the site of the former Peninsula Marina. No matter the reason or business decision not to re-build and open the marina at One Marina, the 427 slip marina is not producing marina/boating related economic activity during the long, multi-year, construction process of the One Marina Project. A similar closure of the slips at Pete's Harbor is not in the best economic interests of Redwood City, San Mateo County, and the state of California. A full discussion of the related issue of crisis for Redwood City liveaboard boaters is attached as Appendix B to this letter.

We request that a condition of any development at the Pete's Harbor marina site be that the developer is required to keep open and maintain the marina for boater user during any development and construction project.

Operating the marina for boater use can help assure that the marina will not experience an unintended shut-down beyond the control of the landowner or developer, for reasons of insurance, or by regulatory bodies. This issue is not a matter of whether the marina ultimately remains commercial (for the boating public) or go private, it is a simple logical move to assure the marina resource remains in Redwood City; it makes sense for the local economy and the boating public. In notes to the General Plan (2010) Redwood City accounted for the city asset of a total of 280 slips at Pete's Harbor Marina. If at least 140 of those slips remain in use during the development of this property, that represents \$1.2M/year of economic activity, some portion of which will remain here locally in Redwood City.

Personal Goal: Provide Input to the Planning Commission Regarding the EIR of the Proposed Project for Development of 1 Uccelli Blvd Pete's Harbor

In addition to voicing our concerns for the general boating public and the impact of losing Pete's Harbor for the larger boating community, our strongest goal of writing to the Planning Commission is in providing information to help the Planning Commission, as its members evaluate the proposed development at 1 Uccelli Blvd, meet the objectives of the Redwood City General Plan and fully explore the CEQA requirements.

The EIR for the Proposed Development Is Not Current

The proposed development EIR stands on the 2003 Marina Shores EIR (provided for overall development of this as well as other nearby properties) as well as the 2003 Marina EIR addendum and the latest addendum filed this month and shared with the public on October 11, 2012.

Process Issue: As a practical matter, the public should have 30 or more days to review the EIR addendum in the context of the plans filed and the 2003 EIR documents. Even if there were no change in the greater Redwood City, Bay area, or national economy, it would not be responsible public administration on the part of Redwood City to approve the project without further public discourse, an opportunity for the developer to propose modifications, and Redwood City to take appropriate actions to address the issues raised during this public hearing and to fill the holes in the more than 1199 pages of combined EIR documents spanning 9 years—the last 150 pages of which were only released to the public on October 11, 2012—a mere three business days ago.

Process and Project Issue: Nine years have passed since the EIR included a statement about the environment of the project and the general public had the opportunity to comment on the original and first addendum to the EIR. For Redwood City boaters and liveaboards, quite a few things have changed in that time frame. The demographics of boaters and others in Redwood City have changed; the focus of the people of California has shifted in this past decade. With the great recession of the last 4 years in place and skyrocketing fuel prices as well as the new national focus on reducing our carbon footprint, using public transportation, walking, riding bikes, and using electric vehicles as well as using roof-top solar collectors, solar hot water systems, and other passive energy generation, large developments are now considering these and other important issues in their design and EIR.

General Issues of the Proposed Development Project

We have not exhaustively explored all the issues—there are many—in the 3 business days since the EIR addendum was filed. However, we are raising the broader topics which have not been addressed by the project EIR and giving a few specific examples for the use of the Planning Commission. For example:

Example1: Oceans and Coastal Resources Adaptation Strategies

Although the New General Plan would allow for some new development in areas subject to sea level rise, these areas are already nearly fully developed. The New General Plan incorporates policies and programs to address sea level rise and development of coastal structures.

Policy BE 10.3: Ensure that development in Waterfront Neighborhoods considers and plans for potential impacts associated with climate change and sea level rise.

Policy BE-22.2 Limit new development within the flood plain or ensure new development incorporates extra precautions into the site and building design to account for flood plain location.

Policy BE 24.2: Focus infill growth in the City's Centers and along the Corridors with the twin objectives of addressing global warming issues and maximizing use of limited resources.

Policy BE 24.11: Consider the impacts of global warming, such as rising sea levels and floodplain areas, when reviewing plans for new development.

We request that the Planning Commission consider the above policies and communicate with the public regarding following these policies in the evaluation of the proposed project.

Example 2: Site Characterization for Construction

There are environmental issues about the site characterization that should be addressed before a large development project is undertaken at this site. Pete Uccelli is known to have advertised for fill materials in the 1950's to bring the swamp land up to a usable elevation. Fill materials observed at edges of the site today include appliance parts, tires, automotive components. This is consistent with oral histories describing the development of the land at this site. It is not known what exactly was used for landfill nor is it known whether the landfill contains hazardous waste. The EIR and associated addendum do not contain sufficient information regarding the composition or source of fill nor a comprehensive site characterization.

