

VOLUME III OF III
FINAL ENVIRONMENTAL IMPACT REPORT

***BIG WAVE WELLNESS CENTER AND
OFFICE PARK PROJECT***

Lead Agency:
County of San Mateo
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063

**BIG WAVE WELLNESS CENTER
AND OFFICE PARK
FINAL ENVIRONMENTAL IMPACT REPORT**

Lead Agency:

San Mateo County
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063
Contact: Camille Leung, Planner
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October 2010



COASTSIDE FIRE PROTECTION DISTRICT

1191 MAIN ST. HALF MOON BAY, CA 94019

TEL (650) 726-5213

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December 22, 2009

To: Lisa Grote
 455 County Government Center
 2nd Floor, Mail Drop PLN122
 Redwood City, Ca 94063

From: Battalion Chief Clayton Jolley - Fire Marshal

Subject: Response & Comments –

Big Wave Project PLN 2005-00481 & PLN2005-00482.

Due to the scope of the development, the Coastside Fire Protection District will utilize a third-party plans examiner to assist with the building, sprinkler and site plan review process for this development, additional fees charged by this consultant will be the responsibility of the developer. We have completed our initial broad review of the planning documents for your development project in Princeton-by-the-Sea and have the following comments.

191-1

- 1.) The fire district as of January 2008 has adopted the 2007 California Fire Code with local amendments, pertinent language pertaining to supplemental water supplies is shown below.

508.2 Type of Water Supply. *Water supplies may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. The Chief may use any of the individual provisions of Appendix B or any other recognized method for the determination of required fire flow for the specific site.*

508.2.2.2 Storage of Suburban and Rural Water Supplies. *In calculating the water supply available to meet the minimum fire flow required in Section 508.1, swimming pools, ponds and underground cisterns which would require a fire department drafting operation shall not be considered as a primary water source.*

191-2

In order to determine the amount of water needed to provide fire protection to the development the following items shall be submitted: **Site Plan** - Show building location (vicinity map) and legal address. (minimum size 18" x 24"), **Floor Plan** - Show overall floor plan of the buildings, side yards, parking areas, etc., **Occupancy Use** - Indicate occupancy group & division (B,E etc.) and the proposed use of all areas(i.e., retail sales, woodshop, office, etc.), **Type of Construction** - Indicate type of construction of all buildings (i.e., wood frame, concrete tilt-up, masonry, etc.).

2.) **Fire Hydrants:** An approved fire hydrant (Clow 960) must be located a maximum of 500 feet apart and no further than 250 feet measured by way of drivable access from the proposed project. Each hydrant shall be identified by a Blue reflective dot placed on the roadway just off-center of the centerline toward the hydrant. Hydrants must be protected from vehicular impact by curbing or Bollards. The hydrant must have a minimum flow of 1,500 gallons per minute at 20 pounds per square inch residual pressure for a minimum of 2 hours, this is a minimum commercial fire flow, please submit information requested in item #1 for actual flow required which may be substantially larger. Please submit a site plan showing all fire suppression underground piping to the Coastside Fire Protection District through the San Mateo County Planning and Building Department for review and approval.

191-3

3.) **Fire Access Roads:** Fire suppression operations involve heavy pieces of apparatus that must set-up and operate close to the building. California Fire Code and fire district ordinances require construction that allows fire apparatus to be placed directly outside the building. Additionally, it is the developer/owner's responsibility to assure well-marked fire lanes are provided around the entire outside perimeter of the building. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed such protection shall be installed and made serviceable prior to combustibles being brought on the project site and during the time of construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire apparatus access roads and state the prohibition of their obstruction. Fire lanes shall be in accordance with Coastside Fire District specification and the California Fire Code.

191-4

4.) **Emergency Building Access:** The proposed project will require the installation of "Knox Boxes" (Emergency Key Boxes) which are required when immediate access is necessary for life saving or fire-fighting purposes. The Chief will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox"; key operated emergency entry device. Applicant shall contact the Fire Prevention Bureau for specifications and approvals prior to installation.

191-5

5.) **Address Numbers:** Building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON SITE).

Building address numbers shall be either internally or externally illuminated and contrasting with the background so as to be seen from the street or road fronting the building.

Building address number heights shall be sized in accordance with the table noted below. The number stroke shall be 1-inch or larger.

191-6

<u>Distance from Road</u>	<u>Address No. Size</u>
0-50 feet	6-inch
50-100 feet	8-inch
100-150 feet	10-inch
150 + feet	12-inch

If required by the Fire Marshal a monument sign displaying the location of all buildings in the complex must be installed in a prominent location at the entrance to the complex.

191-6

- 6.) **Roof Covering:** The roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher.

191-7

- 7.) **Exiting Plan:** Provide an exiting plan with appropriate code compliant exits and hardware to accommodate the calculated live loads of the building. Exiting plan must meet Chapter 10 (Means of Egress) requirements of the 2007 California Building Code and the 2007 California Fire Code. **Detailing** - Show all proposed walls, **Doors** - Show all door locations, fire-rating (if applicable), direction of swing, self closing mechanisms, width, etc.

191-8

- 8.) **Exit Door Hardware** – Show detail of exit door hardware, exit door(s) shall be operable from the inside without the use of a key, special knowledge or effort. Exception: Main exit door may be equipped with a keyed-locking device if there is a readily visible sign on or adjacent to the door stating " THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS". The sign shall be in letters not less than 1 inch tall with a ¼" stroke.

191-9

- 9.) **Automatic Fire Sprinkler System:** The proposed project must be equipped with an approved NFPA 13 commercial fire sprinkler system throughout. You **will not** be issued a building permit until fire sprinkler plans are received, reviewed and approved by the fire district. **Please be advised that the sprinkler system design shall be based on an Ordinary-Group 2 hazard classification as per NFPA 13 and may be altered to a higher classification if warranted by plan review and building occupancy.**

191-10

- 10.) **Lighting Layout** - Provide lighting layout. Show full dimensions of light fixtures and relationship to adjacent sprinkler heads.

191-11

- 11.) **Fire Alarm System:** This project is required to have installed an approved NFPA 72 Fire Alarm System throughout. The system is to monitor any flow through the required automatic fire sprinkler system, any fire sprinkler valve tamper, all heat and smoke detectors, and all required manual pull station devices. The system will also include an exterior bell and interior horn/strobes, which are required to be wired to the alarm system and the flow switch for the fire sprinkler system. This alarm system shall be monitored by a UL listed Central station.

191-12

- 12.) **Occupancy Load** - Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for classroom, assembly or similar purpose, shall have the capacity of the room posted in a conspicuous place.

191-13

13.) **Fire Extinguishers** - There must be a fire extinguisher for each 3,000 square feet, travel distance not to exceed 75' per Title 19 CCR as a minimum. Additional or closer extinguishers may be required based on use and occupancy.

Commercial Cooking Areas: Provide one Type "K" 40BC rated fire extinguisher for cooking area, installed within 30' of cooking equipment. Extinguisher to be tagged with the seal of the State Fire Marshal. An UL 300 compliant automatic fire suppression system shall be installed in the hood and duct system in all commercial kitchens.

191-14

14.) **Community Facilities District** - Any commercial project over 4,000 square feet in size will be required to form a Communities Facilities District. **Please be aware that it takes a minimum of 3 months to go through the CFD process.** An occupancy permit will not be issued until all project conditions of the district are completed. Please contact the fire district administration office with questions or to receive detailed information.

191-15

Our review is not construed as encompassing the structural integrity of the facility nor abrogating more restrictive requirements by other agencies having responsibility. This review is limited to documents submitted during planning review and may be altered or made more restrictive by subsequent review of submitted materials. Final acceptance is subject to field inspection, submission of required documents and necessary tests.

191-16

Sincerely,



Clayton Jolley – Battalion Chief

CAL FIRE

Coastside Fire Protection District

Cc: File

Response to Comment Letter 191 ***Coastside Fire Protection District***

Response to Comment 191-1

The commenter asserts that his department has finished its review of the planning documents and has a list of comments regarding the project development. The commenter states that a third party plans examiner will be required to assist in the building, sprinkler and site plan review for the building permit and the costs will be the responsibility of the developer.

This statement is introductory. No response is required by CEQA.*

Response to Comment 191-2

The commenter requests a site and floor plan along with information regarding occupancy use and types of construction in order to determine the amount of water needed for fire protection. The commenter states that the 2007 fire code will be the basis of the building permit pertaining to supplemental water supplies. The commenter summarizes the requirements of the 2007 fire code and the requirements of the building permit in the following sections.

As stated in Section III of the FEIR, the proposed options for fire flow are:

1. On-site water storage for fire protection: Wellness Center swimming pool with submersible pump well or below-ground water storage tank (capacity up to 180,000 gallons as required by Coastside County Fire Protection District at the building permit stage).
2. Combination of On-site Water Storage and Water Connection for Fire Service only: The system as described with an emergency connection to CCWD that can be energized through a valve with a reduced pressure backflow preventer and meter if the onsite fire system has problems or is inadequate.
3. Water Connection for Domestic and Emergency Service: Connection to one or both Municipal utilities if and when connection is available.

Response to Comment 191-3

The commenter summarizes the 2007 Code for the building permit requirements for fire hydrants.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-4

The commenter summarizes the 2007 Code for the building permit requirements for fire access roads.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Fire roads are shown on the Office Park site plan in the DEIR and the revised Wellness Center site plan in Section III of the FEIR. Compliance required at the building permit application stage.

Response to Comment 191-5

The commenter summarizes the 2007 Code for the building permit requirements for coordination of emergency building access.

The project will supply Knox Boxes and will comply with the 2007 California Fire Code and the requirements of the Fire Protection District at the building permit application stage.

Response to Comment 191-6

The commenter summarizes the 2007 Code for the building permit requirements for address numbers.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-7

The commenter summarizes the 2007 Code for the building permit requirements for roof covering.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-8

The commenter summarizes the 2007 Code for the building permit for the requirements for an appropriate exiting plan.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-9

The commenter summarizes the 2007 Code for the building permit requirements for exit door hardware.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-10

The commenter summarizes the 2007 Code for the building permit requirements for an automatic fire sprinkler system.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-11

The commenter summarizes the 2007 Code for the building permit for an indoor lighting layout.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-12

The commenter summarizes the 2007 Code for the building permit requirements for a fire alarm system.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-13

The commenter summarizes the 2007 Code for the building permit for adequate occupancy load signage.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-14

The commenter summarizes the 2007 Code for the building permit requirements for fire extinguishers.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-15

The commenter summarizes the 2007 Code for the building occupancy that the project will be required to form a Community Facilities District (CFD) before an occupancy permit will be issued.

Comment is noted. Compliance required at the building permit application stage.

Response to Comment 191-16

The commenter provides a brief conclusion clarifying that further reviews can alter or become more restrictive.

Comment is noted.

C/CAG

City/County Association of Governments of San Mateo County

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay •
Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo
• San Mateo County • South San Francisco • Woodside

December 23, 2009

Hand Delivered

Camille Leung, Project Planner
County of San Mateo Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063

Dear Camille:

RE: C/CAG Airport Land Use Committee (ALUC) Staff Comments on the
Content of a Draft Environmental Impact Report (DEIR) for the Proposed
Big Wave Wellness Center and Office Park Near Half Moon Bay Airport

Thank you for the opportunity to review/comment on the above-referenced document. The following are C/CAG Airport Land Use Committee (ALUC) Staff comments on the content of the DEIR, re: airport/land use compatibility issues.

Brief Project Description

The Big Wave project is a proposed mixed-use development on two adjacent properties on the west side of Airport Street, across the street from Half Moon Bay Airport, near the threshold of Runway 30. The proposed land uses include: (1) a Wellness Center that will include 70 residential units for developmentally disabled children and adults, (2) 156,000 square feet of high-tech office space with related parking and a storage building, and (3) other related/support features. The County Zoning Regulations allow all of the proposed land uses in the existing zoning districts with a use permit. The project does not require a general plan amendment or a rezoning and therefore, does not require formal review by the Airport Land Use Commission (C/CAG Board of Directors).

192-1

Airport Operations

Half Moon Bay Airport is a general aviation facility that is owned and operated by the County of San Mateo. The Airport is open year-round 24 hours a day and has approximately 40,000 to 60,000 aircraft take-offs and landings per year. Prevailing wind conditions at the Airport dictate that Runway 30 is used for take-offs and landings approximately 80 percent of the time. The County has limited the weight of aircraft operating at the Airport to 12,500 pounds or less. The typical types of aircraft that operate at the airport include single- and multi-engine propeller-driven aircraft and small jet aircraft.

ALUC Chairperson:
Richard Newman
Aviation Representative

ALUC Vice Chairperson:
Mark Church, Supervisor
County of San Mateo

C/CAG Airport Land Use Committee (ALUC) Staff
David F. Carbone, Transportation Systems Coordinator
County of San Mateo Planning and Building Department

**C/CAG Airport Land Use Committee (ALUC) Staff Comments, Re: Content of a Draft Environmental Impact Report (DEIR) for the Proposed Big Wave Wellness Center and Office Park Near Half Moon Bay Airport
December 23, 2009**

Page 2 of 6

Comments on the Airport/Land Use Compatibility- Related Content of the DEIR

An EIR is a disclosure document. The content of an EIR should be analytic rather than encyclopedic (California Environmental Quality Act (CEQA) Guidelines secs. 15996(o), 15143). The following comments are based on these two statements and are intended to improve the content of the document to better inform the decision-makers and the public regarding the airport land use compatibility issues, impacts, and potential mitigation measures related to the proposed project.

192-2

Federal Aviation Regulations (FAR) Part 77 Notification, FAA Airspace Impact Review, and Related Mitigation Actions

The content of the DEIR includes a general description of Federal Aviation Regulations FAR Part 77. "Objects Affecting Navigable Airspace", related to Half Moon Bay Airport and a brief reference to the Part 77 federal notification process, re: proposed construction or alteration near an airport. The DEIR does not state that (1) the project site is located within the FAR Part 77 airspace protection surfaces for Half Moon Bay Airport, and therefore, the project sponsor must submit FAA Form 7460-1, "Notice of Proposed Constriction or Alteration" and project plans/supporting material to the FAA and (2) that the project sponsor has or will submit the required form and information. FAA Form 7460-1 can be obtained online at <https://oeaaa.faa.gov/oeaaa/external/portal/jsp>

A reference to the federal notification requirement was included in my letters to you dated December 5, 2008 (re: ALUC staff comments on a Notice of Preparation (NOP) for the Big Wave Project) and February 20, 2009 (re: ALUC staff comments on a Project Referral – the Big Wave project). As I mentioned in both of those letters, after the project sponsor has notified the FAA of the proposed project, FAA staff will review the submitted materials to determine if the proposal will cause airspace or other aviation-related impacts. Any FAA suggested airspace impact mitigation actions should be mentioned in the County Planning Staff Report on the project and be included as a condition of approval of the use permit.

192-3

The text on the top of p. IV.G-26 states the following:

"The following mitigation is provided to assure that impacts remain less than significant:

Mitigation Measure HAZ-3 Hazards Associated with Airport Operations

Prior to approval of final development plans, a navigational easement shall be established for the project site, to the satisfaction of the County Director of Public Works. The navigational easement shall be recorded and shown on the vesting tentative map."

The correct term to be used here is "avigation easement" not "navigational easement." This correction should also be made elsewhere in the document, as needed.

**C/CAG Airport Land Use Committee (ALUC) Staff Comments, Re: Content of a Draft Environmental Impact Report (DEIR) for the Proposed Big Wave Wellness Center and Office Park Near Half Moon Bay Airport
December 23, 2009**

Page 3 of 6

The granting of an aviation easement to the airport proprietor by the property owner is not a mitigation action because such action does not mitigate any impact(s). An aviation easement is a recorded legal instrument that runs with the land in perpetuity. It is a disclosure tool that documents that the real property over which the easement is granted is subject to aircraft noise and other aviation related impacts. Other key components of an aviation easement are the grant of right-of-way for free and unobstructed passage of aircraft through the airspace over the subject property and the grant of a right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity. Since the project sponsor is willing to grant the County an aviation easement, such action should be addressed in the County Planning Staff Report on the project, included as a condition of approval of the use permit, and coordinated with Mark Larson, San Mateo County Airports Manager, for appropriate processing.

192-3

Safety of Persons on the Ground and in Aircraft on Flight

The term "safety" is defined in the *California Airport Land Use Planning Handbook (January 2002)* as "relative protection from adverse consequences" (*Handbook*, p. 9-9). Due to the close proximity of the proposed project to Half Moon Bay Airport (across the street), the issue of safety of persons on the ground and in aircraft in flight related to the scale, uses, and location of the proposed project should be a major consideration in evaluating the safety compatibility of the project with airport and aircraft operations.

The DEIR includes text on pp. IV.G-24 and IV. G-25, regarding safety related to airport operations. The text in this section refers to the Approach Protection Zone (APZ) for Runway 30 at Half Moon Bay Airport, the Airport Overlay (A-O) Zone, as defined in the County Zoning Regulations, and architectural and design features of the proposed development that are intended to enhance safety in the vicinity of the runway (Runway 30) and to minimize safety impacts from the proposed development.

192-4

The text on pp. IV.G-24 and IV. G-25 does not include any discussion, data, or analysis of aircraft accidents/incidents in the vicinity of the project site, either on or off airport property. The risk of aircraft accidents/incidents is low at Half Moon Bay Airport, due to the low number of annual aircraft operations (landings or take-offs) at the airport. Aircraft accident data for the airport may or may not be available. However, Chapter 8 Aircraft Accident Characteristics and Appendix E Accident Data Research Methodology in the *California Airport Land Use Compatibility Handbook (January 2002)*, contains the most recent data and information available from which a general discussion and analysis could be prepared to address the issue of general aviation safety (accidents/incidents) related to the location, land uses, and design characteristics of the proposed project. The project sponsor should also contact Mark Larson, San Mateo County Airports Manager, to discuss this topic in more detail, as it relates to aircraft operations at Half Moon Bay Airport.

**C/CAG Airport Land Use Committee (ALUC) Staff Comments, Re: Content of a Draft Environmental Impact Report (DEIR) for the Proposed Big Wave Wellness Center and Office Park Near Half Moon Bay Airport
December 23, 2009**

Page 4 of 6

The addition of the safety discussion and analysis suggested above would significantly improve the discussion in the DEIR on hazards associated with airport operations and further substantiate the conclusion stated in the DEIR at the bottom of p. IV.G-25: "Therefore, the project would result in a **less-than-significant** impact associated with airport safety hazards to people residing or working in the area of a public airport."

Aircraft Noise Impact Analysis

Due to the close proximity of the project site to Half Moon Bay Airport, and the location of the residential portion of the project near the threshold (physical runway end) of Runway 30, aircraft noise impacts are a major issue that must be addressed in the DEIR. However, the aircraft noise analysis in the DEIR is very limited in scope and content. Only three of the five noise measurement sites are on the project site and only one of those is located on the parcel on which the residential portion of the project would be constructed. Furthermore, in more than one data presentation in Chapter IV, aircraft noise levels are aggregated with roadway noise levels. The measured noise levels include noise from "aircraft overhead" or "background aircraft noise" and are not single-event noise levels (in dBA) from aircraft take-offs on Runway 30. Cumulative aircraft noise levels (in CNEL) are also not included.

My letter to you dated December 5, 2008, regarding my ALUC staff comments on the content of the Notice of Preparation (NOP) of a DEIR for the Big Wave project, requested the following, regarding an aircraft noise analysis:

"The Noise Section of the DEIR should include a detailed acoustic analysis by a registered acoustic engineer that includes identification and documentation of single-event levels and cumulative noise event levels at the project site from aircraft operations at Half Moon Bay Airport. The noise analysis should include a graphic that illustrates the single-event aircraft noise contours (in dBA) and the cumulative aircraft noise contours (in CNEL) at the project site. The text in the DEIR should indicate that the residential portion of the project will be designed to achieve an interior noise level in all habitable rooms of 45 dB CNEL or less, based on exterior noise sources, as required by the California Building Code for multi-family construction."

Other comment letters on the NOP also emphasized that the project site is impacted by aircraft noise and an aircraft noise analysis should be included in the DEIR (see letters from Caltrans Aeronautics staff and Mark Larson, San Mateo County Airports Manager). My letter also included the following text:

"The aircraft noise assessment methodology should be based on a combination of field measurements and the use of the most recent version of the FAA Integrated Noise Model (INM). Aircraft type (fleet mix) and airport operations data can be obtained from the County Airport Manager's Office. Flight track data should be available from the Northern California TRACON (Terminal Radar Approach Control) facility near Sacramento, California."

192-4

192-5

C/CAG Airport Land Use Committee (ALUC) Staff Comments, Re: Content of a Draft Environmental Impact Report (DEIR) for the Proposed Big Wave Wellness Center and Office Park Near Half Moon Bay Airport
December 23, 2009

Page 5 of 6

None of the requested data and graphics is included in the DEIR, nor is there any indication that the suggested aircraft noise assessment methodology was used. It is also not apparent that the *California Airport Land Use Planning Handbook (January 2002)* was used as a reference, regarding aircraft noise or other airport land use compatibility issues.

In addition to the letters referenced above, the content of two emails sent to you by Mark Larson, San Mateo County Airports Manager, contained specific information about taking aircraft noise measurements at Half Moon Bay Airport on certain days and under certain conditions at the Airport. Part of the content of those emails is shown below.

6/03/09: "Aircraft operations at the Half Moon Bay Airport do not occur in a consistent or regular manner. The level of flight operations is very much dependent on the season, day, of the week, weather, weather events, and a number of other factors – and will vary from 0 to over 500 operations per day. It is not possible to get an accurate representation of aircraft noise impacts near the half Moon bay Airport during a random 2-day sampling."

6/04/09: "To obtain any kind of representative measurement, I would strongly suggest Saturday, or Sunday; and that good weather be defined as light winds, with no fog, clouds, overcast; and with no forecast of fog, clouds, or overcast at any time during the day. Additionally, measurements should be taken for both runways (Runway 30 and Runway 12) during the periods that each one are in operation."

The information in Mr. Larson's emails provided a good foundation for an aircraft noise impact analysis. Unfortunately, the limited aircraft noise information/analysis in the DEIR does not include or reference this information nor does it document the conditions under which the limited number of noise measurements was made.

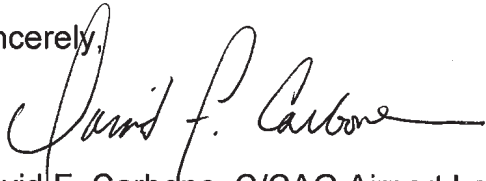
In addition to providing full disclosure, the purpose of my requested level of aircraft noise analysis in my comments on the NOP was to have the project sponsor conduct an aircraft noise impact analysis based on the most current data and information available (aircraft flight tracks, aircraft noise data (i.e., field measurements, modeled data, aircraft manufacturer's data, and other sources), and other information), rather than based on data and information in the comprehensive airport land use plan (CLUP) for the environs of Half Moon Bay Airport that is not current. Without a substantial level of aircraft noise analysis, the content on this topic in the DEIR is inadequate, too encyclopedic, and does not support the conclusion stated in the document that the "...impacts would be **less that significant** and no mitigations measures are required."

**C/CAG Airport Land Use Committee (ALUC) Staff Comments, Re: Content of a Draft
Environmental Impact Report (DEIR) for the Proposed Big Wave Wellness Center
And Office Park Near Half Moon Bay Airport
December 23, 2009**

Page 6 of 6

If you have any questions about these comments, please contact me at 650/363-4417.

Sincerely,



David F. Carbone, C/CAG Airport Land Use Committee (ALUC) Staff

cc: C/CAG Airport Land Use Committee (ALUC) Members
Richard Newman, C/CAG Airport Land Use Committee (ALUC) Chairperson
Richard Napier, C/CAG Executive Director
Mark Larson, San Mateo County Airports Manager
Sandy Hesnard, Caltrans Division of Aeronautics

192-6

Response to Comment Letter 192
City/County Assoc. of Governments of San Mateo County

Response to Comment 192-1

The commenter introduces the organization he is affiliated with, and notes that the comments were made by Airport Land Use Committee staff. He describes the Big Wave Project, as well as the Half Moon Bay Airport operations, and notes that a formal review by the Airport Land Use Commission is not required.

Comments are noted. This statement is introductory. No response is required by CEQA.*

Response to Comment 192-2

The commenter claims the comments are intended to improve the content of the DEIR to better inform the decision-makers and the public regarding the airport land use compatibility issues, impacts, and potential mitigation measures related to the proposed project.

This comment introduces ensuing comments. This statement is introductory. No response is required by CEQA. *

Response to Comment 192-3

The commenter states that the DEIR does not state that (1) the project site is located within the FAR Part 77 airspace protection surfaces for Half Moon Bay Airport, and therefore, the project sponsor must submit FAA Form 7460-1, "Notice of Proposed Constriction or Alteration" and project plans/supporting material to the FAA; and (2) that the project sponsor has or will submit the required form and information (a website is given where these forms can be obtained).

The DEIR discusses FAR Part 77 and its noticing requirements throughout Section IV.G (Hazards and Hazardous Materials). Specifically, page IV.G-4 of the DEIR states that "Per the Federal Aviation Regulation (FAR) Part 77 Standards, the topography of the coastal mountain range to the east and south of the airport field is identified as a high terrain obstruction for aircraft operations, where occasional turbulence occurs at low levels." Page IV.G-10 states, "The San Mateo County Airport Land Use Commission (C/CAG) supports the FAR Part 77 notification process related to proposed construction or alterations in the Half Moon Bay Airport airspace and advises project sponsors to comply with such notice requirements."

New Recommended Mitigation Measure LU-3 has been added to the FEIR to require that, in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) shall be provided if required by the FAA.

Specifically noted is p. IV.G-26, where it should read: "avigational easement" not "navigational easement." The commenter requests that change should be made throughout the document as needed.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

The commenter explains what an aviation easement is, and explains that the granting of such is not a mitigation. The commenter discusses the steps necessary to obtain an avigational easement.

Mitigation Measure HAZ-3 (Hazards Associated with Airport Operations) has been revised in Section III of the DEIR to state “aviation easement”, not “navigational easement”. Without implementation of Mitigation Measure HAZ-3, Impact HAZ-3 on page IV.G-25 states that the project would result in a less than significant impact associated with airport safety hazards to people residing or working in the area of a public airport. The mitigation measure does not reduce potential hazard impact, but is, as the commenter states, a disclosure tool that increases the compatibility of proposed residential uses and airport operations, in that, through the recordation of the easement, the property owner grants a right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.

Response to Comment 192-4

The commenter discusses safety, specifically pp. IV.G-24 and IV.G-25 of the DEIR, Approach Protection Zone for Runway 30 at Half Moon Bay Airport, the Airport Overlay, and features of the development that are intended to enhance safety in the vicinity of the runway. He notes that not included in these pages is any discussion, data or analysis of aircraft accidents/incidents in the vicinity of the project site. He suggests looking at Chapter 8, Aircraft Accident Characteristics and Appendix E, Accident Data Research Methodology in the California Airport Land Use Compatibility Handbook (Jan. 2002). He also suggests speaking with the San Mateo County Airports Manager to discuss this topic in more detail.

In a review of the National Transportation Safety Board (NTSB) Aviation Accident Database and the FAA’s Accident/Incident Database System (ASIAS) (resources suggested by the California Airport Land Use Compatibility Handbook), there has been a total of approximately 50 incidents/accidents at the Half Moon Bay Airport. Incidents/accidents occurred between 1964 and 2010. Neither database provides exact accident location information. Databases only provide general information regarding the cause of the incident or an incident narrative that may or may not provide any information regarding the properties affected by such accident. The information provided in the DEIR on page IV.G-4, which states that “The risk of people on the ground being impacted by a falling plane is small”, is consistent with the commenter’s statement that “the risk of aircraft accidents/incidents is low at Half Moon Bay Airport.”

Also, County Planning staff has coordinated with the County Department of Public Works and, specifically, the Half Moon Bay Airport Manager, regarding the location of project sites relative to safety compatibility zones, as outlined in the California Airport Land Use Compatibility Handbook. The analysis, contained in Response to Comment 169-3, concludes that, for the purpose of CEQA, the project complies with the basic compatibility qualities of the Handbook.

Therefore, as stated on page IV.G-25 of the DEIR, the project would result in a less than significant impact associated with airport safety hazards to people residing or working in the area of a public airport.

Response to Comment 192-5

The commenter believes that further aircraft noise impact analysis should be done, including a detailed acoustic analysis by a registered acoustic engineer that includes identification and documentation of single-event levels and cumulative noise event levels at the Big Wave site from aircraft operations at Half

Moon Bay Airport. The commenter believes the noise analysis should include a graphic that illustrates the single-event aircraft noise contours and the cumulative aircraft noise contours at the project site.

As stated on page IV.J-12 of the DEIR, based on the Appendix G of the State CEQA Guidelines, a project could have a significant noise impact if it would cause any of the following conditions to occur (italics added for emphasis):

- (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- (b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels;
- (c) A substantial permanent increase in *ambient* noise levels in the project vicinity above levels existing without the project;
- (d) A substantial temporary or periodic increase in *ambient* noise levels in the project vicinity above levels existing without the project;
- (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airstrip, expose people residing or working in the project area to excessive noise levels; or
- (f) For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.

As shown above, applicable noise thresholds for items (c) and (d), above, are based on ambient noise levels, not single-event noise levels. The difference between decibels (dBA) versus Community Noise Equivalent Levels (CNEL) units of noise level measurement is that dBA reflects how humans experience noise, while CNEL reflects noise averaged over 24-hours. Noise levels measured by the noise specialist retained by Christopher A. Joseph and Associates were measured in dBA but recorded ambient noises (i.e., aircraft and other environmental noises, such as cars, birds, dogs, tractors, etc.). Ambient noise levels accurately reflect how noise is experienced within the context of a complex environment. The California Airport Land Use Planning Handbook (January 2002) states that a variety of noise metrics have been used in the U.S. and abroad and is not prescriptive regarding the use of any one metric. Based on the foregoing, single-event noise analysis (i.e., aircraft noise only) is not required by CEQA or the California Airport Land Use Planning Handbook.

The noise levels associated with existing traffic volumes and cumulative base traffic volumes with the proposed project (i.e., future cumulative traffic volumes) along with airport noise levels are identified in Table IV.J-17 of the DEIR. The increases in noise levels at the existing residential areas located along the study area roadways (including the Wellness Center located on Airport Street, between La Granada Avenue and Stanford Avenue) would not exceed the thresholds of significance utilized for this analysis and the cumulative impact would be less than significant.

The commenter states that none of the requested data and graphics (including specific information about taking noise measurements at Half Moon Bay Airport on certain days and under certain conditions) is included in the DEIR. The commenter states that without a substantial level of aircraft noise analysis, the

content on this topic in the DEIR is inadequate, too encyclopedic, and does not support the conclusion stated in the document that the "...impacts would be less than significant and no mitigation measures are required." The comment states that there is no indication that the suggested aircraft noise assessment methodology was used and states that the purpose of his comments is to have the project sponsor conduct aircraft noise analysis based on the most current data.

Regarding the recommendation of the commenter to use a single-noise event assessment methodology, please refer to the previous response to comment. More information regarding the noise analysis methodology used by the noise specialist retained by Christopher A. Joseph and Associates (including the reasoning behind when the noise measurements were taken and under what conditions) is provided in Section III of the FEIR, as an addition to Appendix I of the DEIR. Current and site specific noise measurements were taken on June 2, 2009. Based on the foregoing, page IV.J-21 of the DEIR concludes that airport noise will be less than significant.



COMMITTEE FOR
GREEN FOOTHILLS

December 23, 2009

Camille Leung, Project Planner
San Mateo County Planning Division
455 County Center, 2nd Floor
Redwood City, CA 94063

RECEIVED

DEC 23 2009

San Mateo County
Planning Division

Re: Comments on the Draft Environmental Impact Report (DEIR) Big Wave Wellness Center and Office Park Project

Dear Camille,

Thank you for the opportunity to comment on the above-referenced DEIR. On behalf of the 1300 family members of Committee for Green Foothills (CGF), I am pleased to provide the following comments, which focus on the Project Description, Agriculture Resources, and the project's consistency with the certified Local Coastal Program (LCP) in the Land Use and Planning Section. Alice Chang Kaufman, an attorney with expertise in toxics, is providing comments on Hazards and Hazardous Materials (attached). The law firm of Shute, Mihaly and Weinberger is submitting separate comments on selected sections of the DEIR on behalf of CGF.

