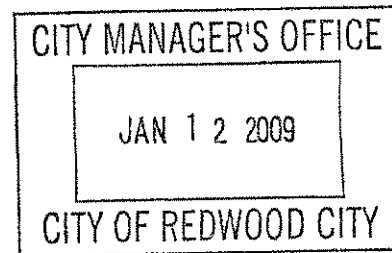




1700 Seaport Blvd., Suite 200 | Redwood City, CA 94063
 T. 650.366.0500 | F. 650.366.3790 | info@RCSaltworks.com
 www.RCSaltworks.com

January 12, 2009

Honorable Mayor Roseanne Foust and
 members of the City Council
 City of Redwood City
 1017 Middlefield Road
 Redwood City, CA 94603



Re: General Plan Phasing Proposal

Dear Mayor Foust and members of the City Council:

On behalf of DMB Redwood City Saltworks, I recently requested City Manager Peter Ingram to consider phasing the City's general plan update. In particular, I have suggested that the City's general plan process leave unchanged the existing open space and urban reserve designations of the 1400-acre Saltworks Property located north of Highway 101. Instead, the City's evaluation of the appropriate general plan designation for the Saltworks Property would commence upon our submission of applications for legislative entitlements.

The purpose of this phasing proposal is twofold: (1) to permit the City to complete its update in an expedited manner with respect to the other Focus Areas under consideration, as well as the housing element; and (2) to allow for the establishment of a more comprehensive process to evaluate alternatives for the future of the Saltworks Property. A copy of my letter to Mr. Ingram, dated January 5, is attached. This letter is intended to reiterate our request directly to the City Council, and to offer some more specific thoughts about the phasing proposal.

As became evident last year during the Measure W campaign and the City Council's deliberations about that measure, the future of the Saltworks Property will not quickly be resolved without intensive study and broad public involvement. By separating the Saltworks Property from the current general plan effort, the City can avoid the certain and significant delays associated with such a resolution, allowing the update to be completed this fall as currently planned. This proposed process carries with it a number of additional benefits, as follows:

- The general plan update process does not provide a convenient vehicle to consider an adequate range of alternatives for the Saltworks Property specifically, as that alternatives analysis necessarily will focus on broader, city-wide issues. When it initiates a general



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plan study for the Saltworks Property, the City can study a broader range of alternatives that is both more detailed and specifically targeted to the Saltworks Property.

- A separate general plan process for the Saltworks Property will provide more opportunities for the public involvement that will be critical to the planning of this area. Moreover, that public involvement can focus specifically on the Saltworks Property without having to disrupt the balance of the general plan effort.
- In our January 5 letter we stated our intent to submit, in the next few months, applications for a specific plan and other legislative entitlements for the 50/50 Balanced Plan. If the City were to continue to include the Saltworks Property in its current general plan process, the result would be two, successive planning processes for the Saltworks Property and two, successive votes on the future of that property. By initiating a general plan process specifically for the Saltworks Property following the time of our applications, the City can establish a single, combined environmental review that will benefit from the more detailed studies required for our applications. It will also ensure the independence of the City's review while providing a vehicle for the City to secure outside funding (i.e., from the applicant) for staff time and consultant costs.
- This phasing proposal should reduce the risk of the general plan update being drawn into potentially expensive and protracted judicial or other proceedings that may be triggered by legislative decisions about the Saltworks Property. By separating out the Saltworks Property, the focus of any such proceedings would be on the Saltworks Property alone, if and when some proposal is approved by the City Council.

There is ample precedent for the City to proceed in the manner we are suggesting. In fact, the Government Code provides for it expressly. (*See* Gov't Code § 65358 [General plan amendments may cover "all or a portion" of a jurisdiction's territory].) Moreover, the California courts have specifically approved of the use by municipalities of phased review efforts for large-scale planning efforts. (*See, e.g., Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1357 ("BKJOB"), *Del Mar Terrace Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal.App.4th 712 ("Del Mar")).


We are not proposing that the City put on blinders during the completion of its broader general plan update. To the contrary, in light of the potential for our applications to be submitted in the next few months, we would suggest that the City's cumulative impacts analysis consider the potential for development of the Saltworks Property. This would not require the City to make any commitment whatsoever about the future of the Saltworks Property, whether that future is urban development, continued industrial use or some other use. It would merely ensure that the City Council and public are informed, at the time the general plan update is approved, of the cumulative impacts of all land use proposals within and surrounding the City's jurisdiction. This approach was endorsed in the cases cited above and by other California courts. *See Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31.