Residents of the adjacent property of The Villas on Blair Island Road, have stated that the apartment complex is experiencing structural damage due to settling of the foundation and work is underway to correct these things. A search of the Redwood City online permit system shows that the adjacent property of The Villas on Blair Island Road, in June of 2012, has applied for and been granted at least 11 city permits that corroborate this information.

Project Issue: The incomplete site characterization and unknown condition of the fill introduces substantial financial risk to the developer and site owner if significant remediation should be required. This unknown introduces the risk of the site sitting vacant without progress for a lengthy period as well.

The general public is concerned about this project but on an individual basis do not have the expertise to speak with authority regarding many issues. However, among the concerned public, there are people with appropriate levels of professional knowledge of many of the elements to be considered per CEQA guidance and we are hopeful that they provide comment to the Planning Commission and that the Commission will take advantage of the contributions from all those individuals who take the time to review and comment on this process and development project.

We request that the Planning Commission evaluate this information and require that an appropriate level of comprehensive site assessment be completed before construction activities at the site.

Example 3: Displacement of a substantial numbers of people

Appendix G checklist item asks questions salient to this development project:

IX. LAND USE AND PLANNING Would the project:

a) Physically divide an established community?

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance)

adopted for the purpose of avoiding or mitigating an environmental effect

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

This CEQA item speaks to the core issue of liveaboard boaters and those in RV homes at Pete's Harbor Marina. Things have changes since the 2003 EIR dismissed related discussion as not significant. This project does conflict with the General Plan, potentially the new Inner Harbor Precise Plan, the spirit of the zoning ordinance and land use designations; it displaces a substantial number of Redwood City citizens who live aboard their privately owned boats and because of the lack of slips in Redwood Harbor to accommodate this liveaboard population, this necessitates the construction of replacement housing (e.g. live-aboard slips) elsewhere in the Redwood City Harbor. Additional supporting discussion in Appendix B of this letter. One can also make the argument that the development project physically divides an established community in Redwood City.

We request that the Planning Commission open a discourse with the public on this important and significant impact on local liveaboard boaters.

Example 4: CEQA Aesthetics Impact

Another example: according to the Redwood City General Plan EIR (4.9.3) Redwood City has not established local CEQA significance thresholds but instead significance determinations are from Appendix G of the CEQA guidelines.

Process Issue: Any project reliant upon an EIR conducted prior to Redwood City's 2010 General Plan would be needed to perform a new EIR or addendum using the guidelines provided by the CEQA Appendix G.

Appendix G provides a sample checklist for the EIR process. For example, one question in the checklist speaks to the matter of aesthetics. The question is:

Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Project Issue: The proposed project would do so . Yes. The EIR for the proposed plan has not considered the context of this lands-end site and how the proposed project would degrade the visual character and quality of the site as it relates to neighboring properties and activities along Redwood Creek, Smith Slough, and the national wildlife refuge at Bair Island.

Project Issue: The full guidelines of CEQA Appendix G have not been considered in the most recent project EIR including addendum. For this reason and others, the project EIR is not complete. The current, 2010 General Plan has numerous areas of guidance regarding development projects that are not yet addressed in the proposed project EIR and its follow on addendum.

Example 5: Greenhouse Gas Emissions

Project Issue: As of 2010, CEQA requires evaluation to determine if the project will result in significant (cumulative) impact on global climate change (Greenhouse Gas Emissions). This evaluation and determination hasn't been done in the EIR.

Example 6: General Land Use and the Redwood City General Plan

The Redwood City General Plan includes numerous stated objectives and actual policies that exist as tools to be used by the Planning Commission to facilitate quality, resource-efficient patterns of land use. Some specific areas are worthy of careful review against the Redwood City General Plan by the Planning Commission:

High Density Residential Housing

We rely in a large part, on a review of the General Plan and the supporting documents to better understand what Redwood City has in mind for meeting the needs of the city.

Appendix A of the General Plan addresses guidance on High Density Residential Housing (page 6-5). The proposed development does not seek to meet the Redwood City General Plan as the high density residential units are not located adjacent to employment centers; approval of this plan does not meet the spirit of the Redwood City Land Use Objective of “Encourage development and growth downtown as one of the city's major commercial areas” nor does it follow the requirements of General Plan Land Use Policies:

L-1. Residential development should be located only where services and facilities can be provided.

L-2. Residential neighborhoods should be protected from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.