193-1

Character of the Project Site: The project site is currently an expansive open space area with a natural landscape that has been actively farmed with row crops for the past four years. Views of the site from Highway One, Airport Street, West Point Avenue, and public viewing locations on protected open space lands owned by POST at Pillar Point Bluff to the west and Rancho Corral de Tierra to the east are of attractive and scenic open space/agricultural lands, with riparian and wetland vegetation along the stream channel that bisects the two properties. The Pillar Ridge residential community, adjacent to the Office Park site, is comprised of one-story manufactured homes. The Waterfront district of Princeton, adjacent to the Wellness Center site, is comprised of one and two story buildings with uses that are directly related to or provide support for the working waterfront at the Pillar Point Harbor. The harbor is San Mateo County's only commercial and recreational harbor along 55 miles of coast. The world famous Maverick's surf break, a popular visitor attraction, is just offshore. The Half Moon Bay Airport is across Airport Street. The environmentally sensitive Pillar Point Marsh is adjacent to the site to the south and west. Pillar Point Marsh is an extraordinarily diverse wetlands area with both saltwater and freshwater marsh, and is second only to the Pescadero Marsh in San Mateo County in total wetland acreage.

193-2

Some of the wetlands, which extend onto the project site, have recently been destroyed on both the project site and on adjacent public parkland through intensive agricultural activities (see discussion under LCP Policy 7.14).

Construction of the project would result in the wholesale alteration of the scenic and natural open space character of the project site due to the mass and bulk of the industrial, commercial, warehouse, and residential structures. In this sensitive location, the proposed scale and areal extent of buildings and associated infrastructure are fundamentally incompatible with the natural setting.

Project Description: The project, as proposed and evaluated in the DEIR, is comprised of diverse land uses, including permanent residences and common facilities for developmentally disabled adults, general office, research and development, light manufacturing, storage facilities, communication facilities, and associated infrastructure. It proposes on-site utilities including on-site groundwater well(s), water treatment systems, wastewater recycling, a wastewater treatment plant, on-site solar and wind power, natural gas power generation, and microwave facilities/telecommunication facilities. There are several proposed project-related business operations, including on- and off-site farming, a commercial kitchen, catering/food services, and the production processing, and sale of food products such as yogurt, ice cream, eggs, and poultry.

193-3

The DEIR has failed to analyze the impacts associated with many of these auxiliary business operations. For example, the processing of food products such as poultry and production of ice cream and yogurt has not been included in the analysis of water demand or wastewater generation. Commercial production, preparation, and sale of food products also have ancillary traffic impacts that are not analyzed.

193-4

193-5

There is no assured source of water to serve the project. The Project Description, page III-19 states: "options for water systems such as (1) domestic hook-ups and one fire system hook-up, and (2) use of well water/treatment systems..." There are problems with each of these "options":

193-6

- The project site lies outside the boundaries of the Coastside County Water District (CCWD), the water service agency that the project proposes for domestic and fire service.
- The DEIR fails to acknowledge that the project site is located within the boundaries of the Montara Water and Sanitary District (also see comments regarding project's inconsistency with the certified LCP maps). The MWSO should be noted as the appropriate community water service provider.
- The proposed water service from CCWD would require an Amendment to the Coastal Development Permit issued by the Coastal Commission (A-2-SMC-99-63) that restricts the area served by the CCWD's El Granada transmission pipeline. The project site is not within the area permitted by the CDP.
- The on-site agricultural well was drilled in 1986 without obtaining a Coastal Development Permit (CDP), and therefore is not an approved source of water to serve the project. Domestic use of the groundwater would require treatment, due to high iron and manganese levels.
- The availability of water from the agricultural well is also in question. Pumping of groundwater by the agricultural well has not been factored into the limit on total annual extractions currently being pumped from the Pillar Point Marsh Groundwater Basin - see Conditions of Approval for Permits A-3-SMC-86-155 and A-3-SMC-86-155A.

193-7

193-8

193-9

193-10

Without an assured source of available water identified for the project, and analysis of its impacts, the DEIR is incomplete and inadequate, and would more appropriately be analyzed under a Program EIR.

193-11

The specific treatment and disposal of the project's wastewater has also not been determined. The Project Description, page III-19 states: "options for wastewater systems such as: (1) use of an on-site wastewater treatment plant with disposal through irrigation and infiltration, and/or (2) municipal hook-ups...." Again, there are problems with each of these "options".

193-12

- The project site is within the Granada Sanitary District, and as such, would appropriately be served by the public district. Yet the project proposes to operate its own on-site sewage treatment and disposal system.
- Evaluation of impacts from on-site treatment and disposal are vague and depend upon future studies to ensure their effectiveness.
- The DEIR does not address the potential for chemicals and/or other pollutants associated with the 45,000 square feet of Manufacturing uses and the 56,250 square feet of Research and Development uses proposed for the Office Park site to impact the wastewater stream, as well as air quality, create offensive odors.

193-13

193-14

The Wellness Center is not a Sanitarium: The proposed Wellness Center is "designed as an economically and environmentally sustainable community development that provides housing and employment opportunities for low-income developmentally disabled (DD) adults" (DEIR page III-18). The project proposes a maximum of 70 residential units for approximately 50 DD adults and 20 live-in staff members, plus other onsite living and recreation facilities" (III-18). As a residential land use, the Wellness Center is not a permitted use in the Waterfront zoning district. The project proponents have applied for a Use Permit under Section 6500 (D) (3) of the zoning regulations, which allows a Sanitarium to be located in any zoning district subject to issuance of a Use Permit, upon making certain findings.

The DD housing is neither permitted by right in the Waterfront zoning district, nor does it fit the definition of a Sanitarium. A Sanitarium is an institution for rest, recuperation, treatment of the chronically ill, or therapy for rehabilitation. In some European countries, a sanitarium is a luxury retreat intended for short-term rest, similar to spa resorts. Sanitaria are typically located in quiet rural or mountain settings, where clean air and peaceful surroundings can speed recuperation.

193-15

The Big Wave Wellness Center is not designed for rest and recuperation, rather it will assist and support the resident DD adults with jobs and other skills. It does not propose any on-site medical facilities or services, rather "each resident will be required to provide for their own health care" (Facilities Plan Draft #2, 1/1/2009). A Use Permit for a Sanitarium cannot be found to be "necessary for the public health, safety, or welfare" within this marine industrial zone.

The Wellness Center is fundamentally an incompatible land use in the Waterfront district where indoor and outdoor storage of all but the most hazardous chemicals is allowed. Additional hazards from flooding, tsunami and seiche events, violent shaking/ liquefaction/differential settlement resulting from earthquakes along the active Seal Cove/San Gregorio Fault, and safety hazards from airport operations make this site particularly unsafe and unsuitable for DD adults.

The Phasing of the Project and Construction Schedule is Inconsistent and Contradictory: The DEIR, page III-60 states: "The project construction time schedule would be between approximately

193-16

30 and 36 months to fully complete the Wellness Center and Office Park property development.” This statement is either confused or contradicted by the next statements: “Construction of the first office building would take approximately 18 months. The construction of the other buildings would begin (one building at a time) after the first building is completed and when buyers and/or renters have been established.” (DEIR, page III-60). If construction of one building requires 18 months, and the buildings are constructed sequentially, after sale or rental of space, construction of four buildings would require at least 72 months (six years).

Repeating the optimistic expedited schedule, the Evaluation of Construction Noise, page IV.J-15, states: “Overall, the initial grading and sorting of materials would taken approximately three weeks, utilities installation approximately one month, and foundation construction approximately two months.” “After construction of the foundations, the placement of the prefabricated Wellness Center units and the erection of the structures for the Office Park would take approximately 18 months.” These statements contradict the phasing schedule of construction of one office park building at a time, as each building’s space is rented or sold.

It is also unclear whether the foundations would be constructed for all four office buildings at the same time, or for one building at a time. Similarly, would the parking lots be constructed in phases, or upon completion of the first office building?

The Enright & Company, Inc. June 29, 2009 Appraisal Consultation, which is not part of the DEIR, includes a Table titled “Big Wave Employees – Phased Development (provided by Big Wave Group) that shows phased development of the Office Park over 15 years, rather than three years, with full buildout in 2025. Enright (page 4) states: “The financial and/or economic viability of successfully developing Big Wave in accord with this time frame is also not examined... Nonetheless, it is noted that phased construction of what is a relatively large-scale project on the San Mateo County coastside, over an extended time frame, is considered to be more viable than developing the entirety at once.” The Enright Phased Development Table projects that each five year phase (approximately) would include 33% of total buildout for the General Office and Research and Development uses, whereas the Storage and Manufacturing uses (which have the least demand for parking and create the least traffic impacts) would be 50% developed in the first five years, and 75% developed in the next five years. All uses would be 100% developed in approximately 15 years (or the year 2025). There is no evaluation in the DEIR as to how space in each of the four Office Park buildings would be allocated to these diverse and potentially incompatible uses. The Site Plans and Elevations of the proposed buildings do not indicate how building design and access for manufacturing and storage uses (which require large bays and delivery areas) would be accommodated in every building. Parking requirements and traffic impacts would be affected by the percentage and timing of these uses. CGF questions the enforceability of the mix of uses, inasmuch as the market demand for space will likely trump any conditions of approval.

Impacts of construction, including traffic, air quality, noise, and stormwater runoff/pollution could be significantly greater than analyzed in the DEIR, depending upon the time frame and sequencing of each of the phases. Restoration of the site and stormwater runoff facilities are not proposed until completion of construction. This could be a very long time, and the environmentally sensitive

wetlands and buffer zone could be left in an unrestored condition for up to 15 years. The DEIR must be revised to provide clarity as to the specifics of the timing and phasing of construction, the mix of uses in each building and the potentially long term impacts of leaving stormwater mitigations and restoration of wetlands to the year 2025.

193-16

The DEIR fails to adequately analyze and mitigate the loss of Prime Agricultural Land. As commented under LCP Policy 5.1 below, the soils on the project site qualify as Prime Agricultural Soils under the San Mateo County certified Local Coastal Program. Prime agricultural soils are being lost in California at a significant rate, and such losses are irreversible. The project site has been in agricultural production sporadically since the 1930's and over the past five years the current owners have leased the site for field row crops including chard, peas, beans, and pumpkins. The DEIR, IV.B-18 acknowledges that the soils on the project site are classified as Class II soils under the LCC system, and as grade 2 soils using the Storie Index rating. Yet the DEIR concludes that the conversion of soils on the project site to industrial, commercial, and residential uses would not completely preclude crop production in the future inasmuch as the Big Wave Farming component proposes to farm up to 12 acres at the airport and to operate a 5-acre onsite native plant nursery on site.

Neither of these proposed agricultural operations would be adequate mitigation for loss of prime soils. First, the 12-acre site at the airport is already being farmed and therefore continuing to farm this area by Big Wave programs would not compensate or mitigate the loss of agricultural land on the Big Wave site. Second, there is no feasible location on the Big Wave site for a native plant nursery, as all of the developable land is being proposed for non-agricultural (industrial/commercial/ office/housing) uses along with associated, parking, roads, and utilities. The only undeveloped land is within the 100 foot wetland buffer, and nurseries are not an allowable use in this buffer.

193-17

The DEIR must be revised to evaluate appropriate mitigation measures for the permanent conversion of prime soils. Examples of effective mitigation measures include the preservation of equivalent acreage of prime agricultural land of substantially similar quality and character through purchase of land or conservation easements, or payment of in-lieu fees to an agricultural conservation entity that are sufficiently to fully fund the acquisition of agricultural lands or agricultural conservation easements for permanent protection, plus the cost of monitoring and enforcement. Another option would be for the project to be revised to preserve an equivalent amount of agricultural land on site with enforceable restrictions such as an Affirmative Agricultural Easement. The area dedicated to agricultural use should not be part of any restoration of wetlands that will be necessary to compensate for the applicant's destruction of historic wetlands on the property (per CGF's November 18, 2009 presentation to the San Mateo County Planning Commission, referenced above).

The DEIR Fails to acknowledge Project inconsistencies with the San Mateo County Local Coastal Program (LCP): A project is deemed to have a significant effect on the environment if it will: "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...) adopted for the purpose of avoiding or mitigating an environmental effect." (CEQA Guidelines). The San Mateo

193-18

County Local Coastal Program (LCP) was certified by the Coastal Commission in 1980, and is part of the County General Plan. The LCP was based on the Midcoast Community Plan and incorporates many of the policies and implementing ordinance provisions of the Community Plan. Approval of this project requires the issuance of a Coastal Development Permit (CDP). In order to issue the CDP, the County must make findings that the project is in compliance with all applicable goals and Land Use Plan (LUP) policies of the LCP and its implementing ordinances. Accordingly, the DEIR must fully evaluate and analyze the project's consistency with all applicable policies and implementing ordinances of the LCP.

193-18

The DEIR's analysis of the project's compliance with the LCP is woefully inadequate. A significant number of critical policies of the LCP, including several Sensitive Habitats and Visual Policies, have not been analyzed at all. In several instances, the DEIR concludes inexplicably that the project is consistent with relevant LCP policies where it is clearly inconsistent. The DEIR must be revised and recirculated to provide a full and complete analysis of the project's compliance with the certified LCP.

Land Use and Planning, Table IV.I-1 County of San Mateo Regional and Local Requirements Consistency Analysis provides a summary chart containing a column showing the LCP Policies, with comments on the Project's Consistency with the LCP in a second column. CGF's specific comments on this chart and its analysis are:

1.18 Location of New Development: Section (c) states: "Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered". Section (d) states: "Require the development of urban areas on lands designated as agriculture and sensitive habitats in conformance with agriculture and Sensitive Habitats Component policies". Re: (c): Public facilities and services, particularly public water service, are not adequate to serve the project, and the use of a on-site agricultural well (that was installed and operated without receiving the required Coastal Development Permit) is not consistent with LCP policies which assume that urban development within public service districts will be served by public systems. Re: (d): The proposed development is not consistent with the LCP sensitive habitats component as some of the development (fire road, fences, stormwater retention ponds, and a transformer pad) would be located within the 100 foot wetland buffer zone. Such uses are not allowed in wetland buffer zones. These conflicts with LCP policies are potentially significant adverse impacts.

193-19

1.19 Definition of Infill: This policy states: "Define infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities". The site is not subdivided, nor is it served by water utilities, although it is within the boundary of the Montara Water and Sanitary District. MWSD is under a connection ban that was imposed by the State Public Utilities Commission upon its predecessor, Citizens Utilities Company of California. The Coastal Development Permit (CDP) issued by the Coastal Commission to Coastsides County Water District for the CCWD El Granada transmission line specifically prohibits extension of water service from CCWD to the project site, without an amendment to the CDP. Given the fact that neither MWSD nor CCWD can serve the project site, the project cannot be

193-20

determined to be consistent with Policy 1.19. ***This is an important policy that was not included in Table IV.I.1. or analyzed in the DEIR.***

193-20

1.24 Protection of Archaeological/Paleontological Resources: The DEIR states that Archaeological site (CA-SMA-15) was identified on the site. This site is known to contain human remains. Mitigation Measure CULT-2a proposes to either exclude the area of the archaeological site or perform additional fieldwork. Additional fieldwork is not appropriate mitigation in a confirmed sensitive location. The project must be redesigned to avoid disturbance to the site, otherwise the project would not consistent with LCP Policy 1.24 that requires a mitigation plan, adequate to protect the resource, be implemented as part of the project.

193-21

2.2 Definition of Public Works: This policy defines Public Works as all water, sewage, telephone, and other utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities. The Public Works component policies that apply to the Midcoast area (too numerous to cite individually here) are based on the assumption that public works and related services within the urban area of the Midcoast will be served by public systems. To the degree the project proposes to develop, own, and operate private on-site water supply, wastewater treatment and disposal, energy, communications, transportation, recycling, and stormwater systems, the DEIR should analyze its conformance with Policy 2.2 and all other relevant LCP Public Works policies.

193-22

2.23 Management of Pillar Point Marsh: This policy requires that as a condition of development permit for any facilities to increase water supply, that any water system drawing water from wells in the Pillar Point Marsh aquifer agree to participate in and accept the restrictions resulting from hydrologic studies of Pillar Point Marsh required by Policy 7.20. ***The DEIR does not include any analysis of this policy.***

193-23

3.1 Sufficient Housing Opportunities: The DEIR states that 50 of the 70 new residential housing units would be available to developmentally disabled adults at below market rates, but there are no eligibility requirements or restrictions on rents or sale/resale prices that would ensure affordability. Without such guarantees, the promise of affordability is an empty gesture, and cannot be relied on.

193-24

3.2 Non-Discrimination: The DEIR concludes that the project will comply with the requirement that guarantees housing for developmentally disabled and support staff regardless of age, race, sex, marital status or other arbitrary factors. There are no guarantees by the project proponents of such a non-discrimination clause. How will residents of the wellness center be chosen? What would the eligibility requirements be, and who would determine eligibility? What percentage of residents would be from the coastside? The project's proponents appear to be families with teenage or young adult children who are developmentally disabled. In order to better manage a population with a wide variety of mental and physical disabilities, it may be necessary to screen out some applicants. How will that be done? How would problem residents be dealt with, inasmuch as they have purchased an ownership share in the project?

193-25

3.3 Balanced Developments: The DEIR does not adequately address the project's location at an isolated site with inadequate public transport systems that will require the use of automobiles to

193-26

transport residents to Big Wave job sites that are not nearby, such as Big Wave Farming, or for services such as neighborhood commercial, health care, and specialized jobs not provided by the Office Park. The DEIR states (IV-M-39) that if needed, the applicant would implement parking options to reduce impacts from the proposed parking exception that proposes to reduce the required parking spaces at the Office Park by 102 spaces, or 14%. The DEIR concludes (IV.M-40) that only 15 and 13 new transit trips during the AM and PM peak hours respectively would be added, based on a transit share of 5%. The DEIR (IV.M-41) also concludes that no more than 5% of the travel trips during peak AM and PM commute hours would be by bicyclists. The access roads to the site from both the north and south are narrow and have serious safety issues for bicyclists. There is no explanation of how the transit and bicycle percentages were arrived at, rather the DEIR states they were “assumed”. If one accepts the “assumptions”, this still leaves 4% of the peak AM and PM commuters unaccounted for. Would commuters simply park on Airport Street, or use the trailhead parking at the Jean Lauer coastal access trail just north of the Pillar Ridge community? The project proposes to work with SAMTRANS to increase bus service along Airport Street, but does not propose to provide any financial assistance for such increased service. In order for transit to be truly effective as an alternative, the one-to- two hour headway of buses must be improved, and additional bus or shuttle service must be provided at least at peak commute hours. Because the Cabrillo Unified School District does not provide bus service, school children fill the available SAMTRANS buses during school transport hours. The DEIR should discuss how the project’s alternative transportation can be met more specifically in order to adequately mitigate the proposed parking exception.

193-26

3.4 Diverse Housing Opportunities: This policy urges improving the range of housing choices by location, type, price and tenure, available to persons of low and moderate income. The Wellness Center does improve the range of income types, however, the 825 jobs created at the Office Park and Wellness Center will likely exacerbate the need for affordable housing both locally and regionally, depending upon the type and range of jobs associated with the office, manufacturing, research/development, and other uses at both the Office Park and Wellness Center. The DEIR should discuss this potentially significant adverse impact.

193-27

3.13 Maintenance of Community Character: The DEIR includes this policy requiring that housing projects maintain community character by being of compatible scale, size, and design, and further requiring that the height of new housing development be limited to **two stories** to mitigate its impact on the surrounding neighborhoods. The DEIR erroneously concludes that the project’s 36 foot high **three story residential buildings** comply with this clear and unambiguous two-story requirement. This is a significant adverse impact.

193-28

3.12 Reservation of water and sewer capacities for affordable housing: The DEIR does not address this policy, which designated three affordable housing sites in the urban Midcoast area as priority land uses for which water and sewer capacity will be reserved. The project site is not one of the identified LCP affordable housing sites. The project does not guarantee eligibility and affordability through restrictions on rents and/or sales. Unless there are such enforceable restrictions, this site would not be eligible to be designated as affordable, and therefore would not be eligible for priority water and sewer.

193-29

5.1 Definition of Prime Agricultural Lands: This policy defines prime agricultural lands as Class I or Class II and all Class III lands capable of growing artichokes or Brussels sprouts, as well as land which has returned an annual value of not less than \$200 per acre within three of the five previous years. Most of the project's northern site is located on soil that is classified by the NRCS as Dennison clay loam, nearly level, while the remainder is Dennison clay loam, nearly level, imperfectly drained. Most of the southern site is located on land that is classified as Dennison clay loam, nearly level, imperfectly drained (n.b., the imperfectly drained classification is consistent with wetlands found on this site). The rest of the southern site is Dennison clay loam, nearly level (see Figure IV.B-2). Both categories of soil are considered Class II and are therefore prime agricultural lands as defined in the LCP. The DEIR (Page IV.B-16) states that LCP Policy 5.2 does not call for parcels containing prime soils to be designated as Agriculture if the parcel is located in an urban area. Nonetheless, conversion of virtually all the site's prime soils and agricultural lands to non-agricultural housing and commercial uses is a potentially significant impact. The DEIR, page IV.B-18 erroneously and inexplicable concludes that the project would not involve conversion of important farmland to nonagricultural use and no mitigation is required because the project proposes to lease up to 12 acres at the airport (which are already in agricultural production) and would also operate a five-acre on-site native plant nursery. These are not appropriate mitigation measures for loss of prime soils on the property. There is no guarantee that the airport will lease land to the project, and in fact the land proposed to be leased by Big Wave is already in agricultural production, so there would be no offsetting mitigation for the conversion of prime soils/ important farmland. The proposed five-acre onsite native plant nursery which is being cited as mitigation for this loss is not shown on the project Site Plans, and is in direct conflict with the Project Description, page III-40, which proposes two 8,000 square foot temporary potting/nursery areas on the project site, the locations of which are not identified on the Site Plans, but which would apparently be impermissibly located in the 100 foot wetland buffer zone (for the northern parcel) or on the parking lot for the southern parcel. The loss of prime soils without mitigation is a significant adverse impact.

193-30

7.1 Definition of Sensitive Habitats: This policy defines sensitive habitats. Sensitive habitats, including wetlands, and endangered, threatened species/species of special concern, are present on the property. ***This policy was not included in the DEIR's analysis.***

193-31

7.2 Designation of Sensitive Habitats: This policy designates sensitive habitats in the Coastal Zone. The Pillar Point Marsh is the second largest wetland in the County's Coastal Zone, and is home to diverse species of resident and migratory fauna. A portion of the project site includes wetlands, as defined by the State of California. ***This policy was not included in the DEIR's analysis.***

193-32

7.3 Protection of Sensitive Habitats: This policy prohibits any land use or development which would have significant adverse impacts on sensitive habitat areas, and requires that all uses to be compatible with the maintenance of biologic productivity of the habitats. Large scale development on the site, including within the 100 foot buffer zone of the wetlands, has the potential to cause significant adverse impacts on these sensitive habitat areas. Policy 7.3 was enacted by the voters in 1986, and requires County officials and employees to apply and enforce its provisions. ***This policy was not included in the DEIR's analysis.***

193-33

7.4 Permitted Uses in Sensitive Habitats: This policy was also enacted by the voters in 1986, and makes reference to the following other Sensitive Habitats policies: 7.6, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44. By direction of the voters, the Board of Supervisors and other officials and employees of San Mateo County are mandated by the citizens of the County to apply and enforce these policies, as well as other LCP policies contained in Measure A. Any changes to Policies 7.4, 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, or 7.44 that weaken protection of sensitive habitat areas requires a vote of the people of San Mateo County. The DEIR, page IV-I-60 concludes that the restored wetlands would extend both foraging and breeding habitat currently available in Pillar Point Marsh for project area special status species as well as provide a wider, protected movement corridor through the site. Contrary to this conclusion, the project proposes to fence off all of the development area from frogs and reptiles as well as other migratory species through “permanent ‘habitat fencing’ consisting of a 3 to 4 foot high concrete wall (constructed by linking the exposed foundation walls), a 4-foot high fabric existing chain link fence, and two 4 foot high habitat gates. Fabric installed between the concrete barriers would separate walkways from the wetlands habitat. When the gates are closed, the fabric would limit passage for frogs and reptiles.” (Project Description, Page III-39). The DEIR should explain how developing the open fields that are currently available for foraging and migrating with buildings and parking lots, and constricting the movement of species to a narrow 100 foot fenced corridor on each side of the stream/riparian area that bisects the two sites could conceivably result in a “wider, protected movement corridor through the site”.

193-34

7.14 Definition of Wetland: This policy defines wetlands. As acknowledged in the DEIR, there are both federal and state-defined wetlands present on the project parcels. However, the wetlands depicted in the DEIR are far less extensive than were delineated by the U.S. Army Corps of Engineers in 1994, in response to a request by San Mateo County. Under the guise of agriculture, extensive ripping, disking and importation of soil destroyed wetland vegetation on the southern parcel, including a narrow finger that extended across the proposed Wellness Center building envelope, as delineated by the Army Corps. In June, 2006, the current owners began disking, deep ripping, and importing huge truckloads of soil onto the Southern (Wellness Center) parcel. (see Presentation to the San Mateo County Planning Commission Meeting of November 18, 2009, attached). Wetlands that remained on the site have been repeatedly disked and/or plowed each year since 2006. The applicant’s wetlands consultants, Lyndon Lee and Peggy Fiedler of WSP Environment and Energy, sent a letter dated April 24, 2008 to the applicant which stated that their observations in the field on March 27, 2008, found significant wetland vegetation on the southern parcel, in areas previously not found, but when Ms. Fiedler returned on April 9, 2008 to more accurately map the wetlands plants, the field had been plowed, destroying them (see attached letter). CGF’s noted this wetlands destruction in a letter dated March 9, 2009 to the Project Planner and requested that additional field investigations be done during the winter (fallow) season to determine the extent of wetland vegetation, using Coastal Commission (State) definitions and protocols. ***Analysis of the project’s compliance with this important LCP policy was not included in the DEIR’s analysis.***

193-35

7.15 Designation of Wetlands: This policy designates several areas as wetlands requiring protection, including Pillar Point Marsh. ***The DEIR inexplicably omits any analysis or discussion of this policy.***

193-36

7.16 Permitted Uses in Wetlands: As stated in the DEIR, the only uses permitted within wetlands are: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement, (6) diking, dredging and filling in Pescadero Marsh, (7) diking, dredging and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging manmade reservoirs for agricultural water supply, (9) and incidental public services such as burying cables and piles and maintenance of existing intake and outfall lines. The DEIR analysis omits any discussion of the existing wetlands on the site, and erroneously states that proposed uses within the “restored wetlands” would be limited to the allowable uses and would include wetland trails. Trails are not a permitted use within wetlands.

193-37

7.17 Performance Standards in Wetlands: This policy requires that any permitted development in wetlands must minimize adverse impacts during and after construction. ***The DEIR omits any analysis or discussion of the project’s compliance with this policy.***

193-38

7.18 Establishment of Buffer Zones: This policy establishes Buffer Zones that extend a minimum of 100 feet landward from the outermost line of wetland vegetation, and provides that a reduced setback of no less than 50 feet is allowed only where no alternative development site or design is possible, and that a larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem. The DEIR, page III-60 states that grading within the 100-foot buffer zone would only be for wetlands restoration and in accordance with the restoration plan. This statement is in conflict with the project Site Plans, which show additional uses within the 100 foot buffer zone (see comments on Policy 7.19 below). The DEIR, page IV.I-61 concludes that the project is consistent with Policy 7.18 inasmuch as the buffer zone will be planted as a riparian corridor and uplands/coastal scrub between the proposed development and the proposed riverine ecosystem restoration area, but does not analyze or demonstrate how planting with uplands/coastal scrub and riparian species rather than wetland species would maintain the functional capacity of the wetland. Moreover, there are uses proposed within the buffer zone that are not allowable uses in wetland buffer zones (see comments on Policy 7.19 below).

193-39

7.19 Permitted Uses in Buffer Zones: This policy permits only the uses allowed within wetlands per Policy 7.16 plus public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands. ***The DEIR does not include any analysis of the project’s compliance with this policy.*** The project proposes to locate major portions of the 20 foot wide Fire Road (that must be engineered, designed and constructed to support heavy fire and other emergency vehicles), the access road to Building D, transformer pad, stormwater retention ponds, rainwater gardens (for rooftop runoff) as well as grading for wetlands restoration, within the 100 foot buffer zone. These uses are not permitted uses in wetlands buffer zones. Additionally, two “temporary” 8,000 square foot native plant nursery sites or “potting yards” would apparently be located within the 100 foot buffer zone, and although temporary, would be actively used until project construction is complete (page III-43). The location of the two nursery sites is not shown on the Project Plans, and the Project Description page III-40 states that one would be located in the east corner of the Office Park, which would apparently be within the 100 foot buffer zone. The other nursery site would be in the north-east corner of the Wellness Center property, which is apparently also the required parking lot for the Wellness Center. The DEIR should clarify whether any of the parking lot area

193-40

would be devoted to Nursery use, and if so, for how many years. The DEIR further states on page III-40 that the nursery would continue to supply about 15,000 to 30,000 native plants per year for restoration projects along the coast, which conflicts with the assertion that the nursery is “temporary”. Growing plants in containers is an intensive non soil-dependent floricultural use that requires maintaining the nursery site in weed free condition, either through use of weed suppression fabric, or herbicides. Watering and fertilizing plants in containers, whether temporary or permanent, could alter the functional capacity of the wetland ecosystem within the buffer zone. The DEIR’s failure to analyze the proposed uses and their potentially significant impacts within the 100 foot buffer zone is a significant omission.

193-40

7.20 Management of Pillar Point Marsh: This policy defines safe yield from the aquifer feeding the marsh as the amount of water that can be removed without adverse impacts on marsh health, and restricts groundwater extraction to the safe yield as determined by a hydrologic study participated in by the two public water systems. The policy further encourages management of the marsh to enhance the biological productivity of the marsh and to maximize wildlife potential, and requires that all adjacent development, where feasible, contribute to the restoration of biologic productivity and habitat. ***The DEIR does not include any analysis of the project’s compliance with this policy.*** The marsh and its wetlands are not only contiguous to the project site, but some of the marsh wetlands are on the project site. Recent farming activity on the project site, including ripping, disking, plowing, and bringing in fill, has altered the extent of the marsh/wetland vegetation. The DEIR should analyze this impact to the biological productivity of the marsh. An agricultural well, installed in 1986, without receiving a Coastal Development Permit, or analysis of its impact upon the marsh, is proposed as a possible water source for the project. The DEIR does not include any discussion or analysis of the California Coastal Commission’s conditions placed on Permit A-23-SMC -86-155A, as amended in December, 1993, which limited the total groundwater extraction from the Pillar Point aquifer to an average of 459 acre feet per year. All groundwater wells in the Pillar Point groundwater basin, including agricultural wells, are subject to this restriction. The aquifer studies, which formed the basis of the groundwater extraction limit did not include any extraction by the agricultural well on the project site. Since the well on the project site has never received a Coastal Development Permit, and it is not part of the allowable limit on groundwater extraction, it cannot be relied upon for water for the project.

193-41

7.32 Designation of Habitats of Rare and Endangered Species, 7.33 Permitted Uses, 7.34 Permit Conditions, 7.35 Preservation of Critical Habitats, 7.43 Designation of Habitats of Unique Species, 7.44 Permitted Uses, 7.45 Permit Conditions, 7.46 Preservation of Habitats: These policies require protection of species of concern, and specifically require analysis and permit conditions that protect their habitats, food, water, nesting/reproduction, migration, climate, and geographic requirements. ***Table IV.I-1 does not include any analysis of these LCP policies that are designed to protect Environmentally Sensitive Habitat Areas (ESHA) and which have the highest priority for protection under the California Coastal Act.*** Construction activities as well as the development of the site will alter the current habitats that are in part adapted to agricultural use of part of the site. Reduction of habitat for winter resident raptors including White Tailed Kite, Northern Harrier and other species that forage on rodents and other prey occurring on open fields such as the project site, is a potentially significant impact. Reduction of migration areas for the California red-legged frog and migration and estivation areas for San Francisco garter snake due to

193-42

exclusion fencing of the site is also a potentially significant impact. The DEIR includes measures for avoidance of harm or take to individuals of species of concern, particularly SFGS and CRLF, but does not adequately address the reduction of habitat or migration areas. Impacts from potential geotechnical hazard mitigation, which are impermissibly left to future studies, particularly deep piles (GEO-3b (3) and GEO-4 (3) that could create impacts from noise and vibrations have not been analyzed as to their effects upon species of concern, particularly during their breeding and nesting seasons.