The course of action we have suggested will ensure that the City's general plan update (including its housing element update) can be completed by November of 2009, rather than being delayed or entangled in discussions and disputes surrounding the future of the

Saltworks Property. It will also allow the City to conduct detailed and comprehensive planning efforts for our property, while obtaining applicant financing for we expect will be a lengthy and costly process. California law provides for this strategy, and its is one that makes good planning sense for the citizens of Redwood City.

Thank you very much for your serious consideration of this request. I am readily available to discuss this in greater detail with you and your city planning staff.

Very Truly Yours,



John Paul Bruno
Vice President and General Manager
DMB Redwood City Saltworks

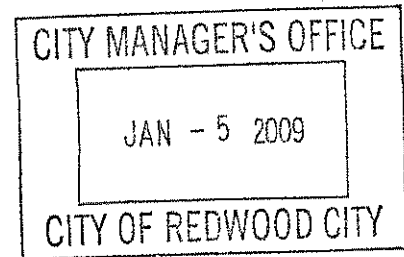
Cc: Redwood City Council
Mr. Peter Ingram, City Manager



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January 5, 2009

Mr. Peter Ingram
City Manager
City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063



Re: Pre-Application Notice

Dear Mr. Ingram:

For nearly three years, representatives of DMB Saltworks have been meeting with community members to solicit their views on the future of the approximately 1400-acre property owned by Cargill and located east of Highway 101 (the "Saltworks property"). These meetings have been extremely productive, providing the basis for DMB Saltworks to prepare an innovative planning concept for the Saltworks Property. This planning concept is the result of what we have heard from this extensive outreach process with the Redwood City community. This plan is based upon the fundamental idea that 50 percent of the site would be preserved for the creation of new habitat and open space and 50 percent would be developed as a pedestrian-friendly mixed-use community, providing a number of needed public facilities and other benefits to the people of Redwood City, including improved access to San Francisco Bay.

This new community – because of its location and DMB's commitment to creating alternative transportation modes – will incorporate the principals of smart growth, sustainability and transit oriented development. It will become a significant economic engine for the creation of new jobs and revenue that will enhance the city's tax base.

We are now preparing more detailed studies and drawings of land plans to implement the "50/50 Balanced Plan" concept, and expect to submit to you in Spring 2009 applications for the basic legislative entitlements needed to reflect this vision. These will include, among others, a general plan amendment, rezoning, specific plan and development agreement. We understand that this will be a complex and multi-year planning process involving much public input and the preparation of many detailed studies, including the environmental impact report required under the California Environmental Quality Act. We also understand that, although we will be submitting to you our preferred land plan, the City should and will, as a part of this process, evaluate and consider a variety of alternative uses for the Saltworks Property. DMB Saltworks is fully prepared to support this process in whatever way it can, including through the execution of a reimbursement agreement to cover the City's staff and consultant costs.



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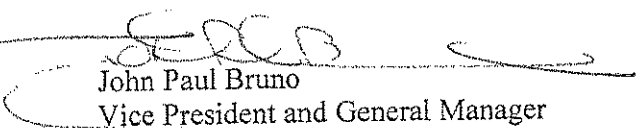
Mr. Peter Ingram
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As you know, the Redwood City planning staff is in the middle of an effort to update the City's general plan. As a part of this effort, staff has conducted several public workshops to solicit feedback on potential alternatives for the Saltworks property, one of which would be selected for inclusion in the general plan and evaluated in the associated environmental impact report. Given that the City will embark on a comprehensive planning effort for the Saltworks property in response to our applications, we would respectfully request that the City's general plan effort leave the Saltworks property's existing urban reserve and open space designations in place until this more comprehensive review can be completed. This would allow an expedited conclusion to the City's broader general plan effort, while giving the City the time it needs to complete the many detailed studies that will be required to address, and evaluate alternative land uses for, the Saltworks property in a well-considered manner. In order to facilitate this request, we are prepared to present to your staff the general outlines of our pending land use proposal as well as other pertinent information. This should be of use in the preparation of the general plan EIR, particularly with respect to the cumulative impacts analysis required under the California Environmental Quality Act.

With the recent advent of AB 32 and SB 375, the growing focus on climate change impacts (and the consequent need to reduce vehicle miles traveled through an improved jobs-housing balance), and the scale and location of the Saltworks property, our planning proposal will present a set of issues and opportunities that are significantly different from those presented by the other areas included in the City's new general plan. We believe the public will benefit greatly through the establishment of a comprehensive process to study these issues and opportunities in greater detail.

Please do not hesitate to contact me with any questions. We greatly look forward to working with you and your staff.

Sincerely,



John Paul Bruno
Vice President and General Manager
DMB Redwood City Saltworks

Cc: Mr. Stan Yamamoto, Esq.
City Attorney