L-3. High residential densities should be promoted at locations near or within commercial and financial centers, employment centers, and transportation terminals.

Regarding L-1. There remains an not-sufficiently mitigated impact of how the local fire and emergency services will be provided to the development with a single road in and tight roadway throughout.

Regarding L-3. This site is at a lands-end surrounded by water, a delicate wetland conservation area, and other residences. The site, per the General Plan, should not be promoted by Redwood City, for high density residential development.

We request that the Planning Commission evaluate the present proposal for development of Pete's Harbor site by shoehorning so many residential units onto the difficult site ; we request that the Commission pay special attention to the present 2010 Redwood City General Plan Land Use Policies, including those stated above.

Example 7: “Building Community” Element of General Plan

Redwood City, addressing this changing landscape including the national “Healthy Community” movement of the mid-2000's, placed the Building Community element (3.0 BC) into the 2010 General Plan. There are two other high density residential developments in the immediate vicinity “neighborhood” of the proposed project site. Those developments were approved and were built or at least started construction before the 2010 General Plan and do not contribute to the Building Community element of the plan.

Project Issue: The proposed development, at present, also does not make significant contribution to a healthy community, but it has not yet been approved and, as such, the developer has to the opportunity to address this deficit. This site, with development, could be used to further enhance the Redwood City

BC element. Even as it exists, Pete's Harbor site contributes to the Redwood City General Plan's objectives of building community. In particular, Pete's Harbor provides an accessible restaurant and open space for the general public to enjoy and the people of Redwood City are engaged in outdoor activities and interaction with the local boaters here. Artists groups visit the harbor for field trips, as do other special interest local groups. The liveboard community interacts, on the water, with the rowing teams, kayak and canoe paddlers as well as the general public which walks to docks and enjoys the marina atmosphere.

We request that the Planning Commission undertake a discourse with the developer about, among other things, meeting the requirements of the Building Communities BC element of the General Plan. The structure of and limits to the public recreational space afforded by the proposed plan is not sufficient to meet this element.

The proposed project poses impacts to the boaters, RV and mobile home owners, businesses, and liveboards who were tenants at Pete's Harbor marina as of September 20th, 2012.

Example 8: Unmitigated Significant Impact of Parking and Related Consequences

An initial review of the remaining Significant Unmitigated Parking shortage for the proposed residences at 1 Uccelli Blvd immediately raises the question: Is the reason that the existing commercial use of restaurant and commercial marina have been removed from the site simply an issue of parking?

This is a difficult and small site to place a significant number of residential housing on while still meeting the intent of mixed use commercial CG-R zoning, land use policies of the General Plan, as well as not having unintended impact per CEQA .

Example 9: Is Pete's Harbor An Important Local Historic Resource?

The Redwood City General Plan Section 1.5 discusses the Historic Preservation Ordinance and Historic Resource Advisory Committee. The ordinance is intended to safeguard the city's heritage by providing for the protection of historic landmarks, encouraging public knowledge of the city's history, and fostering a sense of identity in the community. The guidance on designation of historic landmarks, sites, or districts point towards Pete's Harbor having improvements that are individually eligible for landmark designation and the entire Harbor may be designated a historic site or district.

The EIR and amendment filed and released to the public on October 11, 2012 for the proposed development at the site of Pete's Harbor does not address the significant impact of the closing of the historic resource of the Pete's Harbor community as well as removing related potentially important historic landmarks at the site. This impact must be considered under Title 14; Chapter 3; Article 5; Section 15064.5. The liveboard marina community has been present aboard boats berthed on the California state land now leased by Pete's Harbor, adjacent the Uccelli land, here since 1958. A small hamburger stand has been part of the community of Pete's Harbor since shortly after the marina opened; the larger restaurant was opened in March 1973 and the existing structure retains the waterfront style and aesthetic since that opening.

Pete's Harbor is a social and cultural institution here in Redwood City. Countless residents, boaters, and businesses refer to Pete's Harbor in terms of "historic," and "landmark" and many Redwood City

residents simply assume it will be protected as a historic resource for future generations. While it is possible for an individual to change the story of a place, once it is a landmark, it is difficult to erase the story for the public's collective memory of what was once here. Not many people post their memories of Pete's online but if we simply go online and do a search for Pete's Harbor, we immediately found a heartwarming story of the history of Pete's Harbor here

<http://www.unitedamericanbank.com/pdfs/september2012.pdf> as well as other places. We just had a cruiser who was a resident of Pete's Harbor during the 1980's and who presently is cruising in Southeast Asia provide a scrapbook to us of Pete's Harbor-related memorabilia to be used to show the history of this landmark during the time they were here.