193-42

8.1 Definition of Landforms: This policy defines natural topographic and landscape features that include (among others) ridgelines, hillsides, coastal terraces, hills, wetlands, estuaries, streams, and arroyos, and forms the basis of many of the LCP visual resources policies. ***Table IV.I-1 of the DEIR does not include this policy.***

193-43

8.5 Location of Development: This policy requires that new development be located on a portion of a parcel where the development is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, and is consistent with all other LCP requirements. The policy provides that if conflicts in complying with this requirement occur, the conflicts shall be resolved in a manner, which on balance, protects significant coastal resources on the parcel. When new parcels are created (as in the case of this project), new parcels must have building sites that minimize visibility from State and County Scenic Roads and other public viewpoints. ***This policy has not been analyzed in the DEIR.*** The visual simulations in the DEIR are misleading and inadequate in their depiction of views of the site. Only five views were selected, and these views are not the most representative of the potential impacts from public viewing locations. Given the visually sensitive nature of the project setting, the DEIR photographs do not sufficiently document the landscape setting and pre-project visual conditions. Existing views 1-3 of the project site, Figure IV.A-2 are very small and are of poor quality. Existing View 4, from the misnamed North Trail, has trees in the foreground that partially block views of the project site and therefore minimize the view impacts from Jean Lauer Trail section of the California Coastal Trail. There are other locations from the Jean Lauer Trail and the Pillar Point Bluffs of the site without such foreground trees. Existing views and visual simulation images are presented on separate pages with 14 pages of intervening text that make it difficult to compare “before” and “after” visual conditions. If both the existing view and the simulation image were on the same or facing pages, it would give a clearer depiction of visual impacts. More importantly for disclosure of visual and aesthetic impacts, the DEIR does not include the technical details of the photos, computer modeling techniques and software used to produce the images and assumptions regarding the heights and maturity of the proposed landscaping depicted in the visual simulation images. Because of lack of adequate visual analysis of 45 ½ foot high buildings with five foot high equipment on the roofs, which would dwarf all other structures in the vicinity, the community has requested that the applicant erect story poles so the public and decision-makers can adequately evaluate the visual impacts of the project. The applicant has refused to comply with this reasonable request. The visual and aesthetic impacts of the project have yet to be fully disclosed.

193-44

Policy 8.6 Streams, Wetlands, and Estuaries: This policy requires development to be set back from streams, prohibits structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, and requires wetlands to be retained intact except for public

193-45

accessways that are designed to respect the visual and ecological fragility of the area and adjacent land. Table IV.I-1 states the project is consistent with this policy as it includes a 100 foot buffer planted as a riparian corridor and uplands coastal scrub/shrub between the development and the proposed riverine wetland ecosystem restoration area. There is no analysis of how the proposed 45 1/2 foot tall commercial buildings may affect the visual quality of the riparian habitat located between the two development sites, and riparian and wetlands to the south. See also comments on Policy 7.19 above.

193-45

Policy 8.10 Vegetative Cover: This policy requires that vegetation removed during construction is replaced with plant materials (trees, shrubs, ground cover) that are compatible with surrounding vegetation and are suitable to the climate, soil, and ecological characteristics of the site. Table IV.I-1 states the project is consistent with this policy as it proposes extensive landscaping throughout the site as well as the restoration of wetland and riparian areas. The Planting Plan depicted on Figures III-23 and -24 includes tree species that are not indigenous to a location near the ocean, such as Live Oak, Madrone, and California Buckeye. These trees prefer hotter, drier sites and are not suitable to the foggy ocean climate and soggy soils found on the site. Tall trees rooted in marshy soil would be susceptible to wind sculpting, leaning, and blowing down due to the strong coastal winds experienced on unprotected sites such as this. As such, these species are not suitable to the climate, soil, and ecological characteristics of the site. Red Alders, which are proposed as part of the Planting Plan, should not be planted anywhere near water or sewer lines, as their roots are extremely invasive. Western Sycamore trees are proposed along the western boundary of the Office Park parcel. These trees attain a height of 75 feet and would shade the adjacent Pillar Ridge homes.

193-46

Policy 8.12 General Regulations: This policy applies the Design Review Zoning District regulations to urban areas, employs the design criteria in the Community Design Manual, and requires new development and landscaping to be designed and located so that ocean views are not blocked from public viewing points such as public roads and publicly owned lands. ***Table IV.I-1 of the DEIR does not include any analysis of this policy.*** The Visual Impact analysis in IV.A includes only one selected view from the inaccurately named "North Trail", which is actually the Jean Lauer Trail segment of the California Coastal Trail developed by Peninsula Open Space Trust (POST). Other views from this public trail should be evaluated to determine whether the 45 1/2 foot high buildings (plus rooftop equipment) and tall trees, such as Western Sycamore and Big Leaf Maples (which may grow as high as 75 feet in protected locations) would block ocean views from this trail.

193-47

Policy 8.13 Special Design Guidelines for Coastal Communities: This policy provides additional guidelines to supplement the design criteria in the Community Design Manual and in Montara, Moss Beach and El Granada requires structures that fit the topography of the site and do not require extensive cutting, grading, or filling for construction, employ the use of natural materials and colors which blend with the vegetative cover of the site, design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban landscape. In Princeton by the Sea, Commercial Development buildings shall be designed to reflect the nautical character of the harbor, are of wood or shingle siding, employ natural or sea colors, and use pitched roofs (Policy 8.13 b (1)). For Industrial Development, employ architectural detailing, subdued colors, textured building materials and landscaping to add visual interest and soften the harsh lines of standard or stock building forms normally used in industrial districts

193-48

(Policy 8.13 b(2)). ***The DEIR does not analyze the proposed project's conformance with this policy.*** The proposed housing for DD adults is in the Waterfront zoning district, should be evaluated for consistency with 8.13 b.(1). The proposed storage or warehouse building on the housing site should be evaluated for consistency with 8.13 b (2). The proposed office/commercial buildings with some storage and manufacturing uses are a mix of commercial and industrial, and should be evaluated for consistency with 8.13 b (1) and (2). The prominent aggressive orange color proposed for the Wellness Center site and the extensive white at the Office Park site are inappropriate. The Midcoast Design Review standards state: "Earthtone colors are encouraged, along with darker colors used to reduce apparent mass."

193-48

Policies 8.16 Landscaping, 8.19 Colors and Materials, 8.20 Scale and 8.21 are all policies that apply to Rural Structural and Community Features, and therefore are not applicable to this urban site. As such, they should be deleted from Table IV.I-1.

193-49

Policy 9.1 Definition of Hazard Areas: This policy defines hazardous areas as fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire, and steep slopes (over 30%). Of these criteria, the project site is located on land adjacent to the Seal Cove-San Gregorio Fault zone, and is subject to dangers from liquefaction and other severe seismic impacts, flooding, and tsunamis. ***The DEIR did not analyze the applicability of this important policy to the proposed project.***

193-50

Policy 9.2 Designation of Hazard Areas: This policy designates hazardous areas in the Coastal Zone as those delineated on the Geotechnical Hazards Synthesis Map, the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps adopted under Chapter 35.5 of the San Mateo County Zoning regulations, and the Natural Hazards Map in the Natural Hazards Chapter of the General Plan. The County Geotechnical Hazards Synthesis Map shows the project site as being within the one percent Flood Hazard zone, the Tsunamis and Seiches Hazard zone, is located adjacent to the Seal Cove/San Gregorio Fault zone, and within 1500 feet of the high historical rate of coastal bluff/beach retreat. The Seal Cove/San Gregorio Fault is identified as an active fault with predicted very violent shaking, with poor earthquake stability and poor to fair foundation conditions.

The Geotechnical Hazards Synthesis Map - Effect of the Geologic Hazard for Earthquake Faults states: "While severe groundshaking is the major cause of damage associated with earthquakes, surface rupture along the fault trace causes locally high damage. Both natural and man-made environments are subject to this displacement, which can create physical off-sets of many feet. Associated movement may also occur on faults other than those involved in epicentral activity; supposedly inactive faults have been known to undergo displacement during earthquakes centered on nearby faults. Displacement may also occur along faults over a period of time, through the phenomenon of 'tectonic creep'. Seismic groundshaking may trigger other associated phenomena, such as liquefaction, lateral spreading, landslides, and subsidence." The Jurisdictional Response for Earthquake Hazards states, in relevant part: "Subsurface exploration (commonly by trenching) is usually necessary to establish the location and state of activity of a fault. Setback required from a fault trace is dependant upon information derived from an appropriate geologic investigation. Possibility of ground rupture or ground failure due to seismicity needs to be evaluated. Detailed

193-51

geologic site investigation may be needed to accurately locate the trace of faults.” Although preliminary geotechnical investigation has been done by BAGG and reviewed by Treadwell and Rollo, no trenching or other subsurface exploration has been performed to evaluate the potential for fault traces that may cross the property and affect the construction of buildings. Without further investigation through trenching or similar subsurface exploration, the DEIR inexplicably concludes (GEO-1 Fault Rupture and GEO-2 Strong Seismic Ground Shaking) that the impacts related to ground rupture/fault rupture and violent shaking would be less than significant. Mitigation Measure GEO-3a Seismic Related Ground Failure defers to future studies what mitigation measures may be required to address differential settlement due to Cyclic Densification related to ground failure. Each of the potential mitigation measures (overexcavation and replacing loose sandy soil with compacted engineered fill, applying deep soil compaction techniques, and designing building foundations to accommodate total and differential ground settlement) may cause additional significant environmental impacts that are not evaluated. Such deferral of mitigation measures to future studies is impermissible under CEQA per the Sundstrom v. Mendocino County court decision.

The Geological Hazards Synthesis Map - Effect of the Geologic Hazard for Liquefaction Potential states: “When liquefaction leads to some form of permanent ground movement or ground failure, it becomes a serious foundation problem. Of the three basic types of ground failure associated with liquefaction (flow landslides, landslides with limited displacement often expressed as lateral spreading, and quick-condition failures), only the second is considered possible in San Mateo County.” The Jurisdictional Response for Liquefaction Hazard states: “Although liquefaction is not considered to be a major hazard in San Mateo County, evaluation of this phenomenon will be required as part of routine soil-foundation investigations which are undertaken in areas involving potentially liquefiable soils.” The DEIR (IV.F Geology and Soils) discusses the project sites’ susceptibility to Liquefaction and associated hazards including Lateral Spreading, Liquefaction-induced Ground Surface Settlement, and Surface Manifestations such as sand boils or lurch cracking. Mitigation Measure GEO-3b Seismic Related Ground Failure defers to future additional subsurface exploration the determination of mitigation measures to reduce the potentially significant liquefaction and associated hazards to a less than significant level. Such deferral of mitigation measures to future studies is impermissible under CEQA per the Sundstrom v. Mendocino County decision. Impact GEO-4 Total and Differential Settlement similarly defers the determination of mitigation measures for the potentially significant impacts of ground settlement which include cyclic densification settlement and post-liquefaction reconsolidation settlement as well as consolidation settlement. The DEIR further states there is insufficient data available to accurately predict the amount of settlement that would occur at the site due to the weight of new fill and building loads, and therefore settlement impacts are potentially significant. Mitigation Measure GEO-4 defers to additional subsurface exploration to better characterize the subsurface conditions and soil properties at the site. Such deferral of mitigation measures to future studies is impermissible under CEQA per the Sundstrom v. Mendocino County decision.

Impact GEO-5 Soil Erosion or Loss of Topsoil discusses the increase of imperviousness from construction of buildings and parking lots onsite that would increase runoff from the site by 80 percent. Impacts GEO-6 Expansive Soil and GEO-7 Pervious Pavements and Other Water/Wastewater Infiltration Systems discuss the presence of 1.5 to 2.5 feet of moderately to

193-51

193-52

highly expansive clayey soil, which is also recognized in the Schaaf and Wheeler Report 9/07 which states: "Wetland Hydrology Indicators for Big Wave: It appears most likely that...site soils remained saturated for more than a week after the cessation of rainfall due to the inability of surface water to percolate through the thick clay "hardpan" that underlies the site." The BAGG Preliminary Geotechnical Engineering Investigation, 5/27/02 concluded that shallow groundwater levels at the site (encountered in 14 boreholes on the northern parcel) at a depth ranging from 5 ½ to 7 ½ feet below the existing ground surface may create difficulties during construction. BAGG concluded that dewatering of the near surface material may be necessary in order to recompact the material at a lower moisture content. BAGG's 2002 report assumed that the grades on the northern site would be raised by 2 to 4 feet to raise the building pads above the flood level. The applicant at that time applied for a grading permit to allow fill to be placed on the development area on the northern parcel to accommodate a smaller project that entailed smaller scale warehouse buildings. Surcharging the site with up to four feet of surcharge was expected to reduce settlement of the buildings. The proposed project now anticipates that no fill is required and that pervious pavement will be able to drain adequately, without evaluation of the impacts of the 1.5 to 2.5 feet of expansive clay soil. Mitigation Measure GEO-7 Pervious Pavements and Other Water/Wastewater Infiltration Systems states: "Considering the near-surface soil may consist of moderately to highly expansive clay, special subgrade preparation and foundation and pavement design recommendations shall be required to prevent the near-surface clayey soil from ponding water, and becoming saturated and weak under the proposed site loading conditions, such as foundation and traffic loads. Final design recommendations for a pervious pavement system shall allow surface water to percolate through the pavement without causing adverse impacts to new pavements and building foundations due to moisture fluctuations in the near-surface expansive clay." The DEIR again impermissibly defers to future studies the development of effective mitigation measures to address the high groundwater table and expansive clay soils that underlie the project. Absent this information the DEIR cannot conclude that such project features such as rainwater gardens which contain runoff from roofs, stormwater retention ponds, and leaching chambers and drainfields for on-site wastewater disposal would adequately function during wet weather conditions. Surface water runoff and discharge from these facilities has the potential to pollute the marsh and the ocean waters. The DEIR thus cannot conclude that any long-term stormwater disposal methods will be effective mitigation measures.

193-52

Policy 9.9 Regulation of Development in Floodplains: This policy requires development located within flood hazard areas to employ the standards, limitations, and controls contained in specified Building Regulations and applicable Subdivision Regulations. ***The DEIR has not analyzed the project's conformity with this requirement.*** FEMA flood designations are based on past historic data and as such have been generally recognized as inadequate to be relied upon to accurately predict hazards from flooding. The project parcels remain within the delineated area of flood hazard on other maps such as the Pacific Institute map of the region). Flooding hazards in low lying coastal areas such as the project site appear to be underestimated for intense storm events with sustained onshore winds coupled with perigean spring tides (see The Strategic Role of Perigean Spring Tides in Nautical History and North American Coastal Flooding, 1635-1976 by Fergus J. Wood, published by the U.S. Department of Commerce). Raising the first floor level of buildings above projected flood levels still leaves parking lots, vehicles, and infrastructure, including the proposed on-site wastewater treatment plant, vulnerable to flood, tsunami, and seiche events.

193-53

9.10 Geotechnical Investigation of Building Sites: This policy requires site specific geotechnical investigations to determine mitigation measures for the remedy of hazards to structures for human occupancy and/or employment. Hazards and hazardous areas are those defined as the geotechnical hazards shown on the Geotechnical Hazards Synthesis Maps and LCP Hazards Maps. The DEIR impermissibly defers analysis of the project's conformity with this policy to future studies (see also specific comments under Policy 9.2 above).

193-54

Policy 10.1 Permit Conditions for Shoreline Access: This policy requires some provision for shoreline access as a condition of granting Coastal Development Permits for any public or private development permits between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of the Shoreline Access Component. ***The DEIR has not analyzed the project's conformance with this policy.*** The Office Park site is located between the sea and the first public road. The project proposes a "trail" on the Office Park site, which is actually a 20-foot wide permeable concrete Fire Road (about 30% of which is located within the 100 foot wetlands buffer zone). A paved 20-foot wide road should not be considered a recreational trail. The project proposes an exception to the Office Park's required 737 parking spaces, which, if granted, would result in only 635 spaces provided for the Office Park's mixed uses. There is no provision for public parking on either the Wellness Center or the Office Park site to access any trails. The Jean Lauer Trail on the POST property, a new segment of the California Coastal Trail that leads to the Pillar Ridge Bluffs overlooking the ocean and Maverick's surf break, was recently constructed with help from a grant from the State Coastal Conservancy. This trailhead has a ten car staging/parking area located just to the north of the Pillar Ridge community. Daily overflow parking from the Office Park is likely to spill over onto this small parking/staging area, which would reduce, rather than increase, the public's ability to access the shoreline. The proposed eight foot wide sidewalk along Airport Street is not sufficiently wide to serve as a multi-use trail. This is the planned route of the California Coastal Trail, and should be designed and constructed to accommodate all non-motorized modes of travel. The sidewalk width would be reduced to just four feet at the crossing of the stream channel between the two project sites, and K rails would be installed at the edge of the 12-foot side travel lane to protect pedestrians from vehicles. Where would bicycles go in this narrow, constricted stretch? It is evident that the provisions for shoreline access are not merely inadequate, but would actually reduce public access to and along the coast.

193-55

12.3 Related Uses: This policy in the Commercial Fishing/Recreational Boating Component encourages development or uses which directly support recreational boating or commercial fishing before all others within one-half mile of the Pillar Point Harbor area on lands designated on the Land Use Plan Maps as General Industrial. The Wellness Center and Office Park sites are both designated as General Industrial on the Land Use Plan Map for the Mid-Coast. The DEIR should analyze the project's conformity with this policy.

193-56

Failure to acknowledge Project Inconsistencies with the LCP Maps: The analysis does not include the certified LCP Maps, including the Water Utilities Map, which shows the project site to be within the boundary of Citizens Utility Company, which was subsequently acquired by Montara

193-57

Water and Sanitary District. Therefore MWSD should be the service district for water utilities, not Coastside County Water District.

193-57

In conclusion, CGF believes that the DEIR is so fundamentally inadequate in its evaluation of the potential environmental impacts of this project that it must be substantially revised and recirculated so that the public and decision makers will have adequate information as to the project's potential impacts and whether they can be mitigated or reduced to a level of insignificance. There is a wide array of missing critical information. In particular, we are deeply concerned about how the project will mitigate potential geotechnical hazards, earthquake hazards, violent shaking, liquefaction, total and differential ground settlement, etc., flood hazards, tsunami/seiche hazards, and project's location adjacent to the airport and within industrial zone that allows storage of all but the most hazardous chemicals. Crucial information necessary to characterize the sub-surface conditions are deferred to future studies. Mitigation measures for the geotechnical hazards may well create new impacts that are not as yet evaluated. CGF is also deeply concerned about the destruction of wetlands on the project site and on adjacent County park property under the guise of agriculture. If these wetlands had not been destroyed, they would not need to be restored. While CGF is supportive of the Wellness Center, the proposed site is highly problematic for locating a vulnerable population, with its multiple natural and man-made hazards and difficult access along narrow, substandard roads and inadequate intersections.

193-58

Thank you again for the opportunity to comment, and for your careful attention to our comments. If you have any questions, or would like to discuss any of our comments, please feel free to contact me.

Sincerely,



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Big Wave DEIR

Presentation for San Mateo County Planning Commission

Lennie Roberts - Committee for Green Foothills

November 18, 2009

(Including comments at the session)

Wetlands Destruction of Pillar Point Marsh at Big Wave

The Pillar Point Marsh and its wetlands comprise a vital, irreplaceable natural resource. Wetlands provide habitat for diverse wildlife, resting and feeding habitat for migratory waterfowl, food chain support for resident and non-resident species, and critical habitat for threatened and endangered species. Statewide, it is estimated that 91% of California's wetlands have been lost since European settlement.

Back in 1861, the United States Coast Survey topographic maps showed that the Pillar Point Marsh complex included an approximately 10-acre area of open water. Its associated marsh and wetlands extended over a much larger area than today.

Project Site

North

South

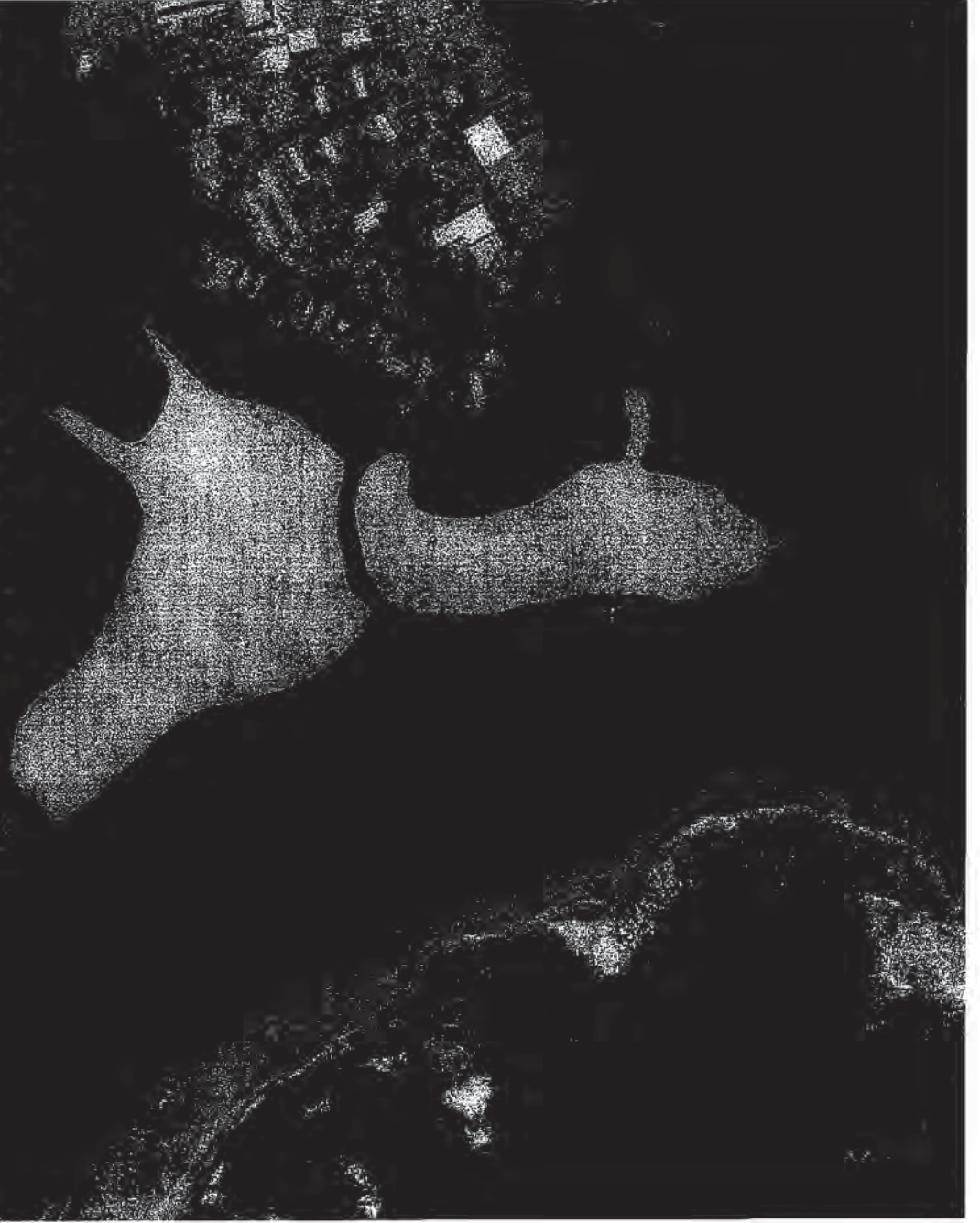


Over the past decades, grading, filling, ditching and draining for the Half Moon Bay airport, construction of West Point Road, groundwater pumping from the Pillar Point aquifer, as well as farming activities, have greatly reduced the open water and wetlands comprising the marsh complex.

In 1994, at the request of San Mateo County, the Army Corps of Engineers, did a formal mapping of the wetlands at Pillar Point Marsh, called a wetlands delineation. This delineation map shows a finger of wetlands that extends across the southern parcel where the Big Wave housing is proposed. The Army Corps uses a more restrictive definition than the state, so this image shows a minimal area of wetlands. Please note that the 100 foot buffer zone in which very limited uses are allowed is not on this graphic. If the buffer is included, the development of this parcel would be greatly reduced

The constraints to development posed by the presence of wetlands have been systematically reduced by previous and current owners of this property, beginning in 1986.

Army Corps 1994 Wetlands Delineation



Wetlands Delineation With Site Footprint



In December, 1986, a developer named J.L. Johnston, brought in heavy equipment and disked under the wetland vegetation. San Mateo County attempted to stop this destruction of the wetlands by filing a Notice of Violation. J.L. Johnston's attorney, Michael McCracken, sued the county, and a Superior Court Judge found that the land clearing was a "routine agricultural activity" and was exempt from Coastal Permit and Grading Permit requirements.

Disking Southern Parcel Wetland

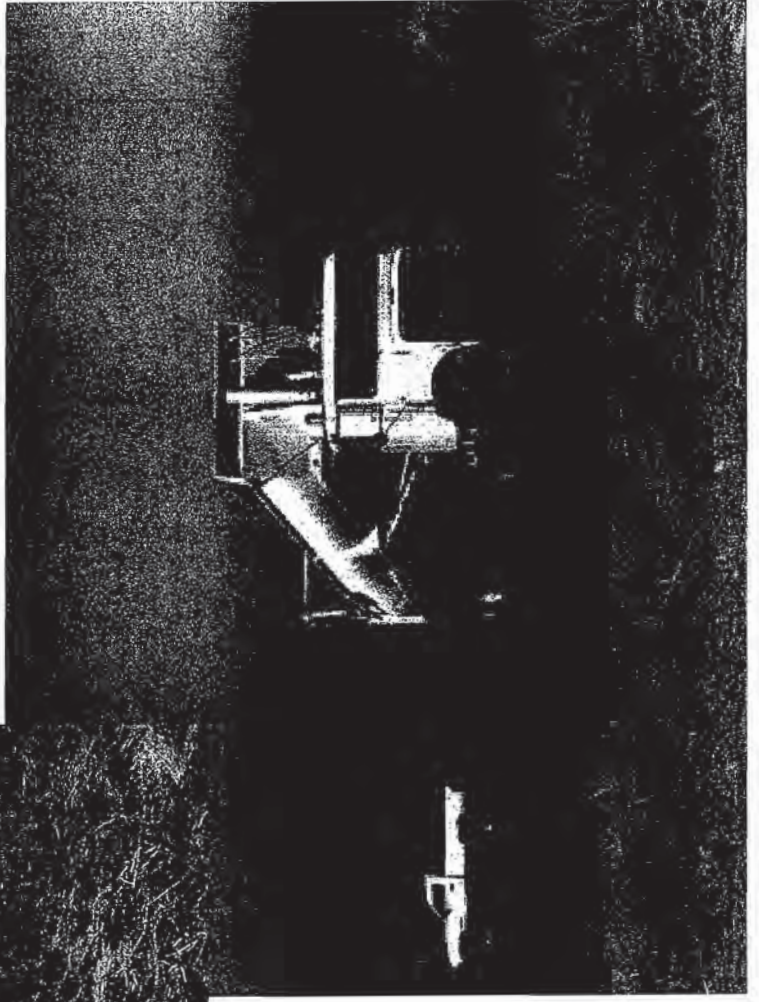
September 1987



Time passed, and the land was not in continuous active agriculture until once again, in June, 2006, the current owners began disking, deep ripping, and bringing huge truckloads of soil on the Southern parcel. The soil importation had the additional advantage of raising the elevation of the land so it would be more likely to eliminate one of the three federal wetland characteristics – hydric soils. The developers and their advisors were hoping that by disking and filling the low wet areas, they would be able to develop more of the site.

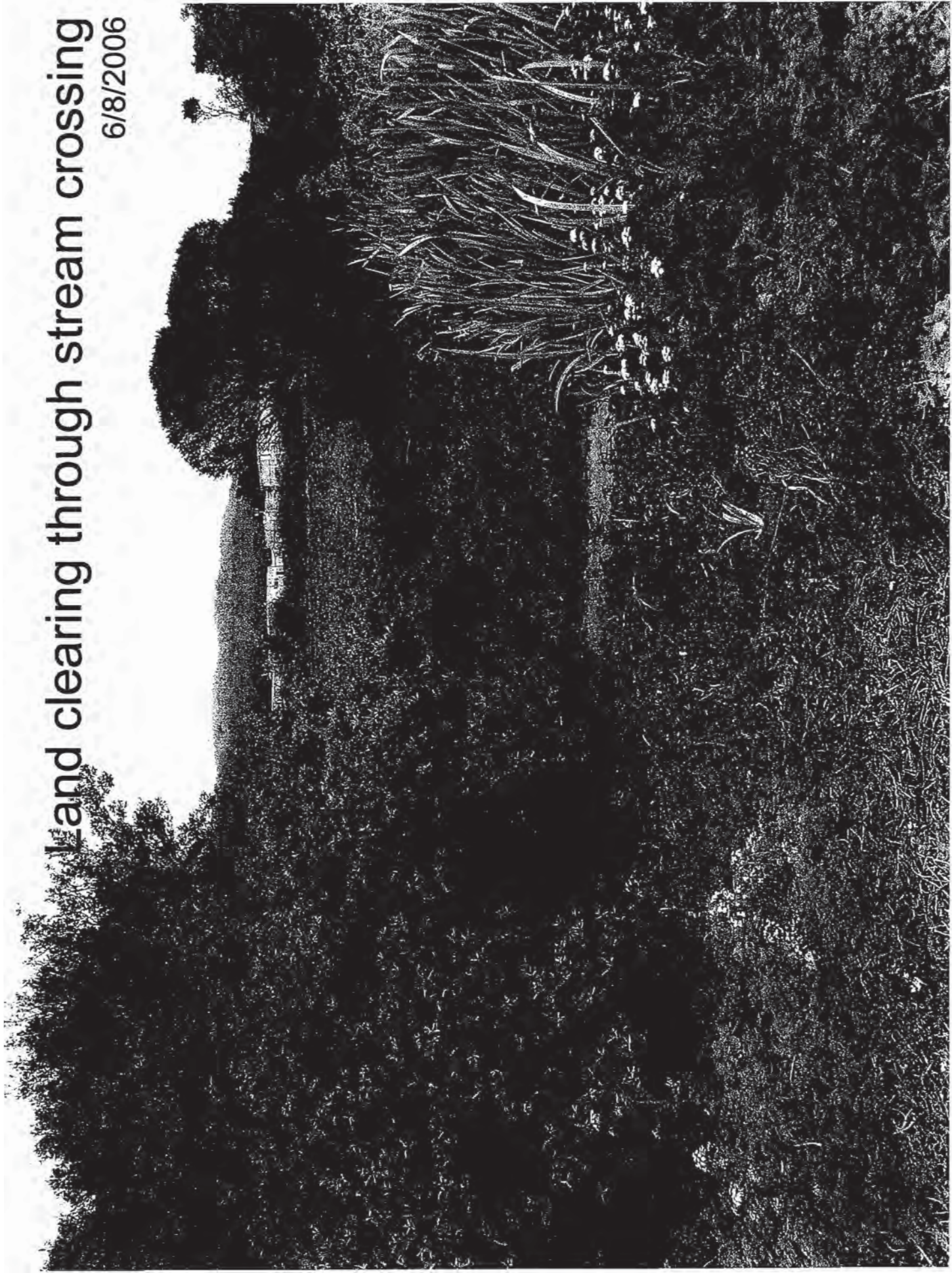
Disking and dumping southern parcel

6/8/2006



Land clearing through stream crossing

6/8/2006



Southern parcel Wetland D' and diking

6/8/2006



In 2006, the Big Wave farmer did not stay within the boundaries of the private property, but also destroyed wetlands on the adjacent County Park that was acquired to preserve and protect the wetlands. A December 4, 2008 memo from Dave Holland to Camille Leung states: "For over three years now there has been agricultural operations encroachment...over the property lines ... on to County Park lands. This encroachment has involved filling and farming wetland historically mapped by the biologists with the US Army Corps of Engineers prior to the County acquiring the Pillar Point Marsh to add it to the Fitzgerald Marine Reserve. We would like to see this encroachment and conversion of wetland on the County Park property addressed and mitigated."

Mr. Holland further states: "...The agricultural land adjacent to the County property has also encroached on the Pillar Point Marsh wetlands previously mapped by the US Army Corps of Engineer and not acquired by County Parks. We would like to have this conversion of wetlands addressed and mitigated."