We believe that it is appropriate for the Planning Commission to undertake the appropriate protective actions to ensure that the historic resources at Pete's Harbor are not significantly impacted by proposed development.

We also request that the Planning Commission seek the advice and input of known preservation authorities familiar with the preservation of iconic communities and landmarks of the second half of the 20th century, which employ a vernacular architecture and use, like Pete's Harbor in all matters determining and evaluating the significance of the Pete's Harbor community. Such authorities are suggested to include, but not be limited to, the National Trust for Historic Preservation and the California State Parks Office of Historic Preservation.

We further request that the planning commission seek the advice of the HRAC regarding the not-yet-evaluated impact of the current development plan for this unique historic marina.

Pete Uccelli's larger-than-life personality, his contributions to the local community, and his establishment of Pete's Harbor rendered him a significant figure in Redwood City for more than 50 years. With the present development proposal, Pete Uccelli's legacy, and the character of Pete's Harbor will not be retained by the developers—the little Italian references, the look and feel of the place are not reflected in the plan. It seems this proposal unnecessarily strips away the history and vernacular architecture—during the architectural review meeting on September 19th, the developer's architects referenced the “Cape Cod influences” and the East Coast waterfront feel of the proposed plan—and created a vanilla bland residential development.

We request that the Planning Commission consider the Redwood City General Plan and use the Planning Commission's discretion to assure that development at the Pete's Harbor site addresses matters pertaining to historic, vernacular architecture, aesthetic, and cultural use of the marina site.

Appendix B: Slip Shortage Mitigation in the Marina Shores EIR with PenPark and Pete's Harbor Addendums.

Presented to the Redwood City Planning Commission Meeting on 16 October 2012.

Many residents of Pete's Harbor are beseeching the City Council and the RWC Planning Commission to delay the project because they have no place to go. The current owners' lawyer claimed on the public record at the city council meeting that 20 percent of the live-aboard boats at Pete's Harbor have already found a new marina so there is no problem and the project must be approved. Redwood City has an excellent system for identifying and mitigating problems associated with development, so why is this conflict a surprise? Given that the City has only allowed their citizens 3 business days to review the 1199 page EIR package that should be the source of both answers and solutions, this presentation is based on just a cursory review of the massive EIR and is limited to just the single aspect of slips. A more detailed review of the EIR is absolutely necessary.

The slip availability problem has roots in five major types of deficiency in the EIR:

1. Failure of external mitigating resources to materialize as expected;
2. Erroneous and inaccurate assumptions in the EIR;
3. Failure of the developer to achieve internal mitigating goals;
4. Changes over nearly 10 years that have negated some mitigating resources;
5. Failure of the developer to readdress any of the above issues in the 2012 EIR addendum.

The baseline loss of slips in the 2003 EIR includes 427 public slips at the former Peninsula Marina and the proposed loss of 263 public slips at Pete's Harbor for a total loss of 690 public slips. The EIR mitigates those losses by a combination of factors including the proposed construction of 50-60 private slips at the site of the former Peninsula Marina—unfortunately, there is every indication that those slips will not be built in the foreseeable future—this failure is not addressed in the new addendum. The 2003 EIR also includes mitigation from 408 public slips at Westpoint Harbor—In the nearly 10 years since, Westpoint Harbor has only been able to offer 270 slips to Redwood City boaters—the shortage of 138 expected slips is not addressed in the new addendum. Finally, all of the slips at Pete's Harbor are, themselves, included as mitigating despite the fact that they will convert from commercial to private.

The EIR completely neglects to account for the impact of converting slips from commercial to private. From the boating public's perspective, 690 slips lost and 270 slips gained is a net reduction of 420 commercial slips available to the public. Boats belonging to the public have to go somewhere, they can not magically disappear for some years until someone gets around to building more commercial slips in Redwood City. This is a big and significant impact that is not properly addressed in the original EIR which is still in use, with addendum, for this project. The 263 slips that will eventually be available as private slips when the development at Pete's Harbor is done will not mitigate the impact of a net loss of 420 public slips. Further, the majority of the 270 slips at Westpoint Harbor have filled up in the 10 years since the EIR proposed that displaced boaters could count on those slips. When the boaters at Pete's Harbor were informed of the imminent loss of their berthing, only a small handful were able to find slips at Westpoint Harbor. Thus, the degree to which Westpoint Harbor slips will mitigate the development project's impact has been completely changed by events of this decade and the entire slip mitigation plan in the EIR must be readdressed.