MEMORANDUM

SAN MATEO COUNTY PARKS DEPARTMENT

DATE: December 4, 2008
TO: Camille Leung, Project Planner
FROM: David G. Holland, Director
SUBJECT: Big Wave Wellness Center and Office Park

We are writing to respond to your request for comments on the scope and content of the EIR that is being prepared for the Big Wave Wellness Center and Office Park. The following is a list of issues County Parks would like to see addressed in the Environmental Impact Report that is being prepared by County Planning for the project:

- 1) For over three years now there has been agricultural operations encroachment from the property in question over the property lines encroaching on to County Park lands. This encroachment has involved filling and farming wetland historically mapped by the biologists with the US Army Corps of Engineers prior to the County acquiring the Pillar Point Marsh to add it to the Fitzgerald Marine Reserve. We've walked the site with Senior Planner Dave Holbrook who documented the grading. Copies of the wetland delineation have been provided to County Planning. We would like to see this encroachment and conversion of wetland on the County Park property addressed and mitigated.
- 2) The agricultural land adjacent to the County property has also encroached on to Pillar Point Marsh wetlands previously mapped by the US Army Corps of Engineers and not acquired by County Parks. We would like to have this

conversion of wetlands addressed and mitigated.

Enclosed is a copy of the County's recent Master Plan for the Fitzgerald Marine Reserve including the Pillar Point Marsh, it will serve as background on the resources at the site. If you have any further comments please contact Senior Planner Sam Herzberg at (650) 363-1823.

cc: Sam Herzberg, Senior Planner
Dave Moore, Superintendent

Committee for Green Foothills heartily agrees with County Parks. The wetlands on southern parcel should be preserved for their scenic and environmental value, and fully restored. There are several alternative sites for the housing, including a scaled back Office Park combined with the housing on the northern parcel. Another alternative is at the adjacent Pillar Ridge community, which has the advantage of having several spaces for low-income housing available right now.



April 24, 2008

Mr. Scott Holmes
Mr. Jeff Peck
Big Wave Group
1333 Jones Street, Suite 307
San Francisco, CA 94109

Re: Letter Addendum to the Report: *Geographic Extent of Waters of the U.S., Including Wetlands, at the Big Wave Project Site, Half Moon Bay, California*, Submitted March 14, 2008

Dear Mr. Holmes and Mr. Peck:

We are writing to describe revisions to our March 17, 2008 report on the geographic extent of waters of the U.S., including wetlands (waters/wetlands) and California Coastal Act wetlands at the Big Wave Project Site (Project Site) in Half Moon Bay, California. This letter addendum is prompted because WSP Environment & Energy (WSP) scientists observed wetland vegetation growing beyond the geographic extent of federal waters/wetlands delineated on November 20, 2007.

Background

On the morning of March 27, Drs. Lyndon C. Lee and Peggy L. Fiedler met with Mr. Scott Holmes, Big Wave Group, and Mr. Dan MacLeod, McLeod and Associates, at the Big Wave Project Site in unincorporated San Mateo County, adjacent to Princeton-by-the-Sea, California (Figure 1, Attachment A). Specifically, the project team met on the southwestern field, one of two agricultural fields separated by a county-owned intermittent stream that constitute the Project Site. Additional details can be found in the March 17th delineation report¹. The purpose of the field meeting was to discuss final site grades to be incorporated into the grading plan.

Observations made during the March 27th meeting revealed that conditions in the southwestern field, while fallow, allowed for establishment of annual plant species throughout. Specifically, Drs. Lee and Fiedler walked the southwestern field with Holmes and McLeod, and observed a prevalence of vegetation typically adapted for life in saturated soil conditions in a portion of the agricultural field. These annual plant species occurred generally to the south and upgradient of the geographic extent of documented wetland hydrology and hydric soils. Dominant plant species observed included *Conium maculatum* (FACW), *Juncus bufonius* (FACW*), *Limnanthes macounii* (Not listed), *Mimulus guttatus* (OBL), *Picris echioides* (FAC*), *Spergula arvensis* (Not listed), and *Vulpia bromoides* (FACW). Native species (i.e., *M. guttatus*, *J. bufonius*) were more common closer to the wetter portions of the site, that is, nearer to the Nov 2007 delineation boundary. Non-native species (including radish (*Raphanus sativus*) [NI*], black mustard

¹ WSP. 2008. An Analysis of the Geographic Extent of Waters of the United States, Including Wetlands, on the Big Wave Property, San Mateo County, California. *Consultant's report*. 23 pp. + appendices

(*Brassica nigra*) [NL], and curly dock (*Rumex crispus*) [FACW-]) were more commonly observed toward the drier margins of the field.

WSP scientists informed the Big Wave Group that the California Coastal Commission's (CCC) hydrophytic vegetation parameter likely would be met beyond the bounds of the November 2007 delineated federal and state waters/wetlands line. Further, WSP scientists advised that a new CCC line in the southwestern field should be delineated based upon the current vegetation. Big Wave Group representatives agreed, and a preliminary CCC wetland line was mapped based upon the March 27th field observations (Exhibit 1A, Attachment A). The line represents the approximate extent of CCC wetlands using the hydrophytic vegetation parameter where (native) wetland plant species were dominant. Wetland plant species, primarily non-native Eurasian weedy taxa were observed beyond (upgradient of) this coastal wetland line. However, given the pervasive atypical site conditions that have developed as a result of the long and continuous use of this site for agriculture, WSP staff cannot be certain whether the hydrophytic vegetation parameter would have been met beyond the March 27th CCC line.

WSP scientist Fiedler returned to the Project Site to delineate the CCC wetlands on April 9, 2007. However, the agricultural field had been prepared for spring planting. Specifically, the site had been ploughed and disked. Virtually all of the annual vegetation observed on March 27, 2008 was ploughed under and only desiccated plant fragments were present. Nevertheless, Exhibit 1A (Attachment A) represents the revised approximate extent of wetlands as protected by the California Coastal Act on the Big Wave Project Site. Approximately 12,604 sq ft/0.29 acres of additional coastal (CCC) wetlands are found on the Project Site, for a total of 32,180 sq ft/0.74 acres. This additional area and extent of CCC wetlands conforms closely to that delineated by Christopher A. Joseph & Associates (2007)² Total federal wetland area stands at 19,590 sq ft (0.45 ac). Additional details of the extent of federal jurisdiction can be found in the March 14, 2008 report.

As you know, we are working with various members of the Big Wave Project team to revise the project foot print to avoid all jurisdictional waters/wetlands, including any impacts to the 100 ft buffer zone, as required by the San Mateo County LCP. Constraints to the project are depicted in Exhibit 2A (Attachment A), which illustrates the 100 foot buffer around the existing waters/wetlands resources. Current plans for the buffer include a comprehensive ecosystem restoration as well as a no-build zone that typically exceeds 100 foot, with a range of 110 – 150 foot set back more common (Exhibit 3, Attachment A). If you have any questions regarding our observations or conclusions, please do not hesitate to contact either one of us.

Kind regards,

Lyndon

Lyndon C. Lee, Ph.D., PWS
Principal Ecologist & Vice President
Ecosystem Science & Natural Resources
Management

Peggy

Peggy L. Fiedler, Ph.D., PWS
Senior Botanist/Conservation Ecologist

² Christopher A. Joseph & Associates. 2007. *Wetland Delineation. Big Wave Office Park and Wellness Center – Southern Parcel. San Mateo County, California.* Consultant's report. 28 pp. + appendices.

December 23, 2009

Comment Letter No. 193
Attachment 3

Camille Leung, Project Planner
San Mateo County Planning Division
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Comments on the Draft Environmental Impact Report (DEIR) Big Wave Wellness Center and Office Park Project

Dear Ms. Leung,

This letter forms part of the comments on the above-referenced DEIR submitted to the Planning Division by the Committee for Green Foothills (CGF). The remainder of CGF's comments are being submitted by Lennie Roberts, CGF Advocate, and by the firm of Shute, Mihaly and Weinberger. This letter will address Section G of the DEIR concerning hazards and hazardous materials.

The Draft Environmental Impact Report (DEIR) for the Big Wave Wellness Center and Office Park Project (Project) identifies the following natural and man-made hazards and hazardous materials: airport-related hazards, wildland fire hazards, and soil and groundwater contamination. Not mentioned in the DEIR are risks from hazardous materials storage on the neighboring properties. None of these potential hazards are adequately evaluated in the DEIR. The DEIR must be revised and recirculated to provide the public with information about the impacts of the proposed project.

Airport-related hazards. The DEIR acknowledges that both parcels on the Project site are partially located within an Airport Overlay (AO) district, approximately 100 feet into the Approach Protection Zone (APZ) for the southern approach to Half Moon Bay Airport. DEIR at IV.G-4. The DEIR further states that "land uses that attract the fewest people, like open space or agriculture, are most appropriate" near an airport, and that in terms of noise, the most sensitive types of land uses, such as a school or residential development, are least appropriate. DEIR at IV.G-10. With regard to objects affecting navigable airspace, the FAA presumes any obstruction to air navigation to be a hazard until an FAA study has determined that it does not have an adverse effect upon the safe and efficient use of navigable airspace by aircraft. *Id.* The particular hazards of concern are: airspace obstructions such as tall buildings, tall trees, antennas, etc., and land use characteristics which pose other potential hazards to aircraft in flight, by attracting birds or creating visual or electronic interference with air navigation, such as site lighting, architectural features and communication facilities such as antennas, microwave dishes, etc. DEIR at IV.G-11. Furthermore, the San Mateo County Comprehensive Airport Land Use Plan states that allowed uses in the APZ are: cemeteries, golf courses, industrial uses associated with manufacturing, transportation and communications, and agricultural uses associated with crop production and livestock pasture and grazing, and also states that these uses cannot result in a "gathering of more than 10 persons per acre at a time." "It is the policy of the Airport Land Use Commission to keep APZs free of structures." DEIR at IV.G-25. Specifically for the Half Moon Bay Airport,

193-3-1

193-3-2

the county Airport Land Use Plan states that "APZs, defined and illustrated for Half Moon Bay, shall remain free of permanent structures at all times." DEIR at IV.G-16.

The DEIR provides no evidence that the Project will not have a significant impact with regard to airport safety hazards. Merely, the DEIR states that "full compliance with all applicable federal, state, regional, and local regulations, programs and plan related to land uses in proximity to a public airport would be required." However, mere compliance with applicable regulations does not prove that a project will have no significant and adverse impact upon the environment. An EIR must provide actual analysis of the impacts of a project, not merely recite the applicable regulations and state that they will be complied with. Moreover, the Project as described in the DEIR is actually in complete conflict with County regulations. As stated above, the County Airport Land Use Plan specifically states that the only allowed uses in the APZ are cemeteries, golf courses, and certain industrial and agricultural uses, and that it is policy to keep the APZ free of any structures; and further states that the Half Moon Bay Airport APZ shall remain free of permanent structures at all times. In spite of this, the DEIR states that 2 of the Project's buildings are located within the APZ (the Communications Building and the Storage Building) and one is located on the APZ boundary (the Wellness Center). DEIR at IV.G-24-5. The Project thus appears to be in blatant conflict with the San Mateo County Airport Land Use Plan.

193-3-3

The only response which the DEIR provides to this conflict is to state that "[a]lthough the project does propose structures within the APZ, the structures do not include residential uses or uses with three or more persons occupying the use at one time," DEIR at IV.G-25. It is unclear how the fact that these structures are not residences (though the Wellness Center, located on the boundary of the APZ, does contain residences) makes them appropriate uses under the Airport Land Use plan which specifically forbids any structures in the Half Moon Bay APZ.

The DEIR is similarly lacking in any analysis of whether the Project creates significant impacts under the FAA regulations described in the DEIR. The DEIR states that tall buildings, tall trees and antennas may be of particular concern as air navigation hazards, but does not evaluate whether the buildings, trees and antennas proposed for the Project would constitute such hazards. Instead, the DEIR merely recites the various heights of the buildings without any indication of whether those heights are problematic (but does not address the issues of trees and antennas, even though the DEIR elsewhere proposes to plant trees such as Western Sycamores and Big Leaf Maples which may reach 75 feet in height, and includes a Communications Building which presumably will include rooftop antennas). Nor does the DEIR address the other possible interferences with air navigation, such as site lighting, architectural features, and communication facilities such as microwave dishes. The DEIR merely states that the microwave dishes "would not be expected to interfere with Airport communications," with no evidence to support this bare assertion. Similarly, there is no supporting evidence for the statement that the solar panels, building surfaces, and lighting would be designed "so as not to create a glare for aircraft navigation." DEIR at IV.G-25. CEQA requires more than an unsupported assertion that no significant impact will be created.

193-3-4

The DEIR mentions comments received by the County regarding the potential that wind tunnel effect could be created between two of the Project's buildings. Again, the DEIR simply brushes this concern aside, stating that "the potential for a project-related wind tunnel is

193-3-5

anticipated to be low due to the terrain at the project site” and because the Pillar Ridge mountains block prevailing winds from the west. DEIR, *supra*. No documentation is offered in support of this statement.¹

The DEIR does offer one mitigation measure for airport-related impacts: that “[p]rior to approval of final development plans, a navigational easement shall be established for the project site.” DEIR at IV.G-26. The “navigational easement” referred to appears to actually be an *avigation* easement, as described in the Big Wave Facilities Plan Draft #2 (January 1, 2009), which states on p. 88: “Big Wave will require that all residents of both the Wellness Center and Office Park sign a release acknowledging the proximity of the airport to their property and acknowledging that airport noise will at a minimum approach the background threshold of the study and acknowledging that future growth of the airport will increase the background noise. All residents will also be required to sign a release preventing claims against the airport and its operations resulting in noise. We will work with the County to establish County conditions of approval and property deed restrictions if necessary.” Requiring Project residents to sign releases regarding airport activity, however, does nothing to actually mitigate any potential impacts related to airport safety caused by the Project.

193-3-6

Wildfire hazards. The DEIR states that the Project site is within a Community At Risk zone, and thus must meet certain standards of construction as to use of fire-resistant building materials and adequate clearance of flammable building materials from around buildings. DEIR at IV.G-26. Again, the DEIR merely states that the Project applicant “shall submit building plans and plot plans to the County and Coastside Fire Protection District to provide appropriate fire hazard management recommendations.” *Id.* The DEIR claims that this means that potential impacts from wildfires would be less than significant. This is not an adequate level of analysis under CEQA. The DEIR should describe the fire-prevention techniques and steps that will be taken before it can claim that it has rendered wildfire danger less than significant.

193-3-7

Soil and groundwater contamination. The DEIR identifies several potential sources of soil and groundwater contamination from hazardous materials, including: the Project’s wastewater treatment plant, previous application of pesticides to the soil on the Project site, and pollutants in the groundwater emanating from sources to the northeast (up-gradient) and migrating onto the Project site where they could contaminate the well which the Project proposes to use for drinking water.

193-3-8

¹ The DEIR does not mention another comment received by the County in response to the Notice of Preparation of the EIR, which was from the Aircraft Owners and Pilots Association. They opposed the Project because it “would be an incompatible land use adjacent to an airport. The EIR must look at the impact of this project on the airport’s current and future operations and mitigation should not penalize the airport. Rather a more compatible use should be sought for the property. As the airport sponsor, the County has the obligation to ensure compatible land uses around the airport under both the quit claim deed from the Federal government and the receipt of Federal Aviation Administration (FAA) airport improvement funds.” December 4, 2008 letter to County from John Collins, Airport Policy Manager, Aircraft Owners and Pilots Association.

1. *Hazards from the wastewater treatment plant.* The DEIR states that the on-site wastewater treatment plant poses a risk of release of hazardous materials, including raw sewage, to the environment in the event of mishandling or an emergency situation. DEIR at IV.G-21. Again, the DEIR's only proposal in response to this admitted risk is to state that the applicant proposes to meet the specific discharge requirements of Title 22 for unrestricted reuse of recycled tertiary treated wastewater. This does not address the potential impacts of an unexpected release of raw sewage or other hazardous material. The DEIR should include an analysis of how the applicant proposes to mitigate this potential impact.

193-3-9

2. *Pesticide contamination from previous agricultural activities on the Project site.* The DEIR recognizes that, due to the agricultural activity that has historically been conducted on the Project site, there is a likelihood of pesticide contamination of the soil, constituting a potentially significant impact. DEIR at IV.G-24. However, the DEIR contains no information as to the extent of this contamination, stating that "the extent of potential past contamination of soils is not yet fully known." As a mitigation of this likely significant impact, the DEIR states that "a groundwater sample shall be collected from the agricultural supply well." *Id.* First, a single groundwater sample is not sufficient to give an adequate picture of even the condition of the groundwater (since the level of the groundwater table varies throughout the year, which impacts the results of any testing), and certainly is not adequate to analyze the potential risks of soil contamination from pesticides. Furthermore, the deferral of analysis or mitigation measures to future studies is improper under CEQA (see *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296 (1988)). Such testing should be performed prior to the revising of this DEIR.

3. *Groundwater contamination migrating onto the Project site.* The DEIR states that chlorinated solvents, including trichloroethylene (TCE) and perchloroethylene (PCE) (both known carcinogens), have been identified in properties hydraulically up-gradient of the Project site. DEIR at IV.G-22. The DEIR claims, however, that because these contaminants have not been detected in the up-gradient well that is closest to the Project site since 1997, "migration of chlorinated solvents onto the project site is unlikely." This conclusion, however, is contradicted by data in the Environmental Site Assessment (ESA) performed on behalf of the applicant and contained in Appendix G to the DEIR. The ESA states that an unnamed well located in the same community (the Pillar Ridge community, erroneously called the El Granada Mobile Home Park in the DEIR) was found to contain detectable levels of TCE as recently as 2006. Appendix G to DEIR at 9. Therefore, the DEIR's conclusion that there is no risk to the groundwater on the Project site from the chlorinated solvents which have been detected in the up-gradient groundwater, is unwarranted, and an analysis of these risks should be performed.

193-3-10

Furthermore, there is strong evidence that there has in fact been migration of contaminants from other sources onto the Project site. Data from the Montara Water and Sanitary District indicates that manganese and nitrates have both been detected at above maximum contaminant levels (MCLs) in monitoring wells at the airport.² See sampling data provided by

² Manganese and nitrate are common contaminants resulting from fertilizer use in agricultural activity such as occurs just east of the airport. The potential health impacts of manganese include neurological damage and loss of motor skills. The potential health impacts of nitrate include

the MWSD, attached hereto as Exhibit A. In fact, levels of manganese in the airport monitoring wells were more than 8 times higher than the MCL in 2009 (significantly, contaminant levels have risen over the course of the recent drought as the groundwater elevation has fallen). There is evidence to show that manganese has migrated onto the Project site, since the water samples taken from the Project's agricultural well in June 2009 were above the MCL for manganese as well as color and iron. DEIR at IV.N-23. Although the MCL for manganese relates to aesthetics rather than health standards, manganese can be toxic to human health in drinking water, and the presence of this contaminant in the Project's well water is evidence that there is potential for other contaminants such as the nitrates, TCE and PCE found in the up-gradient groundwater to migrate to the Project site. This potential contamination of the Project's main drinking water source (per the DEIR, IV.N-31) should be addressed in the DEIR.

193-3-10

Additionally, as noted above, two groundwater samples, both taken during the same month of the year, are not sufficient to give a complete picture of the condition of the water quality parameters in the Project's drinking water. The DEIR also does not state whether, prior to the samples being taken in June of 2009, the agricultural well had been in operation, and if so for how long, as this could also affect the sampling results. As stated above, the DEIR's proposed mitigation of taking a single further groundwater sample to determine whether any contaminants are present, is not sufficient.

The condition of the groundwater is particularly significant, since the DEIR proposes to obtain potable water for domestic use primarily through conversion of the agricultural well currently in use on the Project site to a domestic well. DEIR at IV.N-31. Aside from the fact that this agricultural well was unpermitted when constructed, and would require a Coastal Development permit which has not yet been issued, the conversion of this well to domestic use would require extending the existing 20-foot well seal to 50 feet, which will "materially alter the production capacity of the well, such that the results of the recently completed pumping test are no longer valid." DEIR at IV.N-37. The DEIR states that "[i]t is not possible to determine whether or not the modified well will have sufficient production capacity to meet project demands." *Id.* The DEIR's solution to this possibility is to propose that another well could be drilled to supplement water needs. Again, no evidence is offered to suggest that a second well would be permitted. Furthermore, the DEIR claims, on no evidence, that the proposed modification of the well seal would have no impact on the water quality. There is no basis for this conclusion in the DEIR.

193-3-11

The DEIR fails to evaluate risks from hazardous materials in the neighboring industrial zone. The Project site is bordered on the south by a neighborhood which is zoned for industrial uses. The Princeton waterfront zoning district allows the use and storage of all but the most hazardous materials in either indoor or outdoor storage.³ Appendix G to the DEIR includes a

193-3-12

reduction in the amount of oxygen that can be carried in the blood, which results in cells throughout the body being deprived of sufficient oxygen to function properly.

³ Section 6286.0 Definitions:

8. Indoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.10): "Facilities

report from Environmental Data Resources, Inc. (EDR) which indicates that there are numerous hazardous materials sites within close proximity to the Project site. According to this report, within 0.25 miles of the Project site are two RCRA sites (sites which generate, transport, store, treat, and/or dispose of hazardous waste) and nine sites required to complete Hazardous Materials Business Plans under San Mateo County regulations. Appendix G to DEIR, EDR Report, Executive Summary at 3-5. These sites include a fertilizer manufacturer and several boatyards which store and generate fuel oil, which two substances when combined create a powerful explosive.

193-3-12

The potential risks of locating residences within 0.25 miles of hazardous materials storage sites are not mentioned at all in the DEIR. These risks should be evaluated.

For these reasons, the DEIR should be revised and recirculated for public comment. Thank you for your consideration of these comments.

193-3-13

Sincerely,

Alice Chang Kaufman
Alice Chang Kaufman
Committee for Green Foothills

and grounds which are primarily intended to provide space for the keeping of property merchandise or equipment within one or more completely enclosed, covered structures excluding extremely hazardous materials, as defined in the California Administrative Code."

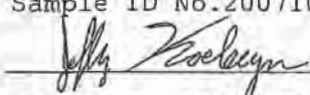
15. Outdoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.20): Facilities and grounds which are primarily intended to provide space for the keeping of property, merchandise or equipment where all or some of such items are kept outside a completely enclosed, covered structure, excluding extremely hazardous materials, as identified in the California Administrative Code."

Section 6287.0. Uses Permitted:

B.3. Indoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.10) (No Use Permit Required)
B.4. Outdoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.10) (Use Permit Required)

BSK LABORATORIES
1414 Stanislaus St.
Fresno, CA 93706

GENERAL MINERAL & PHYSICAL & INORGANIC ANALYSIS (3/03)

Report of: 07/11/02
Laboratory Name: BSK ANALYTICAL LABORATORIES
Name of Sampler: Gavin Williams
Date/Time Sample Collected: 07/10/18/1300
Authorized Signature: 
Employed By: Montara Water and Sanitary
Date/Time Sample Received: 07/10/19/1115
Date Analyses Completed: 07/10/31
Sample ID No. 2007101839-909537

System Name: MONTARA WATER AND SANITARY DISTRICT
Name or Number of Sample Source: S AIRPORT WELL
System #: 4110010

User ID: HEN
Date/Time of Sample: 07/10/18/1300
Station Number: 4110010-012
Laboratory Code: 5810
Date Analysis Completed: 07/10/31
Submitted by: _____ Phone #: _____

INORGANIC CHEMICALS

MCL	REPORTING UNITS	CHEMICAL	ENTRY#	ANALYSIS RESULTS	DLR
45	mg/L	Nitrate (NO3)	71850	5.4	2.
Total Anions Meq/L Value: 0.09					
50	µg/L +	Manganese (Mn)	01055	150	20.

* 250-500-600 ** 900-1600-2200 *** 500-1000-1500
+ Indicates Secondary Drinking Water Standards

07101839.res



Exhibit A

BSK LABORATORIES
1414 Stanislaus St.
Fresno, CA 93706

EDT

GENERAL MINERAL & PHYSICAL & INORGANIC ANALYSIS (3/03)

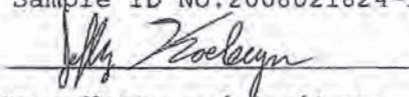
Date of Report: 08/03/10

Sample ID No. 2008021824-954779

Laboratory

Authorized

Name: BSK ANALYTICAL LABORATORIES

Signature: 

Name of Sampler: B Voight and G

Employed By: Montara Water and Sanitary

Williams

Date/Time Sample

Date/Time Sample

Date Analyses

Collected: 08/02/25/1310

Received: 08/02/26/1000

Completed: 08/03/06

System Name: MONTARA WATER AND SANITARY DISTRICT

System #: 4110010

Name or Number of Sample Source: AIRPORT WELL 03

User ID: HEN

Station Number: 4110010-001

Date/Time of Sample: 08/02/25/1310

Laboratory Code: 5810

Date Analysis Completed: 08/03/06

Submitted by: _____

Phone #: _____

INORGANIC CHEMICALS

MCL	REPORTING UNITS	CHEMICAL	ENTRY#	ANALYSIS RESULTS	DLR
45	mg/L	Nitrate (NO3)	71850	39	2.
Total Anions		Meq/L Value:	0.63		
50	µg/L +	Manganese (Mn)	01055	74	20.

* 250-500-600 ** 900-1600-2200 *** 500-1000-1500
+ Indicates Secondary Drinking Water Standards

08021824.res



BSK LABORATORIES
1414 Stanislaus St.
Fresno, CA 93706

EDT

GENERAL MINERAL & PHYSICAL & INORGANIC ANALYSIS (3/03)

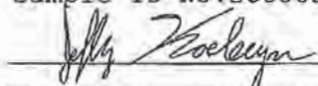
Date of Report: 08/03/10

Sample ID No. 2008021824-954778

Laboratory

Authorized

Name: BSK ANALYTICAL LABORATORIES

Signature: 

Name of Sampler: B Voight and G

Employed By: Montara Water and Sanitary

Williams

Date/Time Sample

Date/Time Sample

Date Analyses

Collected: 08/02/25/1406

Received: 08/02/26/1000

Completed: 08/03/06

System Name: MONTARA WATER AND SANITARY DISTRICT

System #: 4110010

Name or Number of Sample Source: NORTH AIRPORT WELL 02

User ID: HEN

Station Number: 4110010-015

Date/Time of Sample: 08/02/25/1406

Laboratory Code: 5810

Date Analysis Completed: 08/03/06

Submitted by: _____

Phone #: _____

INORGANIC CHEMICALS

MCL	REPORTING UNITS	CHEMICAL	ENTRY#	ANALYSIS RESULTS	DLR
45	mg/L	Nitrate (NO3)	71850	48	2.
Total Anions		Meg/L Value:	0.77		
50	µg/L +	Manganese (Mn)	01055	71	20.

* 250-500-600 ** 900-1600-2200 *** 500-1000-1500

+ Indicates Secondary Drinking Water Standards

08021824.res



BSK LABORATORIES
1414 Stanislaus St.
Fresno, CA 93706

EDT

GENERAL MINERAL & PHYSICAL & INORGANIC ANALYSIS (3/03)

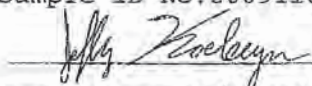
Date of Report: 09/11/17

Sample ID No. 2009110210-1180673

Laboratory

Authorized

Name: BSK ANALYTICAL LABORATORIES

Signature: 

Name of Sampler: Jeff S.

Employed By: Montara Water and Sanitary

Date/Time Sample

Date/Time Sample

Date Analyses

Collected: 09/11/03/0930

Received: 09/11/04/1000

Completed: 09/11/13

System Name: MONTARA WATER AND SANITARY DISTRICT

System #: 4110010

Name or Number of Sample Source: S AIRPORT WELL

User ID: HEN

Station Number: 4110010-012

Date/Time of Sample: 09/11/03/0930

Laboratory Code: 5810

Date Analysis Completed: 09/11/13

Submitted by: _____

Phone #: _____

INORGANIC CHEMICALS

MCL	REPORTING UNITS	CHEMICAL	ENTRY#	ANALYSIS RESULTS	DLR
45	mg/L	Nitrate (NO3)	71850	17	2.
Total Anions		Meq/L Value: 0.27			
50	pg/L +	Manganese (Mn)	01055	440	20.

* 250-500-600 ** 900-1600-2200 *** 500-1000-1500
+ Indicates Secondary Drinking Water Standards

09110210.res

BSK LABORATORIES
1414 Stanislaus St.
Fresno, CA 93706

EDT

GENERAL MINERAL & PHYSICAL & INORGANIC ANALYSIS (3/03)

Date of Report: 09/11/17

Sample ID No.2009110210-1180675

Laboratory

Authorized

Name: BSK ANALYTICAL LABORATORIES

Signature:

Name of Sampler: Jeff S.

Employed By: Montara Water and Sanitary

Date/Time Sample

Date/Time Sample

Date Analyses

Collected: 09/11/03/1040

Received:09/11/04/1000

Completed: 09/11/13

System Name: MONTARA WATER AND SANITARY DISTRICT

System #: 4110010

Name or Number of Sample Source: AIRPORT WELL 03

User ID: HEN

Station Number: 4110010-001

Date/Time of Sample: 09/11/03/1040

Laboratory Code: 5810

Date Analysis Completed: 09/11/13

Submitted by:

Phone #:

INORGANIC CHEMICALS

MCL	REPORTING UNITS	CHEMICAL	ENTRY#	ANALYSIS RESULTS	DLR
45	mg/L	Nitrate (NO3)	71850	43	2.
Total Anions		Meq/L Value:	0.69		
50	pg/L +	Manganese (Mn)	01055	89	20.

* 250-500-600 ** 900-1600-2200 *** 500-1000-1500
+ Indicates Secondary Drinking Water Standards

09110210.res

BSK LABORATORIES
1414 Stanislaus St.
Fresno, CA 93706

EDT

GENERAL MINERAL & PHYSICAL & INORGANIC ANALYSIS (3/03)

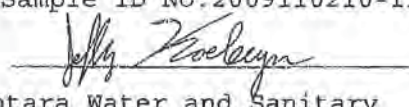
Date of Report: 09/11/17

Sample ID No. 2009110210-1180674

Laboratory

Authorized

Name: BSK ANALYTICAL LABORATORIES

Signature: 

Name of Sampler: Jeff S.

Employed By: Montara Water and Sanitary

Date/Time Sample

Date/Time Sample

Date Analyses

Collected: 09/11/03/1000

Received: 09/11/04/1000

Completed: 09/11/13

System Name: MONTARA WATER AND SANITARY DISTRICT

System #: 4110010

Name or Number of Sample Source: NORTH AIRPORT WELL 02

User ID: HEN

Station Number: 4110010-015

Date/Time of Sample: 09/11/03/1000

Laboratory Code: 5810

Date Analysis Completed: 09/11/13

Submitted by: _____

Phone #: _____

INORGANIC CHEMICALS

MCL	REPORTING UNITS	CHEMICAL	ENTRY#	ANALYSIS RESULTS	DLR
45	mg/L	Nitrate (NO3)	71850	39	2.
Total Anions		Meg/L Value:	0.63		
50	µg/L +	Manganese (Mn)	01055	38	20.

* 250-500-600 ** 900-1600-2200 *** 500-1000-1500
+ Indicates Secondary Drinking Water Standards

09110210.res

***Response to Comment Letter 193 and Attachments
Committee for Green Foothills***

Response to Comment 193-1

*This statement is introductory. No response is required by CEQA.**

Response to Comment 193-2

The commenter states that the site is a natural landscape and that some of the on-site and adjoining wetlands have been destroyed by agricultural activities.

The site has been actively farmed for the past 4 years. The site was cleared in the 1940s cleared again in the 1980s (DEIR Appendix II, DEIR aerial photographs). For information regarding the potential destruction of wetlands through agricultural operations, please refer to Topical Response 13, County Permit History.

The commenter states that construction would result in wholesale alteration of scenic and natural open space character of the project site and states that the proposed buildings and associated infrastructure are incompatible with the natural setting.

The project description proposes the planting of native landscaping and wetlands restoration to shield the project and make the visual impacts less than significant. The site is bracketed by commercial, industrial and multi-family residential uses, including the Princeton Commercial/Industrial area and the Pillar Ridge Mobile Home Park. The site has been zoned for manufacturing and light industrial uses. As discussed in the Aesthetics section of the DEIR, the potential visual impacts of the project are less than significant. Regarding the compatibility of the proposed buildings with its surrounding, refer to Response to Comment 213-19.

Response to Comment 193-3

The commenter gives a general description of the proposed project as an introduction to ensuing comments.

This statement is introductory. No response is required by CEQA.*

Response to Comment 193-4

The commenter states that the DEIR failed to analyze the impacts associated with Wellness Center businesses.