The EIR documents the loss of 205 live-aboard slips at the closed Peninsula Marina. It also includes the loss of 90 live-aboard slips at Pete's Harbor as well as approximately 1 dozen occupied RV at Pete's Harbor. The EIR states that there will be 60 live-aboard slips created at Westpoint Harbor and thus only 50 live-aboard slips/RV's will be displaced from Pete's Harbor without an option to relocate nearby—and thus, the EIR concludes that the impact is not significant. This information is wrong. At full capacity, Westpoint Harbor will only be able to take 40 live-aboards. But we already know that Westpoint Harbor has not developed as expected and in its current state can only accept 27. But there is more, most of those 27 slips have already been occupied in the 10 years that have passed from the original EIR to the sudden notice given to live-aboards currently at Pete's Harbor. The net result of all of this is devastating to the occupants of the nearly 110 residences acknowledged by the EIR at Pete's Harbor—Only a handful of live-aboard slips are available in the entire region, the few in Redwood City were snapped up on the day the owner announced their intent to close the Marina. There is no place for most of the live-aboards to go. Many will be forced to move to other cities and other counties, some will be forced to abandon their dreams of sailing and simple living and will sell their homes.

So what we are seeing today is the beginning of a train wreck that is almost past the point of no return. If the RWC Planning Commission votes to approve the proposal, this chaos of unmitigated harm will continue and worsen. In 2003, BCDC wrote a letter commenting on the impact of displaced boaters that may become vagabonds on the San Francisco Bay without a home due to a lack of slips—due to failures in the EIR, the problem is far worse than envisioned in 2003. On the other hand, given this communication of fact on the significant unmitigated impacts of this project that the EIR has not addressed, the RWC Planning Commission can decide to postpone the project until these very important impacts have been properly addressed. We believe that a study session with public input could serve as a venue for a public-private initiative that could help to resolve the many issues for all stakeholders.

Appendix C: Bios of the Authors

The Planning Commission is often beset with comments from the general public without information about the relevant experiences of the commenter.

Brenda K Hattery, BSME, MBA received her BS in Mechanical Engineering from Texas A&M and her MBA from the Wharton School of the University of Pennsylvania where she was a Gruss Public Policy and Management Fellow. Ms. Hattery was a leadership fellow of the Council for Excellence in Government while working for the US DOT and remains a Senior Fellow of the Partnership for Public Service. Ms. Hattery has a strong commitment to activities encouraging positive public and government partnerships as well as good public administration and public policy by all levels of government and private industry. Ms. Hattery's relevant background and experiences to comment on this development project stems from her involvement in local zoning and land use matters of the District of Columbia, volunteer construction project reviews for the LeDroit Park Historical Society of Washington, DC, as well as her role as a construction program manager for the US Army Corp of Engineers with fiscal oversight of more than \$200M/year in overseas military and host nation construction placement. Her work there included a broad range of complicated and large scale infrastructure and building projects and she had to deal with construction cost and schedule delays associated with complications of the remediation of hazardous wastes stemming from differing site conditions due the lack of comprehensive site characterization pre-construction. Ms. Hattery presently lives aboard a sailboat and cruises the West Coast of North America with her husband. She has experienced, firsthand, the recreational boating waterfronts of both the East and West Coasts of the United States and is an advocate for strong communities, historic preservation, public use of the waterways, and the stewardship of America's waterfronts.

David W. Hattery, DSc received his Doctoral degree in Electrical Engineering from George Washington University where he was a Dean's Fellow and an Achievement Rewards for College Students Fellow, as well as a National Institutes of Health Pre-doctoral Intramural Research Training Award recipient. Dr. Hattery's primary research focus was in the area of biomedical optics and included a focus on systems engineering and artificial intelligence. Dr. Hattery also has a MS degree in Electrical Engineering from Texas A&M and an AB in Physics from Indiana University. Dr. Hattery is a retired US Navy Officer and has combat time as a fighter pilot in the F-14 Tomcat. While on active duty, he managed complex projects relating to predicting, assessing, and mitigating future combat risks to pilots and aircraft being developed by DOD. His risk management sought to identify significant potential weaknesses of proposed and in-work military aircraft as early in the development process as possible so that the corrective mitigating actions could be performed more easily and with less overall costs to the contractor and the DOD, as well as save lives of the future service members that would become dependent on the combat performance of the aircraft. Dr. Hattery has also co-founded a company which developed diagnostic equipment for the early, non-invasive diagnosis of disease and he has worked as an adjunct scientist at the National Institutes of Health, National Institute for Child Health and Human Development. Dr. Hattery is a life-long boater and is an advocate for preservation of open space, smart development, and for Americans to perform their civic duties. He currently is living aboard a sailboat with his wife and sailing to destinations along the west coast of the United States.