The DEIR project description states that the Wellness Center on-site businesses at the Wellness Center are operated by the developmentally disabled residents. Section III of the FEIR clarifies that the extent of

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Land Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

food related businesses will be limited to that which can be accommodated by the proposed kitchen space. Analysis of these small business ventures was included on the demand for water and water recycling/wastewater treatment as analyzed in the DEIR. Refer to “Estimated Wastewater flows on page IV. N-14 and “Estimated Water Demands” on pages IV. N-32 and 33. For additional information regarding potential impacts of Wellness Center businesses, refer to Response to Comment 185-8.

Response to Comment 193-5

The commenter states that the traffic impacts of the Wellness Center businesses were not analyzed.

The Wellness Center has a commercial kitchen as described in the DEIR. The catering is based on delivery of meals from the existing kitchen to the Office Park. This will be done with an electric golf cart driven on the Class 1 trail as described in the FEIR project refinements. The traffic report has conservatively calculated the number of trips generated by this operation as described in the DEIR Traffic Section Table IV.M-6. For additional information regarding potential traffic impacts of Wellness Center businesses, refer to Response to Comment 185-8.

Response to Comment 193-6

The commenter states that there are potential problems with the proposed water supply and that the project lies outside the boundaries of the Coastside County Water District.

Page IV.N-36 of the DEIR states there is adequate water supply from the domestic well on the site (47,500 gpd). As discussed in the footnote on page IV.N-23, the project is in the sphere of influence of CCWD. Per page IV.N-30, connection to CCWD would require annexation via Local Agency Formation Commission (LAFCO) and amendments to the Coastal Development Permits for the El Granada Pipeline replacement project. Fire service can also be provided on-site without connection to the utilities as described on page IV.N-32 of the DEIR (use of Wellness Center swimming pool) and in Section III of the FEIR. For more information on utility district boundaries, please refer to Response to Comment 193-7.

Response to Comment 193-7

The commenter states that the project falls within the boundaries of Montara Water and Sanitary District.

According to the County Local Agency Formation Committee (LAFCO), the project lies within the sphere of influence of CCWD and does not lie within the MWSD boundary or sphere of influence (please see DEIR page III-64 and page IV.N-22). The project does not fall within the boundaries of MWSD. Water service from CCWD is described on page IV.N-32 of the DEIR. It should be noted that the project has a domestic well with capacity to serve the project.

Response to Comment 193-8

The commenter states that water service from CCWD will require an Amendment to the Coastal Development Permit A-2-SMC-99-63.

Refer to Response to Comment 193-6.

Response to Comment 193-9

The commenter states there was no Coastal Permit issued for the well in 1986.

As stated in Topical Response 13, County Permit History, the County is unable to find documentation of the issuance of a Coastal Development Permit or Exemption for the agricultural well on the northern parcel. However, the County has confirmed that the well was approved by the San Mateo County Public Health Division. In a letter dated February 25, 1987, the San Mateo County Public Health Division approved the well at the property for potable use for agricultural, single-family residential and commercial/industrial uses (letter is included in Attachment K of the DEIR). The letter states that additional chemical analysis may be required as deemed necessary by the Public Health Division for well use as a public non-community water supply or public community water supply as defined by the California Safe Drinking Water Act.

The applicant has applied for a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for use of an existing agricultural well for domestic purposes. Therefore, the review and approval of a Coastal Development Permit will address the proposed domestic use of the well.

The commenter states that domestic use of the groundwater would require treatment, due to high iron and manganese levels.

The DEIR analyzes treatment for iron and manganese as well as for the potential of solvents and bacteria on page IV.N-31.

Response to Comment 193-10

The commenter questions the availability of water from the on-site well, alleging that the well's pumping of groundwater has not been factored into the limit on total annual extractions established by Coastal Development Permits A-3-SMC-86-155 and A-3-SMC-86-155A.

The well has been identified and included in recent a study that estimated current levels of ground water extraction (Plate 6, Midcoast Ground Water Study Phase II and DEIR page IV.N-21). The referenced Coastal Development Permits set limits for the wells on Airport property that were previously owned by Citizens Utilities, and do not apply to the well at the project site. For information regarding the potential impact of well use to Pillar Point Marsh, please refer to Response to Comment 185-31.

Response to Comment 193-11

The commenter states that, as an assured source of water has not been identified, has not been analyzed, the DEIR is inadequate and suggests a Program EIR.

Sources of water are identified in the DEIR and FEIR; refer to Response to Comments 193-6 through 193-10.

Response to Comment 193-12

The commenter states that the specific treatment and disposal of wastewater has not been determined; Commenter states that the project site is within the Granada Sanitary District (GSD) and would be appropriately served by GSD yet the applicant proposes its own sewer treatment and disposal system.

Wastewater treatment and disposal systems have been determined. As described in Section III of the FEIR, the project proposes connection to GSD and on-site water recycling. A GSD connection for eight (8) EDUs is described in Section III of the FEIR and on-site water recycling for building use and site irrigation is discussed in Figure III-27, pages III-54 and 55 and IV.N-11 through 14 of the DEIR.

Response to Comment 193-13

The commenter states that the evaluation of impacts from on-site treatment and disposal are vague and depend upon future study to ensure their effectiveness.

Page IV.N-16 of the DEIR found that the on-site water recycling/wastewater disposal system, as mitigated, is feasible. Specific design details (such as unit sizing) will require permit approval by the State Regional Water Quality Control Board (authorized responsible agency for recycled water) and the County Environmental Health Department (authorized responsible for on-site treatment and disposal). As discussed in Response to Comment 205-60, the drainfields have been eliminated from the proposal and any excess treated wastewater or water not meeting Title 22 will be discharged into the GSD sewer system. Refer to Topical Response 4, Deferral of Mitigation Measures.

Response to Comment 193-14

The commenter states that impacts associated with the potential for chemical uses and/or pollutants associated with manufacturing, research and development uses of the Office Park have not been addressed.

Office Park businesses and the Wellness Center are required to comply with County Environmental Health Division requirements for the handling and/or storing of hazardous materials. Future businesses locating at the Office Park would be required by the County Environmental Health Division to complete and submit a Business Plan within 30 days of handling or storing a hazardous material equal to or greater than the minimum reportable quantities. If a Business Plan is required, Environmental Health Division staff will inspect the business at least once every two years to determine if the Business Plan is complete and accurate. The inspection will also include a review of emergency response procedures and employee training records. One copy of the Business Plan will be maintained at the Division office and one copy will be forwarded to the local fire department following review. The Hazardous Materials Business Plan Program is also known as the Community Right to Know Program and any citizen has the right to review these plans upon request. Monitoring by the Environmental Health Division will ensure that project-generated hazardous waste is stored, treated, transported and disposed of in a legal and environmentally safe manner so as to prevent human health hazard and/or ecological disruption.

Response to Comment 193-15

The commenter states that the Wellness Center does not meet the definition of a “sanitarium,” and thus does not comply with Section 6500 (D)(3) of the Zoning Regulations. The commenter cites various hazards associated with the site location, such as flooding, tsunامي, seiche events and settlement from earthquakes along the Seal Cove, site proximity to the San Gregorio fault.

Please refer to Topical Response 11, Sanitarium Use Permit. Potential project impacts associated with the location of the Wellness Center nearby sources of hazardous materials is analyzed in Section IV.G of the

DEIR. Regarding geotechnical, flooding, and tsunami hazards, refer to Sections IV.F and IV.H of the DEIR, respectively.

Response to Comment 193-16

The commenter questions the construction schedule on Page III-60 and states that the construction period should be 72 months rather than 36 months as stated in the DEIR.

Refer to Topical Response 12, Construction Phasing for the Office Park.

The commenter states that site restoration and stormwater runoff facilities may have significant impact since the project as proposed could not be finished until 2025.

As described in the phasing discussion in Section III of the FEIR, each phase of the construction will include a phase of the wetlands restoration and parking lot construction (such that each building constructed would comply with parking requirements). Mitigation Measures HYDRO-3 and HYDRO-5 require the preparation and submittal of a Stormwater Pollution Prevention Plan (SWPPP) and erosion control plan, in accordance with the NPDES permitting requirements enforced by San Mateo County Water Pollution Prevention Program (SMCWPPP) and the San Francisco Bay Regional Water Quality Control Board (RWQCB), which shall address construction erosion control, including provision for revegetation or mulching of the site.

The commenter states there is no evaluation in the DEIR as to how space in each of the four Office Park buildings would be allocated or enforced.

As previously discussed, each phase of the construction will include a phase of parking lot construction such that each building constructed would comply with parking requirements. For traffic impacts at each phase, please refer to revised Mitigation Measure TRANS-1 in Section III of the FEIR. The County's approval of this project or project alternative would require that the project remain as approved, including retaining the percentages of each use. The approval will require regular review and monitoring of the project by the County, at the owner's expense, to ensure that the project is operated in a manner that is consistent with the County's approval.

Response to Comment 193-17

The commenter states that the soils on the project site qualify as prime agricultural land and asserts that the DEIR fails to adequately address the impact the loss of these soils.

Both project sites contain prime soils. However, the parcels are designated for urban land uses by the County's General Plan and Local Coastal Program (LCP), and therefore do not constitute "Prime Agricultural Lands" pursuant to LCP Policy 5.2. Conversion of lands already designated for non-agricultural uses is not considered a significant impact, and the consistency of this conversion with state standards for the protection of agricultural resources was established at the time of LCP certification. Therefore, no mitigation is required.

The commenter states that there is no feasible location on the Big Wave site for a native plant nursery.

LCP Policy 7.19 (*Permitted Uses in Buffer Zones*) limits uses within buffer zones to uses allowed within wetlands, as well as public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands. The proposed location of the native plant nursery within the 100-foot wetland buffer zone was considered in the analysis of the biological impact of this project, which was considered less than significant with the implementation of mitigation measures.

The commenter states that the proposed 12-acre off-site farming and the native plant nursery are not adequate mitigations for the loss of prime soils.

As described above, the impact to agricultural soils is less than significant and therefore does not require mitigation.

The commenter accuses the applicant of destroying historic wetlands.

Please refer to Topical Response 13, County Permit History.

Response to Comment 193-18

The commenter states that the project is inconsistent with the LCP and that the DEIR does not adequately analyze the project's compliance with the LCP generally.

Impact LU-2 of Section IV.I (Land Use and Planning) of the DEIR analyzes the project's consistency with applicable land use plans, policies and regulations, including the LCP, and determines that the project would not result in a significant conflict with applicable land use plans, policies, or regulations. Detailed discussions of project compliance with LCP policies will take place during the County's permit review process.

Response to Comment 193-19

The commenter states that the project is inconsistent with LCP Policies 1.18(c) and 1.18(d).

On page IV.I-58, the DEIR states that the project is compliant with all of LCP 1.18. Applicable portions of LCP Policy 1.18 direct the County to (1) direct new development to existing urban areas by requiring infill of existing residential subdivisions and commercial areas, and (2) to allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered. Policy 1.19 defines infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities. These policies direct development to urban areas, but do not prohibit development that does not meet the LCP's definition of infill, nor do these policies require that development within urban areas be served by public utilities. Therefore, the project would not result in a significant conflict with these policies.

Regarding permitted uses in buffer zones, refer to Response to Comment 193-17. Regarding the legality of the on-site well, refer to Response to Comment 193-9.

Response to Comment 193-20

The commenter states that the project is inconsistent with LCP Policy 1.19 and that 1.19 was not analyzed in the DEIR.

Please refer to Response to Comment 193-19. Regarding annexation to CCWD, refer to Response to Comment 193-6.

Response to Comment 193-21

The commenter states that the project does not comply with LCP Policy 1.24.

The DEIR adequately analyzed the extent of the Cultural Resources area and identified the impacts and mitigation measures as set forth in Impact Sections Cult-2a, b, and c (see pp. IV.E-15 through 16), as well as in Impact Cult-3 and Impact Cult-4 (see pp. IV.E-16-17) of the DEIR. The revised site plan avoids site CA-SMA-151 as determined by State Certified Archeologist and is presented in Section III of the FEIR.

Response to Comment 193-22

The commenter states that the project is inconsistent with LCP Policy 2.2.

The project is a private improvement and is not Public Works facility. This policy is not applicable to the project. Therefore, compliance with the policy is not required.

Response to Comment 193-23

The commenter states that the DEIR does not analyze compliance with LCP Policies 2.23 or 7.20.

LCP Policy 2.23 is only applicable to Public Works facilities and is not applicable to this project; please refer to Response to Comment 193-22.

Policy 7.20 (*Management of Pillar Point Marsh*) calls for the following: (1) the County to restrict groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD); (2) adjacent development, where feasible, to contribute to the restoration of biologic productivity and habitat, and (3) the County to limit the number of building permits allowed in any calendar year based on the findings of the study. As discussed in Section IV.H (Hydrology) of the DEIR, the County's Midcoast Groundwater Study prepared by Kleinfelder determined that, while safe yield and groundwater/habitat relationships could not be accurately assessed, the report concludes that the project groundwater subbasin, Airport Subbasin, had high yields and would be adequate for municipal or irrigation purposes. According to Schaaf & Wheeler memorandum dated September 17, 2007 (included as Appendix H of the DEIR), hydrologic impacts to the Pillar Point Marsh based on conditions in the entire marsh watershed appear to be minor. In addition, as discussed in the DEIR, the applicant proposes to perform wetland restoration that will benefit the biologic productivity and habitat of the marsh. LCP Policy 1.22 establishes a building permit quota the construction of residences in the Midcoast to 125 per year, but excludes the construction of affordable housing in this quota. Also, refer to Response to Comment 185-31.

Response to Comment 193-24

In reference to LCP Policy 3.1, the commenter states that there are no guarantees that the applicant will follow through with building affordable housing.

Page IV.I-59 of the DEIR analyzes the project's compliance with LCP 3.1 and finds it to be consistent. The County's approval of this project or project alternative would require that the project remain as approved, including retaining the Wellness Center units as affordable housing. The approval will require regular review and monitoring of the project by the County, at the owner's expense, to ensure that the project is operated in a manner that is consistent with the County's approval.

Response to Comment 193-25

The commenter has various questions regarding the Wellness Center admissions process.

Policy 3.2 (*Non-Discrimination*) calls the County to strive to ensure that decent housing is available for low and moderate income persons regardless of age, race, sex, marital status or other arbitrary factors. The Wellness Center would provide 57 affordable housing units to house up to 50 disabled adults and 20 aides. The County's approval of this project or project alternative would require that the project remain as approved, including retaining the Wellness Center units as affordable housing for disabled adults, including residents of the Coastsides. The approval will require regular review and monitoring of the project by the County, at the owner's expense, to ensure that the project is operated in a manner that is consistent with the County's approval.

Response to Comment 193-26

The commenter states that the DEIR does not adequately evaluate public transit and the impact of residents who are employed off-site.

The DEIR evaluates the local bus routes that pass in front of the facility, the shuttle bus service proposed by the applicant, and the bike trails (DEIR Figures IV.M-2, IV.M-3). The DEIR also identifies the number of potential jobs associated with operating the Wellness Center and the potential to hire local residents from Princeton and the Pillar Ridge Mobile Home Park. The Wellness Center residents do not drive and will utilize the shuttle service for employment outside of the immediate area.

The traffic studies assumed a worst-case scenario and did not include many of the innovative transportation options that justify the parking exception. The traffic studies concluded that, with mitigation, the impacts are less than significant. Analysis and clarification of parking impacts from the proposed parking exception can be found in Topical Response 8, Traffic and Parking Impacts. In addition, the project description has been amended to include the recordation of an off-site parking agreement and/or the provision of shuttle services to the Office Park (to accommodate a minimum of 50 cars and their drivers) for the purpose of reducing project traffic, in addition to the implementation of other Traffic Demand Management (TDM) measures.

The commenter asserts that the access roads to the site from both the north and south pose safety risks for bicyclists.

Refer to Response to Comment 185-49.

The commenter expresses concern that public transportation may not be adequate to justify a parking exception.

Please refer to the responses above for more information.

Response to Comment 193-27

In reference to LCP Policy 3.4, the commenter states that potential jobs generated by the Office Park and the Wellness Center will increase the need for affordable housing both locally and regionally.

LCP Policy 3.4 states, “[The County will] strive to improve the range of housing choices, by location, type, price, and tenure, available to persons of low and moderate income.” Page IV.I-59 of the DEIR evaluated this policy and found the project to be compliant with that LCP. LCP Policy 3.4 seeks to improve affordable housing options, not deter creating a need for it as the commenter implies. Also, Impact POP-1 of the DEIR states that impacts to population growth associated with temporary and permanent jobs would be less than significant and no mitigation measures are required. Also, page V-3 states that the project would not result in significant growth inducing impacts.

Response to Comment 193-28

The commenter states that to maintain the character of the Princeton neighborhood, the residential buildings should be two stories.

LCP Policy 3.13 (*Maintenance of Community Character*) requires that new development providing significant housing opportunities for low and moderate-income persons contribute to maintaining a sense of community character by being of compatible scale, size and design. The policy calls for the County to limit the height to two stories to mitigate the impact of this development on the surrounding neighborhoods and to assess negative traffic impacts and mitigate as much as possible. As proposed, Building 1 of the Wellness Center is three stories in height. While buildings in the immediate vicinity are generally one and two stories in height, including the warehouse buildings in Princeton and the homes in the Pillar Ridge Mobile Home Park, several buildings in the project vicinity are three stories in height.¹ While these buildings do not contain affordable housing, they contribute to the existing visual character of the neighborhood. As a three-story structure, the project could maximize affordable housing resources as directed by LCP Policies 3.1, 3.2, 3.3, and 3.5 and still maintain community character. For the purpose of CEQA, the project is in substantial conformance with this and LCP policies pertaining to affordable housing. Refer to the analysis of compliance with this policy on page IV.I-59 of the DEIR and Section IV.A (Aesthetics) of the DEIR, which indicates that the size of the buildings has no significant impacts on aesthetics.

Response to Comment 193-29

The commenter states that the Wellness Center cannot be designated as an affordable housing site and, therefore, cannot be eligible for priority water and sewer.

¹ Staff found at least 3 three-story buildings, including two along the Princeton waterfront, as well as a warehouse on Yale Avenue.

The site is not a designated affordable housing site, nor is it dependent upon priority service allocations. Please refer to Response to Comment 193-24.

Response to Comment 193-30

The commenter claims that the site is prime agricultural land. The commenter claims that the applicant's proposal to lease 12 acres on the airport across the street would not be an appropriate mitigation because the proposed land is already in agricultural production. The commenter states that mitigations should be required for the loss of prime soil.

Refer to Responses to Comment 193-17 and 205-17.

The commenter claims that virtually all current agricultural land will be converted to non-agricultural housing and commercial use and this conversion will create a potentially significant impact.

The project is zoned M-1 and W (please see Response to Comment 193-17). It should be noted, however, that approximately 44% of the site will be dedicated to wetlands restoration (See Section III of the FEIR), 5 acres will be used as a native plant nursery and portions of the Office Park not under construction will continue to be farmed.

Response to Comment 193-31

The commenter states that LCP Policy 7.1 and the notation of sensitive habitats, including wetlands, and special-status species of special concern, were not included in the DEIR's analysis.

LCP Policy 7.1 can be found on page IV.D-12 of the DEIR. The sensitive habitats, as defined by this policy, are analyzed in depth throughout Section IV.D of the DEIR and in the supporting documents of the DEIR. The analysis of special-status species can be found throughout Section IV.D of the DEIR, especially on pages IV.D-25 – IV.D-91, particularly on pages IV.D-94 – IV.D-98, and in the supporting documents referenced on these pages and found in Appendix E of the DEIR. The analysis of sensitive habitats can be found throughout Section IV.D of the DEIR, especially on page IV.D-91, pages IV.D-98 – IV.D-99, and in the supporting documents referenced on these pages and found in Appendix E of the DEIR. Additional information can be found in the 90% Design Report (included in Section III of the FEIR as an addition to Appendix E of the DEIR).

Response to Comment 193-32

The commenter states that LCP Policy 7.2 and the designation of sensitive habitats were not included in the DEIR's analysis.

Discussion of LCP Policy 7.2 can be found on page IV.D-12 of the DEIR. The analyses and the location of the sensitive habitats as defined by the LCP, federal law, and state law were analyzed and described throughout Section IV.D and Appendix E of the DEIR. Refer to Response to Comment 193-31.

Response to Comment 193-33

The commenter claims that LCP Policy 7.3 regarding potential adverse impacts on sensitive habitat areas and land use compatibility with the maintenance of biologic productivity of the habitats, was not analyzed in the DEIR.

Discussion of LCP Policy 7.3 can be found on page IV.D-12 of the DEIR. The protection of sensitive habitats is addressed, analyzed, and described throughout Section IV.D of the DEIR, especially on page IV.D-91, pages IV.D-98 – IV.D-99, and in the supporting documents referenced on these pages and found in Appendix E of the DEIR.

Response to Comment 193-34

The commenter provides general information about LCP Policy 7.4. The commenter disagrees with the DEIR findings that, in comparison to the current agricultural operations of the site, the restored wetlands would extend both foraging and breeding habitat currently available in Pillar Point Marsh for project area special species as well as provide a wider, protected movement corridor through the site, specifically referencing the fencing incorporated into the wetlands restoration plan as problematic.

The revised Wellness Center site plan does not have a fire trail in the buffer zone and does not have fabric covered gates for the fire trail. Please refer to Section III, Corrections and Additions in the FEIR. The proposed project provides a restored wetlands and uplands restoration that provides cover and safety for special species from predators. Currently, the special species have no such protection. The project focuses the wildlife corridor to the culvert crossing under Airport Street. Also, refer to Response to Comment 205-17.

Response to Comment 193-35

The commenter questions the difference in the 1994 Corps of Engineers delineation report and the 2007 Corps of Engineers delineation report.

The wetland delineation included as Appendix E of the DEIR (“An Analysis of the Geographic Extent of Waters of the United States, Including Wetlands on the Big Wave Property” prepared by WSP Ecosystem Science and Natural Resources Management, March 2008) was based on both the Federal Definition and the LCP definition of wetlands. The WSP report and delineation, revised in March 2009, was based on field surveys conducted in 2007, has been certified by the Corps and is the basis for the DEIR evaluation.

The Introduction of the DEIR references Appendix E of the DEIR, which includes the Biological Impact Report prepared by Wetlands Research Associates in 2001 for a different project and the subsequent Wetlands Delineation Report prepared by CAJA but not certified by the Corps of Engineers.

Appendix E of the DEIR references a 1994 map prepared by the Army Corps of Engineers (ACOE) at the request of San Mateo County as part of the County’s acquisition of the Pillar Point Marsh area. The map is titled “Pillar Point Marsh, Half Moon Bay, CA., San Mateo County, Request for Sec. 404 Jurisdictional (File No. 20375S20),” dated June 20, 1994. The map (attached in Section III.C of the FEIR as an addition to Appendix E of the FEIR) shows the extent and location of Corps of Engineers’ jurisdiction on this date, which indicates wetland areas over a large portion of the southern parcel (covering the west, north and center of the parcel with a finger extending to Airport Street). A letter from the Army Corps of Engineers, dated July 19, 1994, accompanies the map and states that this jurisdictional delineation will

expire in three years from the date of the letter. The 1994 wetland delineation prepared by ACOE expired in 1997.

The three reports (as underlined above) are similar but vary slightly due to the interpretation of the three necessary criteria for Federal Wetlands, the presence of hydric soils, the presence of hydrophytic vegetation, and wetlands hydrology. The CAJA and WSP delineations identified the same acreage. WSP wetlands are slightly to the south of CAJA. This slight variation between CAJA and WSP was due to the 18-inch deep furrows by the farmer for winter preparation before the CAJA field work. At the time of the WSP field work, the field was level. The 1994 Corps delineation includes the areas similar to WSP and CAJA but extends a “finger” to the east along the boundary of the mapped Dennison Creek soils. Neither the CAJA nor the WSP identified this finger as part of the wetlands. The surface soils disturbed by farming are between 12 and 18 inches thick. The hydric soils are the in situ soils below the disturbed layer that show the continued presence of wetlands hydrology. WSP was the only report based on the results of backhoe test pits, which were pitted below the disturbed layer to locate hydric soils. CAJA used shovel pits that were 15 inches or less in depth. The backhoe pits at a depth of up to 4 feet are the most accurate of the locators of hydric soils and is the basis of the certification by the Corps in 2007. WSP excavated two soil pits within the wetland finger identifies in the 1994 report and did not find hydric soils. The wetlands hydrology is provided by the backup of the drainage ditch from the airport and matches the edge of the location of hydric soils by the WSP soil pits. Hydrophilic vegetation extended beyond to the east of the hydric soils and wetlands hydrology by about 50 feet due to the low gradient of the site and the presence of ground water. The edge of the hydrophytic vegetation as identified by WSP demarcates the edge of the wetlands meeting the criteria of the Coastal Act and the LCP. Detailed aerial photographic surveys and field surveys by a licensed surveyor show that the topographic features had not changed between 2001 and 2007. Big Wave is providing a buffer of 100 feet from the edge of these wetlands.

Also, refer to Topical Response 13, County Permit History.

The commenter accuses the applicant of disking, deep ripping, and importing excessive truckloads of soil to destroy wetlands since 2006.

Refer to Topical Response 13, County Permit History.

The commenter states that LCP Policy 7.14 was not properly analyzed in the DEIR.

The sensitive habitats, as defined by this policy, are analyzed in depth throughout Section IV.D of the DEIR and in the supporting documents of the DEIR. The analysis of project impacts to Federally and State Protected Wetlands is included in Sections Impact BIO-3 and BIO-5 of the DEIR and in the supporting documents referenced in these sections and found in Appendix E of the DEIR. Additional information can be found in the 90% Design Report (included in Section III of the FEIR as an addition to Appendix E of the DEIR).

The commenter states that the applicant destroyed wetlands prior to a site visit by the biologist.

The commenter identifies the April 27, 2008 letter from Dr. Fiedler as the basis of this comment. The following are details from the letter and details from the WSP Delineation Report provided in Appendix E. As stated in the letter, the original delineation was performed in November 2007. As required, the

applicant requested that the WSP biologists, including Dr. Lee and Dr. Fiedler, return to the site after the heavy rains of January through March. WSP was invited by the applicant to observe the field and modify the delineation report prior to the preparation of the field for spring planting. It was assumed that the California Coastal Act hydrophitic vegetation parameters would be met farther to the east of the Federal Delineation that was performed in November.² On March 27, 2008, Dr. Fiedler met with Dan McLeod of McLeod Engineering, the project surveyor (also listed in the letter), for the specific reasons to survey the locations of the stakes marking the edge of the Coastal Act delineation. The location of the edge of the hydrophitic plants were drawn on a map and staked in the field. McLeod Engineering transferred the field locations on the map to his site plan. After this was done, Dr. Fiedler returned to observe the site after the site was prepared for the spring planting. The locations of the hydrophitic plants is the boundary of the State Wetlands Delineation. The wetlands delineation conforms closely to the CAJA delineation. Dr. Fiedler further stated that she was able to verify the edge of the hydrophitic plants by identifying the desiccated plant fragments that were present. The hydrophitic plants return every year in March, if the conditions are suitable, in more or less the same location prior to the spring planting. .

Response to Comment 193-36

The commenter states that LCP Policy 7.15 was not properly analyzed in the DEIR.

Policy 7.15 (*Designation of Wetlands*) designates the Pillar Point Marsh as wetlands requiring protection. As stated in Section D of the DEIR, a total of 0.74 acres (32,180 sq. ft.) of the site meets the Coastal Act definition of wetlands. A portion of this total, 0.45 acres, is under Federal jurisdictional waters/wetlands on the project site under the permit authority of the US Army Corps of Engineers (USACE). Wetland boundaries relative to the project site are shown on Figures III-2A and 2B of the DEIR.

Response to Comment 193-37

The commenter provides general information about LCP Policy 7.16.

Policy 7.16 (*Permitted Uses in Wetlands*) limits uses in wetland areas to nature education and research, fish and wildlife management, among other uses. In addition to the existing wetlands (1.19-acres), the applicant proposes to perform wetlands restoration on approximately 44% of the project sites. The applicant proposes only uses associated with wetland restoration and monitoring within wetland areas.

The commenter notes that the DEIR states that the proposed uses within the restored wetlands would be limited to allowable uses, but includes wetlands trails, a use not explicitly allowed by LCP 7.16

Policy 7.19 (*Permitted Uses in Buffer Zones*) limits uses within buffer zones to uses allowed within wetlands, as well as public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands. The Office Park trail will be constructed in the 100-foot buffer zones. The wetlands trail on the Wellness Center parcel has been eliminated from the project.

Response to Comment 193-38

² The three requirements to meet the Federal Definition is the presence of hydric soil, hydrophitic plants and wetland hydrology.

The commenter states that LCP Policy 7.17 and performance standards of wetlands during and after construction were omitted from any analysis or discussion in the DEIR.

LCP Policy 7.17 can be found on page IV.D-14 of the DEIR. Discussion can be found throughout Section D of the DEIR, with conclusions found in Impact BIO-5 on page IV.D-99. The DEIR has over 300 pages of text analyzing, discussing the project compliances with various wetlands standards. Specifically, the DEIR answers issues raised in LCP Policy 7.17 with Mitigation Measure BIO-1a (DEIR pages IV.D-94 - IV.D-96).

Response to Comment 193-39

The commenter provides general information about LCP Policy 7.18. The commenter states that grading within the 100-foot buffer zone exclusively for wetlands restoration and in accordance with the approved wetlands restoration plan, is in conflict with the site plans that show additional uses within the 100-foot buffer zone.

Refer to Response to Comment 193-37.

The commenter claims that the DEIR omits analysis and discussion of how planting uplands/coastal scrub and riparian species rather than wetland species would maintain the functional capacity of the wetland.

Please refer to 90% Design Report (included in Section III of the FEIR as an addition to Appendix E of the DEIR) and the discussion in Section III of the FEIR.

Response to Comment 193-40

The commenter states that the applicant has proposed uses for the buffer zones that do not comply with LCP Policy 7.19.

LCP Policy 7.19 (*Permitted Uses in Buffer Zones*) limits uses within buffer zones to uses allowed within wetlands, as well as public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands. As stated above, the trail is a permitted use within the wetland buffer zone. No significant grading is required to construct this trail. The transformer and the fire road were taken out of the buffer zone in the revised site plans in the FEIR. Stormwater complying with Provision C.3 of the NPDES permit is stored in the parking lots and infiltrated. Temporary potting yards for the growing of wetlands plants is an agricultural activity.

The commenter states that the DEIR does not include any analysis of the project's compliance with LCP Policy 7.19.

Please see previous discussion. More information on project consistency with LCP policies can be found in Section IV.I (Land Use and Planning) of the DEIR.

Response to Comment 193-41

The commenter provides general information about LCP Policy 7.20. The commenter states that the DEIR does not analyze LCP Policy 7.20 for the protection of groundwater resources for the Marsh.

Please refer to Response to Comment 193-23.

The commenter claims that recent farming activity has altered the extent of the wetland vegetation and that the DEIR should analyze the impact of this activity on the biological productivity of the marsh.

Please refer to Response to Comment 193-35 for information regarding recent farming activity. Regarding analysis of past farming activity on the Marsh, this is outside the purview of this CEQA document.

The commenter states that the well proposed as a possible water source for the project is “an agricultural well, installed in 1986, without receiving a Coastal Development Permit, or analysis of its impact upon the marsh.”

Refer to Response to Comment 193-9.

The commenter states that the DEIR does not include discussion or analysis of the California Coastal Commission’s conditions placed on Permit A-23-SMC-86-155A and that the project’s well was not included in aquifer studies related to the issuance of the permit.

The correct permit number for Citizens Utility Company’s CDP is Permit A-3-SMC-86-155A. The permit was issued by the California Coastal Commission to Citizens Utility Company and is only relevant for wells used by the permit holder. Therefore, the groundwater extraction limit does not apply to the project well. Regarding the Coastal Development Permit Application for the well, refer to Response to Comment 193-9. Regarding well capacity, refer to Section IV.N.2 of the DEIR.

Response to Comment 193-42

The commenter states that LCP Policies 7.32 (Designation of Habitats of Rare and Endangered Species), 7.33 (Permitted Uses), 7.34 (Permit Conditions), 7.35 (Preservation of Critical Habitats), 7.43 (Designation of Habitats of Unique Species), 7.44 (Permitted Uses), 7.45 (Permit Conditions), and 7.46 (Preservation of Habitats) were not analyzed regarding protection of Species of Special Concern. The commenter states that “construction activities as well as development of the site will alter the current habitats that are in part adapted to agricultural use of the site.”

As stated on page IV.D-5, Species of special concern (CSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to CDFG because they are declining at a rate that could result in listing or historically occurred in low numbers and known threats to their persistence currently exist. An analysis of the potential for occurrence for CSC and potential impact to CSC is included in Table IV.D-2 of the DEIR. The DEIR studied the species listed by the commenter and determined that the impacts of the project, as mitigated, to the habitat of these species is less than significant, due to the lack of suitable habitat onsite to support special-status species.

The commenter states that the project would reduce habitat and foraging grounds for winter raptors and this could be a significant impact.

Regarding migration and foraging of CSC, refer to section Impact BIO-4 of the DEIR and Response to Comment 205-17.

The commenter claims that pile driving may cause significant impacts to species of concern.

Regarding noise and vibratory impacts to CSC from pile driving, the project does not include pile driving (see Section III of the FEIR). Also, refer to 90% Design Report (included in Section III of the FEIR as an addition to Appendix E of the DEIR) for details regarding the benefits of wetland restoration.

The commenter states that the project will reduce the habitat and migration areas for the California red-legged frog and the San Francisco garter snake, specifically citing “exclusion fencing” as a deterrent to migration.

Mitigation Measure BIO-1a requires a biological monitor to survey the location for CRLF and SFGS and coordinate with the CDFG and USFWS for the installation of exclusion fencing. As stated on page D-98 of the DEIR, no wildlife corridors or sensitive habitats will be affected as a result of the proposed project. Impacts would be less than significant. Compliance with Mitigation Measure 4-a would further reduce impacts to wildlife corridors or sensitive habitats.

The commenter states that geotechnical hazard mitigations have been left to future studies.

Mitigation measures addressing anticipated geologic hazards are often structural and, as such, are not normally considered in the CEQA process. These measures are incorporated into the structural plans for a structure, and are reviewed by the County Geotechnical Section at the building permit application stage. Any other mitigating measures, such as deflection berms or retaining walls, are incorporated into the grading plan.

Response to Comment 193-43

The commenter states that LCP Policy 8.1 (Definition of Landforms) was not analyzed in the DEIR.

LCP Policy 8.1 (*Definition of Landforms*) defines landforms as natural topographic and landscape features which include, but are not restricted to, ridgelines, hillsides, canyons, coastal terraces, headlands, mountains, rock outcroppings, hills, cliffs and bluffs, sand dunes, beaches, wetlands, estuaries, streams, and arroyos. As discussed in the Aesthetics Section of the DEIR, the project would not result in any significant impacts to public views or scenic vistas, scenic resources, or the existing character or quality of the site and its surroundings. The DEIR discusses and analyzes the project’s impact on ridgelines, hills, mountains, the marsh, and the drainage swale in AES-1, Section IV.A. The DEIR discusses and analyzes the project’s impacts on trees and rock outcroppings in AES-2, Section IV.A. The DEIR discusses and analyzes the project’s impacts on the wetlands and the marsh (Fitzgerald Marine Reserve) throughout the document, especially in Section IV.D and Appendix E.

As discussed in the DEIR, new lighting sources, such as outdoor street lighting, security lighting, indoor lighting, and light generated by vehicle headlights, may create new sources of substantial light or glare which may adversely affect day or nighttime views in the area. Implementation of Mitigation Measure AES-4, which requires Planning Department review and approval of a detailed lighting plan, as well as glass and other potentially reflective exterior building materials, would reduce this impact to a less than significant level. More information on project consistency with LCP policies can be found in Section IV.I (Land Use and Planning) of the DEIR.

Response to Comment 193-44

The commenter provides general information about LCP Policy 8.5. The commenter states that LCP Policy 8.5 was not analyzed in the DEIR.

LCP Policy 8.5 is included on page IV.A-11 and analyzed in Section IV.A of the DEIR. The project is consistent with Policy 8.5 in that the visual impacts have been minimized to the point that the DEIR analysis found them to be less than significant. More information on project consistency with LCP policies can be found in Section IV.I (Land Use and Planning) of the DEIR.

The commenter takes issue with various aspects of the visual simulations in the DEIR.

Regarding the vantage point of the property, the DEIR contains adequate visual and narrative description of post-construction views of the site from this viewpoint. Please refer to Topical Response 7, Visual Simulations of the Proposed Project, regarding the methodology used to create the visual simulations.

The commenter discusses story poles.

Refer to Topical Response 1, Story Poles.

The commenter claims that the visual and aesthetic impacts of the project have yet to be fully disclosed.

Refer to the discussion and analysis of visual and aesthetic impacts in Section IV. A of the DEIR and Topical Response 7, Visual Simulations of the Proposed Project.

The Comment states that the “North Trail” references in the DEIR are misnamed.

The commenter is correct regarding the naming of this trail. The North Trail should be distinguished between the trail on the Big Wave property and the trail north of the Pillar Ridge homes on the POST Property.

Response to Comment 193-45

The commenter provides general information about LCP Policy 8.6 and notes that the DEIR analyzed this policy and found the project to be consistent. The commenter states that there is no analysis in the DEIR about how the proposed commercial buildings may affect the visual quality of the riparian habitat located between the two sites nor the riparian and wetlands to the south.

LCP Policy 8.6 is included on page IV.A-12 and analyzed in Section IV.A of the DEIR. The project complies with this policy by proposing a 100-foot buffer around the existing culvert and delineated wetlands, adding wetland area through restoration and enhances their visual appearance significantly with restoration plan (see 90% Design Report) and retaining on-site wetlands. Also, visual simulations provided in the DEIR provide post-construction views of the project sites including the wetlands and drainage swale. The visual impacts were evaluated and determined to be less than significant (page IV.A-30 of the DEIR).

Response to Comment 193-46

The commenter provides general information about LCP Policy 8.10 and notes that the DEIR finds the project to be consistent. The commenter disagrees with the types of trees chosen to be in the wetlands restoration plan.

The planting plan prepared by an ecologist and biologist at WSP, has been revised and is included in the 90% Design Report. The functionality of the plan, which still includes the tree species the commenter believes are inappropriate in this environment, is discussed in the 90% Design Report. Section III of the FEIR, under revision to page III-47 of the DEIR, shows the project will include trees that will block the views of the buildings but will be maintained so as to not block the sun to the single-story homes on the northern side. Also, refer to Response to Comment 185-13.

Response to Comment 193-47

The commenter states that LCP Policy 8.12 was not analyzed in Table IV.I-1 of the DEIR and that other views along the misnamed “North Trail” should be analyzed for view blockage from the proposed trees.

LCP Policy 8.12 and policies of the Community Design Manual are included on page IV.A-13 and pages IV.A-15 and 16 of the DEIR, respectively. The DEIR analyzed the visual impacts of the proposed development, including landscaping immediately after construction and 15-years after construction (Figure IV.A-7 of the DEIR), from one representative viewpoint along the “North Trail” and determined that the visual impacts of the project were consistent with the LCP and were less than significant.

Response to Comment 193-48

The commenter provides general information about LCP Policy 8.13 and states that the DEIR does not analyze the project’s conformance with it.

LCP Policy 8.13 and policies of the Community Design Manual are included on page IV.A-13 and pages IV.A-15 and 16 of the DEIR, respectively. LCP Policy 8.13 (*Special Design Guidelines for Coastal Communities*) applies special design guidelines to supplement the design criteria in the Community Design Manual. For the Princeton-by-the-Sea area, the policy calls for commercial development to reflect the nautical character of the harbor setting, utilize wood or shingle siding, employ natural or sea colors, and use pitched roofs. For industrial development, the policy calls for buildings to utilize architectural detailing, subdued colors, textured building materials, and landscaping to add visual interest and soften the harsh lines of standard or stock building forms normally used in industrial districts. Wellness Center buildings comply with this policy by incorporating wood siding elements, use of natural colors, roof line variation and articulation. The Office Park complies with this policy by utilizing architectural detailing, subdued colors and landscaping. As stated in the DEIR, the project would be subject to Design Review by the County’s Coastsides Design Review Officer. Recommended Mitigation Measure LU-4 requires the applicant to comply with the recommendations of the County’s Coastsides Design Review Officer to implement changes to the Office Park buildings to improve building conformance with applicable policies of the LCP and the Community Design Manual, prior to the project approval by the Planning Commission. For the purpose of CEQA, the project design is in substantial conformance with applicable policies of the County LCP.

Response to Comment 193-49

The commenter states that LCP Policies 8.16, 8.19, 8.20, and 8.21 do not apply to this project and should be removed from the DEIR.

This analysis has been removed. Please refer to Section III of the FEIR.

Response to Comment 193-50

The commenter refers to LCP Policy 9.1 (Definition of Hazard Areas) and states that the DEIR does not analyze project consistency with this policy. The commenter alleges that the project site is located on land adjacent to the Seal Cove-San Gregorio Fault zone, and is subject to dangers from liquefaction and other severe seismic impacts, flooding, and tsunamis.

See Response to Comment 193-51.

Response to Comment 193-51 and 193-52

The commenter refers to LCP Policy 9.2 (Designation of Hazard Areas). The commenter quotes the Geotechnical Hazards Synthesis Map as suggesting trenching and a setback from the active San Gregorio Fault and Seal Cove fault. The commenter states that no trenching or subsurface exploration has been performed to evaluate the potential fault traces that may cross the property. The commenter states that DEIR inexplicably concludes that Impact GEO-1 and GEO-2 are less than significant. Regarding liquefaction and ground settlement hazards, the commenter states that project defers the determination of Mitigation Measures GEO-3a, GEO-3b, and GEO-4 to future studies and additional subsurface exploration.

The commenter states that Impact GEO-5 discusses the post-development increase of runoff by 80 percent. The commenter states that Impact GEO-5, Impact GEO-6 and Impact GEO-7 discuss the impervious near-surface soil; the commenter questions the ability of the pervious pavement to drain adequately and states that Mitigation Measure GEO-7 defers necessary studies into the future.

The geotechnical consultant who prepared the geology study did a comprehensive literature review and did aerial photograph interpretation. They also did correlation of subsurface materials exposed in the borings, which cover the entire site. These are the methods used by geologists to determine areas of potential faulting. This is the industry standard of practice. Trenching across areas where there is no indication of faulting is not normally done, and is not required by the County. Trenching outside the Alquist-Priolo special studies zones is not required by the State of California.

Seismic effects are divided into two types; primary and secondary. Primary effects are fault rupture and ground shaking. Secondary effects are those that are the result of seismic vibrations in the ground and in water. Fault rupture is limited to a narrow zone along a fault trace, while secondary effects can have broader impact, depending upon the nature of the materials involved and the configuration of the ground surface.

When the report states that the project is feasible from a geotechnical standpoint, they are saying that whatever hazards have been identified can, in their opinion, be mitigated to acceptable standards. County review at the grading and building permit stages will verify that the mitigation measures proposed are appropriate for the identified hazards.

The DEIR contains very detailed descriptions of possible mitigating measures. Precise details of how these measures will be implemented can only be produced on the basis of the final grading and structural plans.

This also goes for drainage plans, which must be submitted as part of the grading permit application.

The commenter again states that the engineering design studies have been deferred, and that it cannot be concluded that such features as the rain gardens, stormwater retention ponds, and the infiltration systems would adequately function during wet weather.

As discussed in Section III of the FEIR, septic drainfields have been eliminated from the proposal. The water recycling/wastewater system is not dependant on percolation. Treated wastewater will be used for toilet flushing, solar panel and surface washing and landscape irrigation. Excess wastewater will be discharged into the GSD sanitary system.

In addition, the requirements of Mitigation Measure GEO-7 (as discussed previously), Mitigation Measure HYDRO-4 requires the applicant to submit a drainage report and plans to the County that identify the drainage pathways and the extent of any off-site drainage that flows on-site. A drainage plan is provided in the DEIR in Figures III-9 and III-16. In requiring the preparation of a drainage report and plan to the County, the mitigation measure applies performance standards (required drainage plan compliance with the County's Drainage Policy and NPDES requirements, as stated in Response to Comment 185-32), thereby mitigating any potential impacts from project-related runoff. The adequacy of the proposed drainage system to meet these requirements will be verified in the permit process.

Response to Comment 193-53

The commenter states that LCP Policy 9.9 requires that the development located within flood hazard areas employ standards in the Building and Subdivision Regulations.

LCP Policy 9.9 requires development located within flood hazard areas to comply with Chapter 35.5 of the San Mateo County Ordinance Code, Sections 8131, 8132 and 8133 of Chapter 2 and Section 8309 of Chapter 4, Division VII (Building Regulations), and applicable Subdivision Regulations. These regulations apply to flood hazard areas as designated by Flood Insurance Rate Map (FIRM), as published by FEMA. FIRMs as they related to the project sites are analyzed in depth throughout Section IV.H of the DEIR. As discussed on page IV.H-28 of the DEIR, the special flood hazard area for Pillar Point Marsh, including the project sites, is approximately delineated as detailed analyses are not performed for such areas. However, FEMA has authorized the removal of the project parcels from the floodplain in a 2005 Letter of Map Amendment (LOMA).

Also, the project will be required to comply with all current building and subdivision regulations. As stated in Section III of the FEIR, first floor elevations of Wellness Center Buildings were raised from 18 feet to 20 feet NGVD, which is above the estimated maximum elevations of a 100-year flood event, sea level rise and the peak tsunami inundation.³ The proposed heights of the buildings and rooftop structures

³ Project elevations are based on a Base Flood Elevation (BFE) of 8.5 feet NGVD, (refer to pages IV.H-17 and 18 and Figure IV.H-6 of the DEIR), a maximum recorded wave run-up elevation of 14.35 feet NGVD in 273 years, and a highest projected sea level rise over the next century of 5 feet from the current mean high tide. (Currently, mean high tide is at 3.49 feet NGVD). Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD).

from natural grade will remain the same. Office Park first floor elevations remain the same at 21 and 22 feet. Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD).

Response to Comment 193-54

The commenter states that the project has not provided site specific geotechnical studies. The commenter states that project compliance analysis is deferred to future studies.

Site specific studies are provided in Appendix F of the DEIR and these studies are adequate to establish that the proposed mitigation is feasible. Refer to Response to Comments 193-51 and 52, above.

Response to Comment 193-55

The commenter states that, according to LCP Policy 10.1, the project should be required to provide shoreline access.

LCP Policy 10.1 (*Permit Conditions for Shoreline Access*) requires some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The development would be located between the sea and the nearest road. As described in the DEIR, the applicant proposes a multiple use trail (accommodates pedestrians and bicycles) within the front of the property that will run along the right-of-way to the southern edge of the Pillar Ridge Mobile Home Park. More information on project consistency with LCP policies can be found in Response to Comment 193-18.

The commenter states that overflow parking from the Office Park will spill over to the trailhead parking.

Regarding the impacts of the proposed parking exception, refer to Response to Comment 193-26.

The commenter states that eight feet is not wide enough for a sidewalk.

The project is proposing a 10-foot, Class I trail as a sidewalk (see Section III of the FEIR). There currently is no walkway along this stretch of roadway. The proposed sidewalk will improve pedestrian access to Princeton and the trail north of Pillar Ridge.

The commenter asks where bicycles will travel and suggests the installation of K-rails along the narrow stretch at the drainage crossing.

Bicycles currently utilize the roadway. Class I multipurpose trails, like the one proposed by the applicant, would be designed to incorporate bike usage. K-rails or comparable pedestrian/bicycle safety measures will be installed as required by the County Department of Public Works.

Response to Comment 193-56

The commenter requests an analysis of the project's conformity with LCP Policy 12.3

LCP 12.3 calls for the County to encourage boating and fishing related uses within one-half mile of the Pillar Point Harbor Area on lands designated as General Industrial. The proposed uses at the Office Park (general office, research and development, storage, and manufacturing) may include such industries.

More information on project consistency with LCP policies can be found in Section IV.I (Land Use and Planning) of the DEIR.

Response to Comment 193-57

The commenter states that the DEIR is inconsistent with the LCP Water Utilities Map because Montara Water and Sanitary District is not listed as the service district for water utilities.

For information regarding utility district boundaries, please refer to Response to Comment 193-7.

Response to Comment 193-58

The commenter summarizes the content of her letter and states that the DEIR should be revised and recirculated.

Please refer to Topical Response 6, Recirculation of the DEIR.

Response to Comments in Attachments to Comment Letter 193

193-Attachment 1 (Big Wave DEIR, Presentation for San Mateo County Planning Commission, November 18, 2009 (including comments at the session)):

Refer to Response to Comments from the TRANSCRIPT OF THE NOVEMBER 18, 2009 PLANNING COMMISSION MEETING AND RESPONSE TO COMMENTS RECEIVED included in Section II.C of the FEIR.

193-Attachment 2 (Letter of Addendum to the Report: Geographic Extent of Waters of the U.S. dated April 24, 2008):

Letter provided as a reference to Comment 193-35. See Response to Comment 193-35.

193-Attachment 3 (Comments on the DEIR Big Wave Wellness Center and Office Park Project by Alice Chang Kaufman):

Response to Comment 193-3-1

The commenter provides an introduction to ensuing statements.

This statement is introductory. No response is required by CEQA. *

Response to Comment 193-3-2

The commenter quotes information provided in the DEIR regarding what potential obstructions to air navigation the FAA considers hazards.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

The comment is noted. Also, refer to Response to Comment 192-3, regarding the FAA's Form 7460-1, "Notice of Proposed Construction or Alteration", as required by the FAA's Part 77. The heights of the proposed buildings would not penetrate the height limits for transitional surfaces of the FAR 77 imaginary surfaces for the Half Moon Bay Airport.

The applicant states that the proposed communications building, storage building, and Wellness Center are not allowed uses in the APZ, as defined by the San Mateo County Comprehensive Airport Land Use Plan.

The commenter references Table III.-3, Safety/Land Use Compatibility Criteria, of the San Mateo County Comprehensive Airport Land Use Plan (CALUP). The table identifies "Communications" and "Manufacturing" uses as being compatible within the APZ zone. While "storage" is not specifically listed as a compatible use, storage uses are generally associated with specifically enumerated uses. Storage uses are compatible with the purpose of the compatibility criteria as stated in the CALUP, which is to minimize the risks associated with potential aircraft accidents, as they involve little to no occupancy of building. The proposed storage and communications uses comply Section 6288.2 (Uses Permitted) of the Airport Overlay (AO) Zoning District, which states that "all uses permitted by the underlying district shall be permitted in the A-O District except residential or uses with more than three (3) persons occupying the site at any one time. Permitted uses shall be subject to a use permit." The applicant has submitted an application for a Use Permit for the proposed uses. The Wellness Center's residential uses are not located within the APZ or AO Zone.

Response to Comment 193-3-3

Refer to Response to Comment 193-3-2.

Response to Comment 193-3-4

All development would be subject to FAA's Part 77, which evaluates proposed construction or alternation near an airport. For more information, refer to Response to Comment 192-2.

Response to Comment 193-3-5

As described in the DEIR, the potential for a wind tunnel effect was identified at an Airport Land Use Committee (ALUC) meeting during the preparation of the DEIR. The discussion specifically focused on effects from winds generated from the west (Pacific Ocean). As the Pillar Ridge Mountains are located west of the project site and currently block winds to the site, any tunnel effect would be minimal at this location.

Response to Comment 193-3-6

As stated in Topical Response 14, Location of Project Near Half Moon Bay Airport, in the FEIR, without implementation Mitigation Measure HAZ-3, Impact HAZ-3 on page IV.G-25 states that the project would result in a less-than-significant impact associated with airport safety hazards to people residing or working in the area of a public airport. Required mitigation ensures compatibility of proposed residential uses and airport operations through the recordation of the easement, the property owner grants a right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.

Response to Comment 193-3-7

As stated by the commenter, the project site is within a Community At Risk Zone and must meet certain standards of construction to minimize wildfire risk. As required by the County, construction details will be submitted by the applicant to the County Building Inspection Section and Coastside County Fire Protection District and reviewed by these agencies to ensure compliance with the appropriate standards of construction. This level of review typically occurs at the building permit stage and is technical in nature. Therefore, the level of analysis in the DEIR is adequate for the purpose of CEQA,

Response to Comment 193-3-8

This statement is introductory. No response is required by CEQA. *

Response to Comment 193-3-9

Impact HAZ-1 of the DEIR analyses the potential for accidental wastewater and recycled water discharge and states that the applicant's purple pipe system, standard implementation of a spill response program, and compliance with State and local regulations would reduce impacts to a less than significant level. In addition, Topical Response 15, Potable and Recycled Water Demand, of the FEIR provides additional information regarding connection to GSD for emergency discharge and on-site storage of recycled water.

Response to Comment 193-3-10

TCE and PCE are volatile organic solvents that are removed from water by aeration, absorption, and biological removal in the slow sand filter proposed for the project. The slow sand filter is designed for nitrate removal. As stated on page IV.N-26 of the DEIR, drinking water standards are enforced by the California Department of Public Health.

Response to Comment 193-3-11

The County's Environmental Health Division has stated that approval of the existing 20-foot well seal is possible, subject to the review and approval of Environmental Health. The well would be considered a surface water system, subject to water treatment requirements. See Response to Comment 193-3-10 for water treatment details.

Response to Comment 193-3-12

Location of the project near sources of substantial levels of air pollutants is discussed on page IV.C-23, under the Air Quality section of the DEIR. Please refer to Response to Comment 176-5 regarding the regulation of hazardous materials by the County's Environmental Health Division.

Response to Comment 193-3-13

The commenter provides closing statements. No response is required by CEQA. *

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

Camille Leung, Planner
 San Mateo County Planning Dept
cleung@co.sanmateo.ca.us

Re: Big Wave Draft Environmental Impact Report (DEIR)

While I support the needs of the developmentally disabled, and do not question the social worthiness of the proposed project, I must take issue with the proposed location, and the adequacy of the DEIR for the Big Wave project.

I agree with the concerns already stated by numerous citizens regarding visual impacts and lack of story poles, traffic and other mitigations improperly based on future studies, lack of a guaranteed source of water and no guaranteed disposal of sewage, disregard for earthquake, tsunami, and seich wave issues, wetlands destruction, economic viability of the project, and the many other issues which have been raised. Any of these is adequate reason to question the suitability of the proposed location and the adequacy of the DEIR.

194-1

To this list, I would like to add my concerns raised by my reading of Section IV.N, part 4, Energy. This section states that the proposed project would supply the majority of its needs with renewable energy, then goes on to describe cogeneration with a 600 KW natural gas generator for peak load shaving. To operate efficiently, this generator must operate at full load. Natural gas powered fuel cells for communications backup are also described.

Natural gas is **not** a renewable energy source, peak load shaving is all about saving **money**, not energy, and the proposed consumption of 979,637 cubic feet per month of natural gas is outrageous and wasteful.

194-2

At 50 to 100 cubic feet per month each, this is the amount of natural gas consumed by between 10,000 and 20,000 residences. To represent this plan as employing renewable energy is dishonest and extremely misleading, and is just one more example of the greenwashing being employed at every stage of this proposal.

The DEIR is inadequate, full of errors, contradicts itself, and in many places leaves mitigation measures to be based on future studies, which is not permitted under the CEQA rules.

194-3

Respectfully,


 Ellen T. James, BSEE

Response to Comment Letter 194
Ellen James

Response to Comment 194-1

Commenter expresses general concerns over the project's visual impact and lack of story poles.

The issues summarized in this comment are similar to issues identified by Comment Letter 103. Please refer to Response to Comment Letter 103. Regarding story poles, refer to Topical Response 1, Story Poles.

Response to Comment 194-2

Commenter expresses concern over the Energy portion of the DEIR (Section IV.N, part 4), particularly the use for cogeneration of a 600 kw natural gas generator for peak load shaving, which commenter opines will need to operate at full load to operate efficiently. Commenter expresses concern over the use of natural gas powered fuel cells for communications backup, which commenter states is not a renewable energy source. Commenter states that peak load shaving is used to save money, not energy. Commenter states that the proposed consumption of 979,637 cubic feet per month of natural gas is outrageous and wasteful.

Refer to Section III of the FEIR for a clarification of energy consumption. The 600 kw generator is a backup unit as stated on page III-58. Primary electrical power is from solar and wind as stated on pages III-57 and III-58 of the DEIR.

Commenter opines that the plan representing its employment of renewable energy is dishonest and misleading.

This conclusion is based on the incorrect assumption that the generator will be used continuously as a peak shaving unit and not as an emergency generator as discussed on page III-58 of the DEIR. Pages III-57 and III-58 of the DEIR state that the primary power will be generated by wind and solar.

Response to Comment 194-3

Commenter states that the DEIR is inadequate and full of errors.

The commenter states the DEIR is inadequate but does not provide any evidence, data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of this assertion. Pursuant to CEQA Guidelines Section 15064, an effect is not considered significant in the absence of substantial evidence. Therefore, no further response is required pursuant to CEQA.

Commenter states that the DEIR leaves mitigation measures to be based on future studies, which is not permitted under CEQA.

Please refer to Topical Response 4, Deferral of Mitigation Measures, in the FEIR.

December 22, 2009

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us
fax 650-363-4849

Re: Big Wave Project Draft Environmental Impact Report (DEIR)

I'm a resident of Pillar Ridge and neighbor of the proposed Project. I fully support the comments submitted by the Pillar Ridge Homeowners Association. Here are some additional comments I would like to make personally to the planning commission.

Story Poles Are Needed

The DEIR presented by big wave to the planning commission has artist renditions of the buildings and surrounding area, arguing that these renditions negated the need for erection of story poles. However Laslo Vespremi generated 3D computer views using Google SketchUp that clearly showed the renderings in the DEIR to be less than ½ scale of the actual size. This was presented by Laslo on November 18, 2009 at the planning commission meeting. The full analysis is on-line at:

http://www.montarafog.com/video/2009/BW_Planning_Hearing_Nov18_flash/BW_Presentations/BWpreso2.pdf

This is an obvious and deliberate deception on the part of the Big Wave project and raises the question, how many other issues in the DEIR are suspect?

Local Concerns:

Being a neighbor of the project I would like to raise some issues that will affect me personally as well as my fellow neighbors and the natural environment of the area specifically the Pillar Point Marsh and harbor.

Construction:

The initial construction phase of the project is estimated to last approximately 3 years and total completion of the project in 15 years.

The Draft DEIR on construction noise: "the noise levels generated by pile driving operations at the site would generate substantial noise levels at the

195-1

195-2

195-3

- *Constant truck and construction equipment noise.
- *Constant particulate pollution
- *Traffic congestion and delays due to ingress and egress of construction equipment.

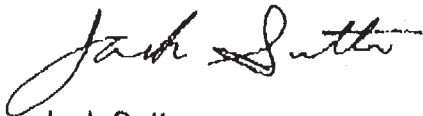
Traffic Impacts:

- *A 10 times increase in car trips per day.
- *An exponential increase in the carbon footprint of the area.

Water supply and sewage disposal are not guaranteed for the Project. Adequate protection of groundwater and the marsh has not been assured. Further studies are needed to determine whether many of the proposed mitigations would actually work in the conditions of the site.

Pillar Point Marsh and harbor:

Pillar Point Marsh and the associated wet lands at one time stretched well beyond the Big Wave property. Construction in the past including West Portal road and the alterations of the natural wet land habitat by Big Wave has drastically reduced and degraded the Pillar Point Marsh. Because of the importance and sensitivity of this land it should have been protected from any development. The decision to allow this land to fall into the hands of private developers was a major error. All effort should be made to minimize the further disturbance and development. The ideal outcome would be to have some land conservatory purchase the Big Wave property at a fair value and preserve it for future generations. Any large scale construction project here would adversely affect the marsh and the vast array of wildlife it supports.



Jack Sutton

123 Bonita St.
Moss Beach, CA 94038
jsutton@hmmusic.com

195-3

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Response to Comment Letter 195
Jack Sutton

Response to Comment 195-1

Commenter introduces that he lives in Pillar Ridge and although he supports the letter written by the Pillar Ridge Homeowners Association, he wants to include extra points that he thinks are important.

This statement is introductory. No response is required by CEQA.*

Response to Comment 195-2

Commenter states that the visualizations are wrong for the buildings. Commenter also states that story poles should be mandated.

Regarding the comment about story poles, please refer to Topical Response 1, Story Poles, of the FEIR. Regarding the comment that the visual simulations of the DEIR are wrong, please refer to Topical Response 7, Visual Simulations, and Response to Comment 53-3.

Response to Comment 195-3

Commenter expresses concern regarding construction impacts, including noise from pile driving, trucks, and equipment as well as air pollution and traffic congestion.

The applicant has selected a drilled pier foundation in compliance with Mitigation Measure NOISE-1. No pile driving would occur during project construction. Potential noise, air pollution, and traffic congestion impacts are discussed in the DEIR. Additional traffic impact discussion is included under Topical Response 8, Traffic and Parking Impacts, of the FEIR.

Response to Comment 195-4

Commenter states concern for the traffic where car congestion would increase.

Project-related traffic impacts on local streets and intersections have been evaluated in Section IV.M (Transportation/Traffic) of the DEIR. As provided under subheading “Project Impacts and Mitigation Measures,” beginning on page IV.M-23 of Section IV.M of the DEIR, traffic impacts associated with the proposed project would be less than significant with mitigation. Refer to Section IV.M (Transportation/Traffic) of the DEIR, and Topical Response 8, Traffic and Parking Impacts, of the FEIR.

Response to Comment 195-5

Commenter shows concern for the water supply and sewage disposal.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Please refer to Response to Comments 193-6, 193-10 and 193-11 for information about the water well on the site. Refer to Response to Comments 193-12 and 193-12 about the disposal of wastewater. Additionally, please refer to the clarification of water and wastewater options in Section III.A of the FEIR and Section IV.N (Utilities) of the DEIR.

Response to Comment 195-6

Commenter states that Pillar Point Marsh should be protected and left undeveloped, as the proposed development would impact the marsh.

Refer to Response to Comments 185-32 and 8-2.

"Ovalle, Joe" <Ovalle.J@monet.k12.ca.us> 12/23/2009 9:44 AM

To Whom It May Concern:

I am deeply troubled by the proposed "Big Wave Project!" I have been surfing, fishing and utilizing the coastal area where this project is to be built for over 45 years and it will only have a negative impact in an area that can ill afford to be subject to. I am begging you to remove this project from any further consideration.

Sincerely,

Joe Ovalle

High School English Teacher

Varsity Girls Basketball Coach

Lifelong

196-1

Response to Comment Letter 196
Jack Ovalle

Response to Comment 196-1

The commenter states his relationship with the coast and states opinion that the project will have a negative impact on the area. The commenter asks that the project be removed from consideration.

This comment does not identify a significant environmental issue or state a specific concern or question regarding the analysis contained in the DEIR.*

** The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*



December 21, 2009

Camille Leung, Planner
San Mateo County Planning Department
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Big Wave Project Draft Environmental Impact Report (DEIR)

Dear Camille Leung,

Recently the proposed "Big Wave" development project bordering the Fitzgerald Marine Reserve and wetlands in Princeton came to our organization's attention. Our mission is dedicated to protecting and preserving the coastal environment, and with this letter we express our strong opposition to the Big Wave Project and its DEIR. Although we support the needs of the developmentally disabled, we feel the project is fundamentally flawed for the following reasons:

- Threat to wetlands & riparian habitat: this project immediately borders the Pillar Point Marsh and Fitzgerald Marine Reserve, an internationally-significant natural habitat for coastal mammals, migrating birds and other species. Some of these protected wetlands and riparian habitat overflows onto the "Big Wave" property and is not protected, but construction will destroy it. Proposed wetlands mitigation by the owners of the property may create artificially enhanced habitat elsewhere but does nothing to prevent the loss of important habitat and wetlands on the property. Furthermore, wetlands restoration and mitigation would not be done until after all construction in the phased development is complete, allowing storm water runoff to carry pollutants directly into Pillar Point Marsh.
- Loss of agricultural lands: the proposed construction site is prime agricultural lands and the project would transform all available land into the development of buildings, paved and manicured areas, thus forever losing its valuable agricultural features.
- Water & sewage: there is no guaranteed source of water nor disposal of sewage for the site; in light of recent (December 2009) decisions by the California Coastal Commission to prohibit on-site wells and further limit construction in San Mateo County, the Big Wave development project does not fit with future projections of regional sustainable development and growth.

We encourage you to reject the proposed Big Wave development project.

Sincerely,

Josh Berry
Environmental Director
Save The Waves Coalition

197-1

197-2

197-3

197-4

197-5

Response to Comment Letter 197
Save the Waves Coalition

Response to Comment 197-1

Commenter introduces Save the Waves Coalition and their own personal support for individuals that are developmentally disabled but states opinion that the project is flawed.

This statement is introductory. No response is required by CEQA.*

Response to Comment 197-2

Commenter states that the wetlands should be protected before the project construction begins.

The Corps and California Coastal Commission wetland delineation is illustrated in Figure IV.D-2 of the DEIR. Proposed wetland restoration of this area and areas of the project site are described in the DEIR and clarified in the FEIR. As discussed in the FEIR, wetlands restoration will be phased, with some amount of restoration with every building permit. Refer to Response to Comment 185-32.

Response to Comment 197-3

Commenter states that building on this site would mean the loss of prime agricultural land.

Refer to Response to Comment 193-17.

Response to Comment 197-4

Commenter shows concern for the source of water and how wastewater and sewage will be disposed of.

Please refer to Response to Comments 193-6, 193-10, and 193-11 for information about the water well on the site. Refer to Response to Comments 193-12 and 193-13 about the disposal of wastewater. Refer to Section III of this FEIR for clarification of water supply and wastewater disposal options.

Response to Comment 197-5

Commenter concludes that, in their opinion, the project would be rejected.

This comment is an expression of personal opinion.*

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

December 22, 2009

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063

Subject: Big Wave Project Draft Environmental Impact Report (DEIR)

As a resident of Pillar Ridge and neighbor of the proposed Project, I am writing in support of the comments submitted by the Pillar Ridge Homeowners Association.

I support meeting the needs of the developmentally disabled, but I must take exception to many of the assumptions in the DEIR. Included among these are assumptions regarding the mitigating factors impacts associated with the following:

Visuals and Aesthetics Impact
Water Sources and Sewage Impact
Construction Phase Impact
Project Development Time Impact
Wildlife Impact
Traffic Impact

Among the more serious of these is Traffic Impact. A careful reading of the DEIR leads one to believe that much of the study was based on "paper research," with very little field work, particularly where Traffic Impact is concerned.

A major issue in the current project proposal is access to the site from Highway One, limited to two inadequate routes.

Cypress-- a narrow road with ditches on either side that make it difficult for cars passing in opposite directions to clear.

Capistrano--leading through the Harbor and into the maze of narrow, and in some cases unpaved streets through the Princeton waterfront.

A look at the size of the proposed project is enough to inform one that a very large increase in traffic will occur on routes never designed to accommodate such flow, with no real mitigations in the DEIR.

Under current conditions, turning left onto Highway One from Cypress is dangerous with drivers often pulling out into traffic and forcing on coming drivers to slow down. With an industrial park's load of traffic attempting this on a daily basis, bloodshed is certain.

Airport Road has a 35 MPH speed limit due to the lack of paved shoulders. Even so, cars regularly travel it at 50 MPH or greater, posing danger to pedestrians who must walk on the highway in wet conditions, plus bicyclists. Currently automobile traffic on Airport is light, but even so, one notices the painted Xs on the road where people have been struck and killed. With

198-1

198-2

hundreds of cars hurrying to work or to errands or home, it is reasonable to conclude there will be a large increase in make-shift memorials along the route.

With no turning lights on Highway One at Cypress, it is inevitable that cars will back up in both directions waiting to turn. This will lead drivers to attempt avoiding the backup by taking the Capistrano, Princeton Harbor route. Those of us who live in the area are familiar with the congestion created in this area by even a small event at the airport or harbor. This snarl will become a feature of daily life in perpetuity. More serious however, is the impact to emergency access in the event of a fire, and to escape routes in the event of an earthquake or tsunami. The area is directly on top of a fault and in a documented tsunami zone, and in such an event will certainly become a death trap, like the narrow roads in the Oakland Hills Fire.

In my view, approving this project without provisions for the above concerns would be, at best, irresponsible.

Sincerely,

Kevin L. Cooke
111 Derecho Ln.
Moss Beach, CA 94038

198-2
198-3
198-4

Response to Comment Letter 198
Kevin Cooke

Response to Comment 198-1

Commenter states support of the comments submitted by the Pillar Ridge Homeowners Association. The commenter takes exception with assumptions made in the analysis of various impacts in the DEIR.

This comment does not give specific details regarding how the analysis contained in the DEIR is inadequate. Refer to response to Comment Letter 185 from the Pillar Ridge Homeowners Association.

Response to Comment 198-2

Commenter states concern about project-related traffic impacts on streets that are currently dangerous.

Regarding potential project traffic impacts, please refer to Topical Response 8, Traffic and Parking Impacts, of the FEIR, which also contains revised traffic mitigations. Regarding hazards to pedestrians and bicyclists, refer to Response to Comment 185-49.

Response to Comment 198-3

Commenter states concern that project traffic will impact emergency evacuation routes in the event of a tsunami or earthquake.

Regarding project evacuation procedures, please refer to Topical Response 9, Tsunami Hazards, in the FEIR. Regarding project impact to evacuation routes, please refer to Response to Comment 56-7.

Response to Comment 198-4

Commenter states a concluding statement about how he opposes the project.

The commenter provides closing statements. No response is required by CEQA.*

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

December 23, 2009

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

RE: Big Wave Project DEIR

After reviewing much of the DEIR, I am concerned and perplexed at the assessments given to nearly all the affected areas contained in the report as "not significant" after mitigation.

The impact of construction at this site should and cannot be underestimated. I am concerned primarily with 4 areas:

- Effect on wildlife and the coastside environment
- Drainage
- Impact on sourcing water resources and waste water treatment
- Traffic

199-1

As a resident of the Seal Cove neighborhood south of the Moss Beach Distillery, I can attest to the traffic congestion that currently occurs at Cypress Avenue and Route 1 during peak commute and school hours during the week and that which occurs on the weekends when visitors come to the coastside. The effect of adding over 2000 daily drivers to Airport Road would overwhelm the traffic capacity of both Cypress Avenue and the Princeton Harbor area. Adding a signal to the intersection of Highway 1 and Cypress Avenue, without other major road improvements in the immediate corridors to this route would NOT mitigate the congestion that is certain to cause immense traffic backups in the vicinity.

199-2

I also question what seems to be a violation of the land use code for the site of this project. The Wellness Center parcel is zoned "W", marine-related light industrial. A purpose of the Waterfront zoning is to "protect the functional and economic viability of the working waterfront area by restricting incompatible land uses". In addition, since this area is near sea level elevation, the effect of a tsunami would be disastrous.

199-3

Failure to adequately address all these factors regarding a decision that allows the project to be built on this location would be regarded in hindsight as shortsighted.

199-4

Sincerely,

Leslie O'Brien
75 Precita Ave.
Moss Beach, CA 94038

Response to Comment Letter 199
Susan Hanagan

Response to Comment 199-1

Regarding faults, please reference Response to Comment 100-2. Regarding the size of the project and its consistency with LCP policies applicable to design and scale, refer to Response to Comment 213-19.

"Merrill Bobele" <MLBobele@comcast.net> 12/23/2009 9:01 PM >>>

December 23, 2009

Camille Leung
Project Planner
County of San Mateo
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Draft Environmental Impact Report for Big Wave Wellness Center and
Office Park

I am writing this letter of comments as a parent of a developmentally disabled (DD) adult daughter. Although I am an active member of the Loma Prieta Chapter of the Sierra Club and Co-Chair of the Coastal Issues Committee, these are my personal comments. The environmental issues concerning the DEIR for the Big Wave (BW) Project have been and are adequately being discussed by others.

It is important for the Planning Department Staff, the Planning Commissioners, and the Board of Supervisors to hear a point of view which thus far has not been given adequate time in the public hearings. Not only am I a parent with 45 years experience raising a DD child, but also a trained professional with the experience of an entire career working with the developmentally disabled and agencies associated with the DD population. You have only heard from Big Wave parents who have legitimate concerns, if not fears, about their DD child's future. The fact that you have repeatedly heard "what will happen to my child when I die" should make the point. Their fear should also apply to what happens to their child if the Big Wave Project fails in the future. Although these fears and concerns are genuine, it is not a reason to approve a very seriously flawed Big Wave Project.

I shall outline why the DEIR prepared for the Big Wave Project not only fails to establish that there are "no significant environmental impacts", but also fails to adequately describe the Project Plan. The Wellness Center/Sanitarium is not a best practices or currently accepted model of integrating housing and services for the developmentally disabled in existing communities. It is crucial to recognize that the existence of many environmental impacts, which have not been mitigated by the DEIR are also related and/or connected to the success of the Wellness Center and therefore its very reason for existence, hence the Big Wave Project itself. In other words, if the Big Wave Project has fatal flaws, the Wellness Center, which includes housing, will not be able provide the purpose which the developer claims. If this is so, the entire project should not be approved, or at the very least a new DEIR should be required which addresses all the issues identified by other persons or groups' comments.

As a former member of the Golden Gate Regional Center (GGRC) Board of Trustees and Chair of the Client Services Committee, I know that the accepted model for providing housing for the DD population is in the community in small group homes. Although a few large residential settings

200-1

200-2

still exist, they are the exception. I also, know that the shortage of housing for the DD in San Mateo County was a problem which my wife and I faced and is still true today. It also should be pointed out that the situation is not unique to San Mateo County or only the Coastsides -- other San Mateo County communities do not have housing for the DD population. I do not know the exact number of the 4,000 clients served by the San Mateo County Office of GGRC not living with their parent(s) who live out of county. Many are living in Sonoma and Marin Counties, and those who are in San Mateo County may live in the same community as their family. The recommendation of support from the Manager, of the San Mateo Office of GGRC was made without consulting the San Mateo County Disabilities Commission which is directly concerned about housing issues for the San Mateo County disabled population including the DD. For comparison, in terms of an adequate approval/vetting process, it would be like omitting a hearing for the Big Wave Project before the San Mateo County Planning Commission.

200-2

Experience as a Career Counselor, Work Experience/Cooperative Education Coordinator, Vocational/Transition Specialist, and Job Developer working with DD high school and Community College Students has taught me that because this population has limited job experience, their career development may be limited. A spokesperson for the Big Wave said that "one size does not fit all". The Big Wave Project description is a little short on explaining exactly how each of the proposed BW businesses shall actually operate. What Big Wave residents will be served? What happens if the resident doesn't like the job or is not able to do a particular job? Contrary to what one supporter of the Big Wave said at a public meeting, these programs don't run themselves! Potential jobs will depend upon the success of not-yet started businesses in the Office portion of the BW Development. Absent from a "business plan" are alternative job choices and opportunities that exist elsewhere in the community and other communities.

Summary of Points Related to the DEIR:

200-3

Mitigation of impacts are deferred to a future time after approval -- this is not acceptable.

Location of the Wellness Center/Sanitarium is not permitted in the Waterfront (W) zone, which is a significant land use impact. In fact, I find it objectionable to suggest that the potential residents, as a group, require the treatment that the definition of "sanitarium" suggests!

200-4

Alternative locations are not adequately discussed (DEIR VI-5) The original Project Plan (Facilities Plan Draft #2) was for a reduced size residence for 36 persons, which could be located on the north parcel without as many environmental issues, or the other sites listed. CEQA does not reject alternatives solely on the basis that they would be more expensive. If the market analysis for the earlier proposal included a reduced size residence as well as a reduced size Office Park, and no cost issues were presented, then it would seem reasonable that it is still true.

200-5

The BW Project description repeatedly refers to "affordable housing" for "low income" DD persons, but fails to provide definitions for these terms. There are accepted definitions for

200-6

developmentally disabled used by the GGRC, but the BW Project does not provide the definition by which they plan to use to select residents. There are legal definitions for "affordable" and "low cost" housing and federal and State definitions for "low income", but the DEIR does define them. Given the proposed location of the Wellness Center/Sanitarium, the construction costs, including the costly preparation on land with seismic ground shaking hazards, as well as the risks and hazards presented by floodplain and sea level rise, it is very unlikely that this portion of the development will be affordable housing and definitely not low income housing!

200-6

Overall, the BW Project is very complicated. The non-profit organization depends upon the Office Park, profit portion, to subsidize the Wellness Center/Sanitarium. I find it hard to understand why potential buyers or tenants of the Office Park would want to have the additional cost of some unclear arrangement to share water, power, and sanitary costs which have yet to be decided. A new DEIR should be required which provides the details for each of these utilities.

200-7

Finally, the phased-in aspects of the BW Project need to be adequately discussed in the DEIR .

Big Wave parents should not have to wait until some undefined future date to have viable housing and work for their child. Parents want to believe that the proposed BW Project will answer their needs and their family member's needs. It follows that they, the permitting agencies and we the community/ public are entitled to have answers to the questions and issues in a new DEIR. The DEIR submitted to the Planning Commission is simply not adequate.

200-8

Sincerely,

Merrill Bobele

Response to Comment Letter 200
Merrill Bobele - Individual

Response to Comment 200-1

The commenter provides personal information in an introductory statement.

This statement is introductory. No response is required by CEQA.*

Response to Comment 200-2

The commenter states that the DEIR fails to analyze significant environmental impacts and provide an adequate project plan. The commenter states that the housing proposed as the Wellness Center is not the accepted housing model for disabled adults, which are small group homes. Also, the commenter questions the validity of the support of the project by another organization. The commenter asks questions regarding how Wellness Center employment programs will be operate.

Comparison of the project with accepted models of disabled adult housing is not under the purview of this CEQA document. It is also not customary under CEQA to invalidate the comments of one organization based on comments from another. Evaluation of the operational details of the Wellness Center's employment programs is outside of the purview of CEQA.*

Response to Comment 200-3

The commenter states that mitigation of impacts are deferred to a future time after approval.

Refer to Topical Response 4, Deferral of Mitigation Measures, of the FEIR.

Response to Comment 200-4

The commenter states that location of the Wellness Center/Sanitarium is not permitted within the "W" zone.

With regard to how the proposed sanitarium use complies with the Zoning Regulations, refer to Topical Response 11, Sanitarium Use Permit, of the FEIR.

Response to Comment 200-5

The commenter states that alternative locations are not adequately addressed.

Regarding alternatives, refer to Response to Comments 205-63 through 66.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 200-6

The commenter states that the Wellness Center will not be affordable housing or low-income housing.

Regarding affordable housing, refer to Response to Comment 213-3.

Response to Comment 200-7

The commenter questions the sources of water, power, and sanitation.

Refer to Response to Comments 103-4, 193-10, 193-11, 193-12 and 193-13. Additionally, in regard to power, refer to Section III (Project Description) and Section IV.N (Utilities and Service Systems). In regard to the recirculation of a revised DEIR, refer to Topical Response 6, Recirculation of the DEIR, of the FEIR.

Response to Comment 200-8

The commenter states that phasing has not adequately been analyzed. The commenter states that the DEIR as a whole is inadequate.

As discussed in Topical Response 12, Construction Phasing for the Office Park, Office Park buildings will be constructed based on demand. However, the Wellness Center will not be phased and will be built once the project is receives necessary final discretionary approvals.

"Oldman Michele" <oldmanm@aol.com> 12/23/2009 4:35 PM
Hi,

Before you proceed with their project, please put story poles up ASAP. Residents as well as interested parties need to visually see the impact just as you do for remodels and building .

What is being done to keep the air clean. Everything you do for this project affects the sea live and ocean quality as well as the health of ll the residents.

If you lived in this area, you would not want this project near you because if its size. We are totally in support of helping those who need housing and live/work. Don't let the worthy cause blind you from the reality of oversized and unneeded development . Michele
Oldman 155 LAGrande Ave Moss Beach, Ca

	201-1
	201-2
	201-3

Response to Comment Letter 201
Michele Oldman

Response to Comment 201-1

Commenter states that there should be story poles.

Refer to Topical Response 1, Story Poles, of the FEIR.

Response to Comment 201-2

Commenter states that the project will affect the sea life and ocean quality. Commenter also questions how the project will affect the air quality.

Regarding potential biological and air quality impacts, refer to Sections IV.C (Air Quality) and IV.D (Biological Resources) of the DEIR.

Response to Comment 201-3

Commenter states that the Office Park is too large.

Regarding an evaluation of project compliance with LCP policies relating to the scale of development, please refer to Response to Comment 213-19.

"Richard Tabor" <richardtabor@yahoo.com> 12/22/2009 10:41 PM
Camille,

I am writing you concerning this project. I live in Moss Beach near the distillery.

While I have not been following this project too closely, it seems that the developer is trying to ignore or minimize some of the issues. I hope that the Planning Commission will help to protect the process and make sure that it is done properly.

202-1

I understand that the developer does not want to put up story poles at this point in time. I think this should be a requirement so that local residents can get the full impact of the proposal just as they do in neighborhoods now a days. Often people do not read the papers but they are always driving through that area and along highway 1.

202-2

Traffic at Cypress and Highway 1 over the last 30 years that we have lived in Moss Beach continues to get heavier and heavier. For such a project, this really needs to be addressed up front both for the construction process as well as for the completion of the project. I would like to see construction trucks only have a single route that they can use so that traffic is mitigated and damage to the roads can be contained which will make it easier for the county to repair or for the builder to repair.

202-3

While the Beach Chalet is 3 stores and the new Oceania Hotel is three stories, this does not mean that we should be allowing three stories elsewhere in Princeton or on the coast. In the core area of the harbor, I can see that a trend has been established, but would like to see that kept to only the core area.

202-4

The habitat at the Marsh near the Radar Tower is a concern as well. While it is not on the same block, I would like to make sure that it will not be impacted by the construction runoff or the eventual landscaping and use in the future.

202-5

Thank you for keeping the development process honest.

202-6

Richard Tabor
PO Box 687
99 Madrone Ave
Moss Beach, CA 94038
650-728-3949

Response to Comment Letter 202
Richard Tabor - Individual

Response to Comment 202-1

The commenter provides an introductory statement.

This statement is introductory. No response is required by CEQA.*

Response to Comment 202-2

The commenter states that the developer should put up story poles so the public can get a sense of the visual impact.

Refer to Topical Response 1, Story Poles, of the FEIR.

Response to Comment 202-3

The commenter states that traffic mitigation needs to be addressed and that he would like to see a single traffic route to and from the site so that it can be contained.

Traffic has been analyzed in Section IV.M (Transportation/Traffic) of the DEIR. Additionally, the commenter may refer to Topical Response 8, Traffic and Parking Impacts, of the FEIR. It should be noted that, as with every project in the unincorporated San Mateo County, the applicant will be required to pay roadway mitigation fees, based on project square footage, at the building permit application stage, that will be maintained in a County account to provide for roadway maintenance.

Response to Comment 202-4

The commenter states that he does not believe that any more three-story buildings should be built near the harbor.

Regarding the size of the proposed project, refer to Section IV.A (Aesthetics) of the DEIR, which indicates that the size of the buildings would not result in significant impacts to aesthetics. Also, refer to Response to Comment 213-19.

Response to Comment 202-5

The commenter states that no construction runoff should be allowed to enter the Pillar Point Marsh.

As required by Mitigation Measure HYDRO-5, no runoff will be allowed to enter the Pillar Point Marsh.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 202-6

The commenter provides a conclusion.

The commenter provides a closing statement. No response is required by CEQA.*

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

"Sandy Emerson" <semerson@igc.org> 12/23/2009 3:08 PM

To: San Mateo County Planning Commission

Re: PLN2005-00481 and PLN2005-00482

Project Planner: Camille Leung

Thank you for the opportunity to submit comments on the project submitted by Big Wave Group, LLC for the Big Wave Wellness Center and Office Park, proposed on two undeveloped parcels in unincorporated Princeton.

I have been following this project for some time, since my days on the Midcoast Community Council. This is an ambitious project that has been pursued with great diligence by its developers. My concern is that the full implementation of this proposal is way out of scale for this site, and for our community. While I appreciate the motivation for developing the Wellness Center, it does not in itself justify adding a 225,000 square foot office complex to an area that already has a surplus of available commercial space. There is no evidence that adding office space to Princeton would be a desirable or profitable venture. Basing the support of the Wellness Center on the economic prospects of the multi-use complex seems to me to be a risky proposition.

203-1

The site itself was originally coastal scrub and wetlands, and the mitigations proposed do not adequately address the potential loss of the wetlands resource. The partial transformation of the site for agricultural use has led to a rosy vision of organic farming, but this is a result of having altered the site rather than having preserved its original character.

203-2

The most telling concern I have is that the developers have not seemed willing to modify their proposal to better adapt it to the requirements of the community and of the site. Several cogent suggestions have been made (by Lennie Roberts, for example) for plan alternatives that might better suit the site and our local economy. If the developers are determined not to modify their proposal in any essential way, they might as well put up story poles now so that the full impact of their proposal can be seen by the public. On the other hand, if Nicole DeMartini's remarks in the Half Moon Bay Review (Nov. 25, 2009) are correct, the project could evolve in phases, and the final implementation could be only a fraction of the full proposal. I look forward to seeing a development agreement and a pared-down proposal, which might turn this controversial project into a win-win situation.

203-3

Thank you for your kind attention,

Sandy Emerson
Former MidCoast Community Council member
12-year El Granada resident

(h) 650-712-9476
(cell) 650-743-0524

Response to Comment Letter 203
Sandy Emerson - Individual

Response to Comment 203-1

The commenter states that the Office Park is out of scale for the site, that there is no evidence showing that the Office Park will be a successful venture, and that basing the support of the Wellness Center on the economic success of the Office Park seems risky.

Regarding project compliance with LCP policies regulating size and scale, refer to Response to Comment 213-19. Regarding the financial success of the Office Park, refer to Response to Comment 72-1. An analysis of the economics of the project, including the level of financial dependence of the Wellness Center on the Office Park, is outside of the purview of CEQA.

Response to Comment 203-2

The commenter states that the DEIR does not properly mitigate the potential loss of wetlands. The commenter also states that the current farming has altered the site rather than preserved its character.

The project will not result in a loss of wetlands, but wetland restoration as described in the DEIR and clarified in the FEIR. For information on sensitive habitats, refer to Section IV.D (Biological Resources) of the DEIR. In regard to the impact of current farming on wetlands, refer to Topical Response 13, County Permit History.

Response to Comment 203-3

The commenter states that the developers have been unwilling to compromise and provide any alternatives to the project. The commenter also states that the developers should put up story poles.

Regarding story poles, refer to Topical Response 1, Story Poles. Regarding phased construction of the Office Park, refer to Topical Response 12, Construction Phasing of the Office Park. Regarding alternatives, refer to Topical Response 5, Alternatives of the Proposed Project.

Big Wave Comments on DEIR

Description

The intent of these comments is that they would be acknowledged as being correct and incorporated in the Final EIR in the Comment Section. The response to the Big Wave Comments is considered adequate CEQA analyses for project compliance. The comments are listed as follows for each Chapter of the DEIR.

I. Introduction

A. The DEIR that was prepared with sufficient analyses to allow decision makers to make a intelligent decision based on environmental consequences as required by CEQA was completed on Oct 23, 2009 and circulated for 61 days with the public review period closing on December 24, 2009.

B. Please list the dates of the Scoping Meetings, public meetings, and notifications that occurred prior to 2008 as a response. All of these dates are representative of the County's efforts for public notice. Do those listed - in addition to recent hearings, public meetings, and notifications - provide adequate legal notification for the DEIR?

II. Summary

B. Summary of the Proposed Project: Big Wave has also prepared details of the alternatives recommended in the Draft EIR to avoid the archeological zone for the Wellness Center and to reduce the height and building footprint and number for the Office Park. We intend that these revised footprints be analyzed and included in the Final EIR. We have attached the sketches of the Revised Wellness Center site plan and the options for the Office Park.

- Office Park: Schematics footprints showing the option for two story office buildings in three or four building configurations in Plate II.1 and II.2
- To improve the Wellness Center visual impacts, avoid the archeological zone and to accommodate the comments on the onsite disposal system, the taller buildings were shifted to the south to be adjacent to the tall buildings in Princeton. The storage building was moved away from Airport Street. The building footprint was moved from the archeological zone and reduced by about 15,000 square feet. The total units were reduced from 70 to 57. The draft schematic versions are included in Plates II.1-II.8

Are these changes consistent with the DEIR that was prepared with sufficient analyses to allow decision makers to make a intelligent decision based on environmental consequences as required by CEQA?

F. Summary of Environmental Impacts and Mitigation Measures

AES-4: The Facilities Plan provides buildings with non reflective surfaces, non reflective low glass and 100 watt 3 foot tall bollards spaced at 20 feet for all walkways with no exterior building lights. How is it that this detailed proposal was listed as having a significant impact that required mitigations?

204-1

204-2

204-3

204-4

204-5

AQ-2: Would phased construction allowing each building to be constructed individually over a period of time (up to 20 years) result in a less than significant impact if all the mitigations listed in AQ-2 are followed for each phase of the construction?

204-6

AQ-5: Why does the environmental impact list hydrogen sulfide as a potential odor and go into great detail describing it when there is inadequate resident time in the system to generate hydrogen sulfide and it will not be present in the treatment system? The review determined the buried design of the system with a soil scrubber is effective if designed properly. The Facilities Plan identifies that this will be designed and permitted by the Regional Board. The review also recognized that the Regional Board will review permit the project. These are permitting and design issues. Why is a mitigation required to have the Regional Board review and permit the design when it is already stated in the project description? Why is this mitigation necessary to make the project impacts less than significant when it is already part of the project? Is this a design requirement that is stated as an environmental requirement and further design details are required in this mitigation? Or is this an environmental mitigation that needs further study? We feel that this is a design requirement that will be complied with in the design phase prior to the issuance of a permit.

204-7

Bio-1: Bird Species: The impact describes no trees and nesting habitat or active nests because the area is continually being farmed for row crops. The mitigations describe avoidance of nesting habitat that does not exist and will not exist as long as farming continues. Why is this considered potentially significant requiring mitigations that impact the construction schedule? Bio-1c (Special Status Species) states "that the proposed project activities will result in no impacts to project area wetlands and/or habitat for special status species known to occur in the vicinity of the site." If there is not Federal Permit Required for wetlands impacts and no Federal nexus, why does the mitigation require consultation with the USFWS? If the Corps has already determined a permit is not required, why is the applicant required to coordinate with the Corps? If there is no stream alteration, why is the applicant required to coordinate with the CDFG? If it is not required and there is no impact, why is there a listed mitigation?

204-8

We will comply with all the Bio mitigations. However it should be noted that the mitigations are general and compliance is required by law.

Cult 2: We are modifying the Wellness Center Site and will comply with all of Cult 2 mitigations.

204-9

Cult 3: We are hoping that a qualified archeologist with resources to consult a paleontologist is all that the County will require for onsite inspections. Having two specialists with similar areas of expertise watching two or three construction workers excavate holes is redundant. The geological strata is primarily sedimentary alluvium and colluviums stream channel deposits. The likelihood of paleontological resources is unlikely and the chance of a trained archeologist not recognizing the significance of any potential finds is also very unlikely.

204-10

Geo-3: Both the Big Wave geotech and the peer review geotech identified the need to account for differential settlement due to seismic shaking and soil consolidation that include

204-11

the potential for densification, liquefaction and lateral spreading. Both Geotechs agreed that the final design has to account for these conditions. The facilities plan recommends a deep pier or pile foundation but is open to other types of foundations recommended by the Geotechs. The Big Wave Geotech is basing all design recommendations of the 2007 code.

204-11

Geo 3a: Why is the CAJA peer review Geotech making specific foundation design recommendations (over excavating and deep soil compaction) and including them as environmental mitigations when they have nothing to do with consequences and impacts to the environment. I appreciate the concern for making the project less expensive but including them as environmental impacts confuses the decision makers and creates by leaving the impression that further investigation is needed to determine environmental impacts.

204-12

Geo 3b: Both the Facilities Plan and the Big Wave Geotech have recommended additional CPT's and laboratory tests for the design for liquefaction and all forms of differential settlement. These are standard design practices for compliance with the 2007 code. The Facilities Plan is currently recommending deep foundations. Why does the peer reviewer recommend three other design alternatives along with the most conservative and selected alternative of deep foundations? Are they doing this to offer cost reduction options? Why are design recommendations included as Environmental Mitigations? These design recommendations are already a part of the design and our Facilities Plan.

204-13

Geo -4: This is standard design information and exactly the same recommendations and discussions as in Geo 3b. All helpful but nothing to do with an EIR evaluation.

204-14

Geo -6: Expansive Soil. It should be noted again that the facilities recommends a deep foundation, the same as the fourth design recommendation in this mitigation. These design recommendations are essentially the same as the previous design recommendations.

204-15

Geo-7: The Facilities Plan recommends special ground preparation for the infiltration systems as part of the Geotechnical Design. This mitigation states that if we do not have special ground preparation as part of our final design impacts "would be potentially significant". It should be noted that the impacts that if we do not design the pavement correctly will be premature pavement failure. Mitigation Geo-7 tells us we must design the pavement properly to prevent pavement failure. It goes on to list 3 design techniques that we are already incorporating in our design. This is helpful design review (before we have presented the design) but it is not environmental review.

204-16

Geo-8: This mitigation states that the Applicants Geotech consultant shall review all final grading, drainage and foundation plans and specifications. It should be noted that the applicants Geotech consultant and Civil and Structural Engineer are designing all grading, drainage and foundation plans and specifications. The Building Department will require that the Geotech provides inspection during construction. Geo-8 is not a planning environmental mitigation, it is a building inspection and design recommendation.

204-17

It should be noted that that we feel all of these mitigations are technical design and construction peer review comments and they are helpful but have nothing to do with environmental impacts. Does the Environmental Consultant agree that these mitigations

are design review or do they feel there are environmental review that requires additional study to determine their impacts?

204-17

HAZ-2: Impact: Well records for the last 10 years have not shown the presence of solvents. We intend to provide micro filtration to remove any potential solvents that may be present in the ground water. This impact is stated to be less than significant. Pesticides may be present in the soils due to previous farming operations. HAZ-2 Mitigation: We agree to perform a Phase II ESA.

204-18

HAZ-3 Mitigation: We agree to establish the airport navigational easement.

204-19

IV.H Hydrology

The County Zoning Ordinance includes the following section:

SECTION 6326.2. TSUNAMI INUNDATION AREA CRITERIA. The following criteria shall apply within all areas defined as Tsunami Inundation Hazard Areas:

(a) The following uses, structures, and development shall not be permitted: publicly owned buildings intended for human occupancy other than park and recreational facilities; schools, hospitals, nursing homes, or other buildings or development used primarily by children or physically or mentally infirm persons.

(b) Residential structures and resort developments designed for transient or other residential use may be permitted under the following circumstances:

1. The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.

2. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is fifty (50) percent or more of the projected maximum, unless: (a) the highest projected wave height above ground level at the location of the structure is less than six (6) feet, (b) no residential floor level is less than two (2) feet above that wave height, and (c) the structural support is sufficient to withstand the projected wave force.

3. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum unless the requirements of subsection b, 2), (a), and (c) are satisfied and the residential flood level is at least one (1) foot above the highest projected level of inundation.

4. Permission under this subsection shall not be granted if the Planning Commission determines that sufficient data, upon which the report required by subsection 1) must be based, is unavailable and cannot feasibly be developed by the applicant.

204-20

A Statement has been made that the Wellness Center would be prohibited by the County of San Mateo Zoning Ordinance Section 6326.2 Tsunami Inundation Area Criteria. This statement is inaccurate.

First, the County of San Mateo has not defined the Tsunami Inundation Hazard Area by Ordinance at all, so the Section is of no force or effect. Second, Section 6325.2(a) clearly

limits developments to “publicly-owned buildings.” The Wellness Center is not publicly owned. Finally, and most importantly, if it were the position that the County could restrict housing on the site and preclude “physically or mentally infirmed persons” from living on the site, this would violate the Americans with Disabilities Act of 1990 as amended. Title 42 USC 12101, et seq. In particular, Section 12132 prohibits any public entity from excluding a qualified individual with a disability from being denied the benefits of activities of a public entity or subjected to discrimination by such entity. This ordinance on the face would discriminate against qualified individuals with a disability by preventing them from living in this area whereas other individuals could do so, and that would mean that the public entity has violated Section 12132 in discriminating against that person. That person would then have a right to seek injunctive relief against the public entity and be entitled to an award of attorneys’ fees pursuant to Section 12205 in such a legal action.

It should be further noted that this section refers to an Inundation Map that states on the map that it is to be used for evacuation planning only and not for regulatory purposes. The maps do not indicate potential inundation from a single tsunami, but instead include the potential run-up from an ensemble of seismic events including the possible impact of three local source and 12 distance source tsunamis. Any single event would not likely inundate all areas shown on the map. This model that generates the elevation 30 feet (NGVD) is based on numerous events occurring simultaneously. A two hundred year event will not impact our structure. Combining events simultaneously indicates that a 10,000 to 240,000 year event may cause some level damage. These types of odds exceed practical zoning considerations.

To avoid damage even under these extreme events, Big Wave has will incorporate the following features into the final design:

1. All structures have first floor elevations 6 feet above the highest project wave elevation (based on a 200 year evaluation of the data).
2. The structure is surrounded by a 4 foot tall wall designed to resist and direct flow away from the buildings.
3. A vegetative buffer of wetlands trees surrounding the property is designed to resist hydraulic flow and resist the transport of debris that may impact the Big Wave Property.

Are the above statements correct and are the design features adequate to comply with County Ordinance 6326.2?

Hydro-3 Impacts: The impacts described in this section are overstated. We disagree with the conclusion that runoff rates will increase by 80%. The developed site has only 15% impervious surface. The restored wetlands have a significant increase in hydraulic roughness and water retention. The calculations shown in Table IV.H-6 and 7 are based on the existing site being 100% pervious. This contradicts the findings in Table IV.H-2 that shows very low levels of permeability. The majority of the surface soils are CL with

204-20

204-21

permeability of less than 0.6 inches per hour and high runoff rates. This also conflicts with Project Description and the design of the parking lot infiltration system and wetlands design. The runoff for the roofs will be somewhat higher than the impermeable soil but the retention in the restored wetlands will be considerably higher. The runoff rates from the parking lots (with the gravel storage) will be significantly lower than the soil runoff rates after saturation. The net effect if the poor soil permeability is considered along with the parking lot and storage system and the restored wetlands will be a reduction in runoff versus a net increase of 80%. The project plans show the erosion control measures for 85% (of the 100 year storm) runoff control through the porous parking lot and the restored wetlands. The project clearly illustrates the drainage patterns and the design to control erosion and runoff. We question if this is a potential significant impact if it is adequately addressed in the Facilities Plan and the draft SWPPP.

204-21

Hydro-3 Mitigations: The mitigation requires the submission of a SWPPP. The project submittal for the tentative map includes the SWWP details. We will continue to provide any additional information that the County Requires for C3 Storm water requirements.

204-22

Hydro-4: This is essentially the same as Hydro 3. We will prepare and submit the SWPPP. It has been addressed in the plan submittals and we will continue to work with the County to insure that it has been addressed to their satisfaction.

204-23

Hydro-5: Impacts. This appears to be a standard boilerplate addition to the DEIR. It fails to recognize the porous parking lot for runoff control and its treatment component. It also fails to recognize that we do not use fertilizers or plan to in the future. Hydro-5 mitigations: We will prepare and submit the SWPPP.

204-24

Hydro-6: Impacts: Potential ground water pollution due to unused wells. There are no unused wells that have not been legally abandoned and we will comply with this recommendation.

204-25

Hydro-9: Impact: Expose people to Seich, Tsunami and mud flow: Mitigation. The project first floor (elevation 20ft NGVD) has been designed to be 5 to 10 feet above the highest inundation level of the 1946 Tsunami (the highest on record). The project is also designed to allow swift water to flow to the west by having the footing extend 4 feet above the ground surface. We have designed the perimeter fence to act as a first line buffer for protection of floating debris. The buildings will be steel bolted to a pile or peer foundation. This type of design was very successful in the Katrina Hurricane that produced a 20 foot surge wave. Our plans have complied with all of the proposed mitigations. The project as proposed complies with all Hydro mitigations.

204-26

Noise-1,2: We agree to all of the mitigations including not using driven piles.

204-27

PS-1, 2: We agree to all of the mitigations.

204-28

Trans 1-10: We agree to all of the mitigations.

204-29

Util-2: As stated in the Facilities Plan, we will limit the flow (through flow equalization) to the Granada System (If we connect) to be accommodated by the 8 inch line as required Util-2 (a). This was hydraulically analyzed and review by GSD. Since the project Facilities Plan complies with this mitigation, why is it listed as a mitigation?

204-30

Util-4: Impact: States that we have to comply with the State Health Department and RWCB requirements and lists this as a potentially significant impact. We have provided the proposed treatment plant design that the EIR peer reviewer has agreed can comply with Title 22. We have provided details of the soil profile that the peer reviewer has agreed may be satisfactory. We have not completed the design and obtained the permits for the project which the peer reviewer implies should have been completed for this planning document. We do not consider final design a requirement of CEQA. The intent of CEQA is to provide regulators adequate information to make an intelligent decision on the Project Environmental Impacts. It is our opinion that the wastewater and water system does not require final design for an adequate CEQA review. Mitigation: Comply with the law. We plan to comply with the law. If we do not comply with the law we cannot get permits and we cannot construct. This should not be listed as a mitigation because compliance with the law is a mandatory foregone conclusion.

204-31

Util-5: Impact: The peer review estimated that our flow estimate is too high. We wanted to use a conservative value to insure that our water and wastewater systems were adequately designed. We will add a 100% safety factor (peaking factor) on top of our estimated flows for design purposes. The peer reviewer also estimated that our water recycling estimate is too high. It should be noted that both our numbers and the peer reviewer's numbers are similar. Again we used reasonable and conservative values to insure we did not undersize the water recycling system. The peer reviewer determined that the well capacity is adequate even for the higher flow estimates. With equalization, the 8 inch sewer is more than adequate even for an additional 100% peaking factor. The peer reviewer is implying that the final design review that will be done in the permit process with the Regional Board, the Health Department and GSD is part of the planning process. Util-5: States that we have to provide acceptable flow data to the RWQCB. Again, this is a requirement of the design and permitting process. Does the Environmental Consultant agree that this is a design review comment and not environmental mitigation that requires further study to evaluate its impacts?

204-32

Util-6: Creek crossing Impacts: The only environmental impact was addressed in the Facilities Plan that states we will bore under the creek so as not to disturb the habitat. The peer reviewer has focused on the design issue of whether the flow will be by gravity or be pumped. Mitigation: Requires that the flow will be either by gravity or pumped. In the final design we will insure that it will either be by gravity or pumped.

204-33

Util-11: Landfill is of Insufficient Permitted Capacity: Is this stating that Ox Mountain (the landfill for the entire County) lacks permitted capacity. It is my understanding that they have current permits. Mitigation: We agree to separate and recycle all construction (that can be recycled). We also have a 90% recycling goal for when the facility is in operation.

204-34

With the exception of Util-11, all of the Util Impacts and Mitigations we feel are design review issues and inappropriate for an EIR document. Confusing technical design review

204-35

increases the EIR cost and cause additional liability for the County because since the design is not prepared, non technical individuals will assume that environmental impact evaluation has been deferred. Does the Environmental Consultant agree that this is a design review comment and not environmental mitigation that requires further study to evaluate its impacts?

We intend to comply with all of the mitigations both design and environmental. But we strongly object to implied requirement that design requirements be included in the environmental review. We feel that DEIR has overstated some of the impacts by not fully recognizing the detailed proposals in the Facilities Plan to reduce environmental impacts. We feel that many of the mitigations will be automatically addressed in the design and permitting process and were not required as part of the EIR.

We feel that the DEIR more than adequately (if not overstates) the impacts and that additional study and addressing design concerns is not necessary as part of the planning process because they will be required as part of the permitting process.

204-35

III. Project Description

The Project Description only mentions the Wetlands Restoration on Page III-43. It fails to include any details or drawings of this Restoration that was described in detail in the Facilities Plan. Attached to these comments is the Draft Basis of Design Report for the Wetlands Restoration. The Description also fails to include the restoration in the visual presentation.

204-36

VI. A. Aesthetics:

View 1A:

The plans will be clarified to show an 8'to10' raised sidewalk that will function as a class 1 trail immediately adjacent to Airport Street. The sidewalk will provide a vegetation barrier and not inhibit site distance. To the west of the sidewalk will be an 8'to 10' vegetative swale to collect any excess runoff from the Mobile Home Park. The final appearance will be similar to view 2.b and less manicured than the view in 1.B. It should also be noted that the vegetative barrier is also a functioning part of the Habitat Restoration Design.

204-37

View 1B:

The Storage Building in View 2.5 will be reduced in size and moved to the south of the property adjacent to the existing marine storage building with a greater setback from Airport Street.

204-38

View 2A and 2B:

With these proposed inclusions, will the buildings be even less visible from Airport Street?

204-39

View 3A and 3B:

This view does not show the Wetlands Restoration (landscaping) on the backs of the buildings. The West Property line will be planted with the Willow Waddle fence and a number of Red Alders. The Willows will be over 30 feet tall in 15 years (they will be irrigated continuously). The Red Alders will be over 40 feet. These trees were described in the Facilities Plan. The Cypress tree in the center of the visual representation is about 25 feet tall. If the Visual Representation in View 3.B included this landscaping, would not the views of the structures be almost completely blocked from the Mavericks parking lot view?

204-40

View 4:B	
If the landscaping as proposed in the Facilities Plan for the restoration with dense trees reaching heights of 35 to 45 feet tall in 15 years was included. Would not the views of the structures be almost completely blocked from the North Trail?	204-41
View 5.B	
If the vegetative strip is more densely planted along Airport Street with trees reaching a height to 45 feet. Would not the views from Highway 1 be almost completely blocked? In all of the prominent views presented in the EIR, will 45 foot buildings in a 40-45 foot wooded landscape be completely shielded from view from all of the prominent vantage points listed in the DEIR?	204-42
IV. B. Agricultural Resources	
We have no comments on this section	204-43
IV. C. Air Quality: We recognize that this chapter shows compliance with Air Board Requirements and all air pollutions impacts are less than significant when mitigated. We also recognize that the emissions were calculated using URBEMIS 2007 and Emfac 2007 for on road and OFFROAD2007 for off road emissions. However we disagree with some of the assumptions made in the report and some of the assumptions made in the model. The last paragraph on Page IV.C-15 describes the employees at the Wellness Center commuting to the site for work. This is also a problem with the Traffic Report. The Facilities Plan shows the employees as residents and not commuting. Does including the employees as commuters increase the calculated air pollution load generated by the project? We feel that the values generated by the computer model and shown on Table IV.C-12 are incorrect and state the worst case conditions because of the following assumptions in the model that are inconsistent with the DEIR.	204-44
<ul style="list-style-type: none"> Chapter V.B. concludes that the project does not generate significant growth inducing impacts (the project is not growth inducing) 	204-45
<ul style="list-style-type: none"> Is the generation of green house gases a global problem or a local problem? 	204-46
<ul style="list-style-type: none"> The table estimates that the project will purchase natural gas for heating. The Facilities Plan states that all heat will be produced by solar heating and not natural gas. If the project is non growth inducing, does not this imply that even if the project was heated by natural gas purchased by PG&E and there are no new customers, it is not just shifting power consumption from one place to another? If this is the case would not this mean that the project really does not generate additional greenhouse gases, it just shifts green house gas generation from one global location to another? In other words, does not the production of new green gas require growth? Would it not be more accurate to say that if the project used all of its gas from PG&E, no additional green house gasses would be produced? 	204-47
<ul style="list-style-type: none"> The Facilities Plan states that all heat will be produced by solar heating and not natural gas. Does not this mean that the project will reduce green house gases by 631 tons rather than increasing green house gas generation by 631 tons? 	204-48
<ul style="list-style-type: none"> The Facilities Plan states that all electrical power on site will be a net positive generation based on solar and wind power. Doesn't Table IV.C-12 provide the calculation of Green House Gases based on the 100% purchase of power from PG&E? 	204-49

- Without growth, the same argument as above for electricity applies. Would it not be more accurate to say that if the project used all of its power from PG&E, no additional green house gasses would be produced? If all of the power is generated from solar and wind, would it not be more accurate to state that the project reduces Green House gas production by 1529 tons per year for power rather than to state that it increases green house gas production by 1529 tons per year? 204-50
- The same argument applies to waste generation. Without growth, won't the waste will be generated somewhere? Our project proposes recycling 90% of its waste. Does recycling represent a reduction in green house gas production? Since the project generates no new waste and has a very high recycling ability (jobs for DD residents) and level, will not the project reduce green house gas production by recycling 90% of its waste? Is a green house reduction level by 40 tons reasonable? 204-51
- The same argument applies to motor vehicles. Is the commuter model based on an average commute for an average number of drivers? If there is no growth, the average commute and the average number of drivers stays the same. Does this not mean that the average green house gases produced stays the same in the model if the average number of commuters stays the same? Does this not mean that there is no increase in green house gases if the average commutes do not change? 204-52
- Does the October 2009 Traffic Report states that Census Data indicates that 47% of the employees at Big Wave will live within the Half Moon Bay area? The Facilities Plan states that workers that currently commute over the hill will reduce their commute distances by at least half. Does this not mean at least a 23% reduction in green house gases due to a reduction in commute distances? Does this correspond to a reduction of green houses gases by reducing the commute distances by about 500 tons per year? Does not the Facilities Plan estimate this reduction to be about 500 tons per year? 204-53
- The DEIR fails to recognize the green house gas benefits of tree planting associated with the restoration. Is there a benefit to the reduction of green house gas projection by planting trees where they currently do not exist? The facilities plan estimates that the trees and shrubs planted will reduce green house gases by about 200 tons per year. Is this a reasonable amount? 204-54
- Based on the above assumptions is it reasonable to say that if the project is based on the growth of new systems that do not exist anywhere else it would generate 4374 new tons of green house gases? 204-55
- Based on the above assumptions, if the project does not generate new growth and implements the proposals in the Facilities Plan, the project will reduce green houses gases by 2700 tons per year? 204-56

IV.D Biological Resources

INTRODUCTION

The introduction references Appendix E in the DEIR. It includes Biological Impact Report prepared by Wetlands Research Associates in 2001 for a completely different project and a Wetlands Delineation Report that Prepared by CAJA but not certified by the Corps of Engineers. The Wetlands Delineation Report prepared by WSP in March 2008 and revised in March 2009 based on 2007 field surveys has been certified by the Corps and is the basis for the DEIR evaluation. 204-57

The 1994 Corps Wetlands Delineation Report has been referenced as pertaining to this project. It should be noted that Report was no longer valid as of 1999. We have not been able to locate any field data for the basis of this map. The delineation map does not appear to be based on engineering survey data. We have not seen any records that indicate the Corps used Standard Data Forms for Routine Wetland Determination. The three reports in the DEIR Appendix are similar but vary slightly due to the interpretation of the three necessary criteria for Federal Wetlands, the presence of hydric soils, hydrophilic vegetation and Wetlands hydrology. The CAJA and WSP delineations identified the same acreage. WSP wetlands are slightly to the south of CAJA. The site topography is essentially flat. The CAJA observations occurred after the farmer had installed deep (18 inch) furrows. These furrows allowed water from the overflowing channel to flow back up the furrows and pond (as evidenced by the attached photos). The WSP observations occurred after the farmer and flattened the furrows. Some minor topographic changes can be expected in normal farming operations. Standing water will occur depending on how the field is prepared. The 1994 Corps delineation includes the areas similar to WSP and CAJA but extends a "finger" to the east along the boundary of the mapped Deninson Creek sub-soils. Neither the CAJA or the WSP identified this finger as part of the wetlands. The surface soils disturbed by farming are between 12 and 18 inches thick. The hydric soils are the insitu soils below the disturbed layer that show the continued presence of wetlands hydrology. WSP was the only delineator that backhoe test pitted below the disturbed layer to locate the hydric soils. The 1994 delineation appears to be based on recorded soils maps. CAJA used shovel pits that were less than 15 inches deep. The backhoe pits at a depth of 4 feet are the most accurate of the locators of hydric soils and is the basis of the certification by the Corps. The wetlands hydrology is provided by the backup of the drainage ditch from the airport and matches the edge of the location of hydric soils closely. Hydrophilic vegetation extended beyond to the east of the hydric soils and wetlands hydrology by about 50 feet due to the low gradient of the site. The edge of the hydrophilic vegetation demarcates the edge of the wetlands meeting the criteria of the State and Coastal Commission. Big Wave is providing a buffer of 100 feet from the edge of these wetlands. The buffer will be restored as described in the Basis of Design Report. Concern has been raised that "finger" was not located by subsequent delineations due to filling of the site. Detailed areal photographic surveys and field surveys by Licensed Surveyor show that the topographic features had not changed between 2001 and 2007. The farmer currently operating the site added about 350 cubic yards of wood chips and horse manure to increase the organic content of the dense clayey soil in 2004 (See attached picture). This picture shows a pile that is about 60 cubic yards of wood chips and about 30 cubic yards of horse manure. As shown on the picture, these piles were spaced across the site to allow the organic material to be easily plowed in with farm equipment. When plowed in, this added about an inch of soil and had little or not change in the topography. Is the above paragraph an accurate summary?

204-58

We recognize that the project with the proposed as mitigated and described in the DEIR has impacts that are less than significant. Big Wave agrees to all of the Bio mitigations.

However, the Biological Resources Section of the DEIR fails to mention that the Project Description includes 9 acres of wetlands restoration. Since this is a key component of the project the environmental benefits of this restoration should be included in the Final EIR. In August 2008, copies of the Wetlands Design were submitted to the County and the Environmental consultant. We are not requesting a Revision of the DEIR, we are requesting that this report be attached in the comment section with responses to the following questions:

204-59

- Was the 90% design Report used Prepared by Consultants with PhD's in a Wetlands Science and Biology with combined experience of over 60 years in wetlands design, regulation and training of Corps, Fish and Game, NOAA and Coastal Commission staff in Wetlands Delineation and Design for Coastal Regions?

204-60

- Is it true that Dr. Lee and Dr. Fiedler developed the HGM model that is used by the Corps of Engineers for the evaluation of Wetlands Design and Monitoring? 204-61
- Is it true that the HGM model used for this design is based on extensive monitoring and evaluating over 10 streams on the San Mateo Coast? 204-62
- Has the team of Lee and Fiedler successfully designed and constructed over 30 acres of riparian restoration in Pacifica including tidally influence wetlands, stream and flood plain wetlands? 204-63
- Have the Red Legged Frog populations increased from less than 10 to more than thousands in these restorations? 204-64
- Have the number of recorded bird species increase from less that 20 to more than 100 for these restorations? 204-65
- Has the diversity of the native plants, vertebrate and Invertebrate biological resources significantly increased in function for the above restorations? 204-66
- Does the design state that the design and wood placement “creates micrographic variation with abrupt gradients in the site water balance which allows for increased plant diversity and a variety of habitat microsites”? 204-67
- Does the design state that “native plant community restoration improves hydrologic and biogeochemical functioning on the site and provides habitat for native fauna by offering hiding, resting, escape, breeding and foraging habitats”? 204-68
- Does the design state that including irrigation and “installing native plants species with rapid growth rates and/or at high densities will help to quickly develop a canopy which excludes weed recruitment”? 204-69
- Does the restoration design provide the following important functional increase in the Biological Resources on the site?
 1. The restoration plan will increase the four types of wetlands functions: Hydrologic, biogeochemical, plant community and faunal support/habitat functions.
 2. Hydrologic: Reduced runoff rates and increase water storage through the placement of woody debri, construction of micro depressions, diverse native planting and physical connections of surface and subsurface flow to natural features.
 3. Biogeochemical: cycling of nutrients through diverse plant community, retention of sediments 204-70
 4. Plant Functions and Faunal Support: recoverable in time through dense native planting and initial irrigation.
 5. Habitat Connectivity: designed to permit aquatic, semi-aquatic and terrestrial organisms to enter and live a riverine habitat.
 6. Distribution and abundance of vertebrate and invertebrate: Improved aquatic through dense native planting and depressional microtopography. Improved terrestrial through additional nesting habitat.

If the mitigated project without restoration causes less than significant impact, is it reasonable to say that the project as described with restoration provides an increase in biological function from the current degraded conditions? 204-71

IV.E Cultural Resources

Paleontological Resources 204-72

This section states that such resources have been found in the surrounding bluffs. The project site geology is comprised of transported sediments during the Holocene period. The likelihood of paleontological resources surviving the transport is unlikely. We agree to Mitigation Cult-3 but feel that the onsite Archeologist is adequate to assess the need for Paleontological consultation.

204-72

IV.F Geology and Soils

The potential for earthquake risk was evaluated by the peer reviewer and the following conclusions were reached:

- Ground motion: Site could be subject to severe ground shaking. However the risk to severe ground shaking for the project is the same for the whole and common for all areas in the greater Bay Area.
- Fault Rupture: The peer review concludes that the in the areas where the buildings are proposed, the potential for fault rupture is low and no mitigations are recommended.
- Strong Shaking: Current 2007 code covers all concerns in this area and no mitigation was required.
- Cyclic densification: 0.5 to 3.5 for the northern parcel and 0.25 for the southern parcel can be accommodated with proper foundation design.
- Liquefaction: Southern Parcel 2.5 inches, northern parcel 1.5 can be accommodated
- Lateral Spreading: Low potential, no mitigations recommended
- Surface Manifestations: potential sand boils and surface cracking can be accommodated with proper foundation design.
- Landslides: low potential
- Expansive soils: Potential due to the top 1.5 to 2.5 feet of surface soils can be accommodated if the surface soils are removed under the parking lot (this is proposed in the Facilities Plan) or an adequate base is provided in the paving design (this was also identified in the Facilities Plan).
- Soil Erosion: none to slight and no mitigations were required.

204-73

The peer review does not identify any impacts that cannot be accommodated in the design. There are no environmental impacts to anything surrounding the structure. All of the impacts identified are associated with seismic induced settlement of up to 3 to 5 inches due to a combination of liquefaction and soil densification. These are not levels that will cause hazardous conditions. They are levels that can easily be accommodated with the proper foundation design. Both the Big Wave and DEIR peer reviewer have identified the four types of foundations that can accommodate these issues. No environmental mitigations are required for geology and soils. All issues can be accommodated with proper application of the 2007 building code and proper foundation design (design issues and not environmental issues).

IV.G Hazards & Hazardous Material

Airport Related Hazards

DEIR states that the risk of falling airplane hazards are low. The Airport Overlay District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be the greatest. The Office Park is located 600 feet from the

204-74

center of the runway. The nearest residential unit is located approximately 900 feet southwest of the end of the runway. Architecture and design details comply with all applicable airport regulations. The potential for project related wind tunnel impacts is low due to terrain and location. The project result in a less than significant impact associated with airport safety hazards to people residing or working in the area of the public airport. The mitigation requires that we dedicate an easement along with the Airport Overlay. We agree with all Haz mitigations.

IV.H Hydrology

No additional comments. Big Wave agrees to mitigations.

IV.I Land Use and Planning

No Comments

IV.J Noise

No Comments

IV.K Population and Housing

No Comments

IV.L Public Services

No Comments

IV.M Traffic

We have a series of questions for the traffic report.

1. The DEIR offers an alternative that reduces the office park square footage from 225,000 to 200,000 sf to 186,000 square feet and reduces the Wellness Center to 57 units. To follow this alternative we would reduce the amount of office space by 33,000 square feet and the amount of R&D by 6,000 square feet (for the 186,000 option) and office by 23,000 sf and R&D by 2000 sf for the (200,000 sf option). Storage and Light Manufacturing stays the same. As part of the Wellness Center Change, we propose to eliminate the community center (and just provide recreational facilities for Big Wave) and require all workers to live on site (eliminating daily commutes to other locations). Does the attached table accurately represent the trips generated by these alternatives?
2. Based on the September and October 2009 Intersection analyses, is it correct to assume that 47% employed at Big Wave will be locally employed on the Coastside? Can you assume that of the remaining 53%, 23% comes from San Mateo direction on Highway 92, 23% for Pacifica direction on Highway 1 and 7% from Santa Cruz direction on Highway 1 (a surprising number of people from the South Coast including Santa Cruz work in HMB)? Is it correct to assume from these estimates that 12% of the total traffic comes from the Pacifica direction? If the population of Half Moon Bay and El Granada equals 80% of the Coastside, than the percentage of total workers from the Coastside commuting north to the Capistrano intersection is 38% (.8x.47) and the percent from Montara and Moss Beach is 11 %with 6% coming from Montara?

	This yields about 29% of the total traffic entering the intersection at Cypress and about 34% of the traffic entering the project from the North? Is this what is shown in the Traffic Report? This yields 66% from the south? Should this be what is shown in the Traffic Report	204-81
3.	If 29% (Pacific plus Montara) comes from the north, does this mean 29% of the traffic either turns left (or goes straight) at the Cypress intersection in the PM?	204-82
4.	The attached table also shows that 3001 local trips are generated from the existing commercial and residential. Is the attached chart reasonable based on the assumption that the majority of the commercial south in Princeton enters at Capistrano? Assuming 29% of the existing traffic travel north at Cypress, traffic generates 64 peak trips turning left in the AM and 28 trips in the PM	204-83
5.	Do traffic volumes turning left of 78 in the AM and 88 in the PM warrant a signal at Cypress? Is a signal required for 75 in AM and 83 in the PM? Is it required for 65 in the AM and 32 in the PM? This can be estimated and calculation is not required.	204-84
6.	Are the cumulative traffic estimates based on the projects currently in planning as provided by County's Planning Department?	204-85
7.	Does the traffic model generate 50% PM traffic out for residential or 25% PM traffic out for residential?	204-86
8.	Since the residential traffic generates left turn problems in the morning and Big Wave generates left turn problems in the PM at Cypress, the impacts of each type of development do not necessarily add together. If Big Wave's growth is slow or if traffic can be diverted south, Big Wave will not immediately generate the warrant for the signal. We agree with the mitigation that studying the intersection is appropriate and working with the County or Caltrans to install a traffic signal when warranted and having Big Wave contribute based on the level of Big Wave impact.	204-87
IV.N	Utilities	
1.	Does the toilet flushing require Title 22? It is my understanding that adequate disinfection is required but the risk is low because toilets in general are known to have a high level of bacterial contamination.	204-88
2.	Page IV.N-39 indicates that Ox Mountain is operating within their permit. Is this correct?	204-89
3.	The natural gas consumption appears to be based on the worst month for a fairly inefficient building? Our design is based on a well insulated building in a moderate to mild climate (0.2 BTU/ft ² /degree F. Is this reasonable? The values Table IV.N-6 are about 6 times greater than our design values. The Facilities plan states that we can meet this demand with a solar system that generates about 5 mbtu per day (including pool heating). Is this correct?	204-90
V.	General Impacts	
1.	What hazardous materials will be normally handled for the wastewater system other than a mild bleach solution every few months for membrane cleaning? Are not these levels of sodium hypochlorite commonly used to clean toilets and are present in wastewater (in the reduced form)? Is household bleach in small quantities considered a hazardous material? It should be noted that we are investigating other cleaning methods that do not require a bleach solution.	204-91
VI.	Alternatives to the Proposed Project	
1.	I have sketched up a few examples of the alternatives to the Proposed Project. These are just a few of many option but may be options that we may consider. It should be noted that for all the proposed alternatives, the Wellness Center has been reduced from	204-92

70 units to 57 units and has been designed outside of the zone of archeological impacts. Are the attached options consistent with the DEIR?

2. Alternative A (No Project)

- Aesthetics: If the buildings are mitigated with extensive tree planting that approach or exceed the building height, does this look worse than low lying weeds or farm crops? If the tree selection is based on native wetlands plants for the central coast, will not this provide some upland habitat and blend with the appearance of the wetlands restoration? Will this not be visually consistent with the existing conditions?
- Agricultural Resources: The proposed alternatives include converting existing agricultural use to Organic Farming with increase production due to soil nutrient balancing and the use of recycled water in areas that are currently difficult to irrigate. The current farming practice will exhaust the land within a few years. The project benefits farm production.
- Air Quality: Since the project is considered non growth inducing, the no project alternative will not reduce commute distances and air pollution. The no project alternative does not have the extensive native tree planting and will not reduce CO2 levels to the same extent. The solar powered Wellness Center and Office Park reduces power consumption for Offices in general. This reduction in green house gases cannot be anticipated without the project. The project will improve Air Quality on a regional basis.
- Biological Resources: As discussed in the Wetlands Restoration Design Report, all functions of a currently degraded habitat will improve. These may be less than significant improvements but they are still an improvement over the current farming practices or just abandoning the site to non native weeds. Does the current farming practice provide a better buffer than the restored wetlands with the habitat walls that provide refuge and protect vertebrate species from being run over by cars on Airport Street?
- Cultural Resources: The Proposed Project is being designed to avoid Cultural Resources as included in Alternatives B – E. We feel that avoidance and protection is superior to continued farming with an unknown future development. Does this seem reasonable?
- Geology and Soils: The proposed and all the Alternatives has no impact on the current geology and soils other than improvements generated by the wetlands restoration and the conversion of non-organic farming to organic farming. As described in the Wetlands Design, micro-topographic improvements, residual wood, intense native plants reduce the runoff characteristics of the site and protect the soil balance. The natural plant diversity retention or inorganic and organic particles has a significant benefit to the soil biochemical characteristics on the site. The Wetlands Restoration has a significant benefit as compared to continued farming or the abandonment of improvements to a degraded wetlands.
- Hazardous Materials: One of the impacts to project was identified as the potential for pesticides associated with farming. The proposed project converts the existing farming to organic with wetlands restoration, biological treatment of runoff and infiltration of rain water. Is this not an improvement to the current conditions?

204-92

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204-99

<ul style="list-style-type: none"> Hydrology: The proposed project does not increase the use of well water. The current farming utilized the same amount that the proposed development uses. The proposed development recycles all water for farming plus includes a storm water infiltration system to increase ground water recharge. The Wetlands restoration reduces runoff rates and protects the Marsh from organic and inorganic pollutant loads. The current farming operation has high runoff rates and alters the drainage patterns 3 or 4 times per year. The restored wetlands fixes the drainage patterns with micro-topography and permanent connections to the existing channels, provides adequate storage characteristics and biological diversity provides organic treatment and filtering of particles. Is this not better to continued non-organic farming? 	204-100
<ul style="list-style-type: none"> Land Use & Planning. The proposed project is consistent with the zoning and land use planning for the area. Even though farming is allowable, it is not consistent with the zoning. 	204-101
<ul style="list-style-type: none"> Noise: Is traffic noise on Airport Street along more noticeable than intermittent tractor noise in the early morning hours? Do people get use to regular noise or intermittent noise? 	204-102
<ul style="list-style-type: none"> Population and Housing: Does continued farming provide low income housing? 	204-103
<ul style="list-style-type: none"> Public Services: Don't the tax revenues for Office and Commercial exceed the cost of public services? Is it likely that the Sprinkled, Class I fire rated structures (non flammable) with a sophisticated alarm system will create a burden on the Fire Department that exceeds tax revenue? Since the development provides its own security, is it likely that the burden on the Police will be less than the tax revenues? Is the development going to place a burden on the School system that exceeds tax revenue? Since the project provides over 9 acres of park land and a recreation center, is it likely to place a burden on the park systems that exceed tax revenue? Since all of the residents of the Wellness Center currently use the public library system, do we expect the development (that is considered non growth inducing) provide additional burdens on the Library system? Is it likely that the proposed development may place a smaller burden on the Public Services than revenue the project generates? If the revenue exceeds the cost is this not a improvement in benefits. 	204-104
<ul style="list-style-type: none"> Transportation: Does the continuation of Farming reduce traffic on Highway 1 and 92 like the proposed project does? Does continued farming provide for local jobs and reduce commute distances (as stated in the Traffic Report)? 	204-105
<ul style="list-style-type: none"> Utilities and Service Systems: If Big Wave provides its own water, sewage treatment, water recycling, is this an additional impact on these public utilities? If it is not an addition to the public utilities and the project is not growth generating, is this not a reduction in impacts to Public Utilities somewhere else? If Big Wave produces the majority of its power from wind and solar (since it is non growth inducing) does not this reduce green gas house power production somewhere else on the planet? Big Wave proposed to recycles 90% of its solid waste (waste that would be generated at a higher level somewhere else). Does this not reduce the level of solid waste generated somewhere else? 	204-106
<ul style="list-style-type: none"> Is it safe to say that the proposed development may be environmentally superior to the No Project Alternative (continued farming)? 	204-107

3. Alternative B: Reduced Height / Density Alternative: The following is the comparison of two story and three story buildings with the same square footage.	204-108
• Aesthetics: Is two stories better looking than three stories if the buildings are completely shielded by landscaping?	
• If the building heights are two stories and a similar height to three stories are they more attractive or noticeable than three stories?	204-109
• Agricultural Resources: If the two story structures take a larger foot print than three stories don't they reduce the area available for farming and reduce the benefits?	204-110
• Air Quality: Is not the heat characteristics of two story buildings worse than three story buildings? Does not excess heat loss translate into the production of additional green house gas?	204-111
• Cultural Resources: Does not a larger foot print (two stories versus three stories) create a larger potential impact to Cultural Resources?	204-112
• Geology and Soils: Does not a larger foot print create a smaller potential Wetlands Restoration area and produce a large impermeable surface area? Does this not mean it damages the soil characteristics more than a three story structure?	204-113
• Hazards and Hazardous Material: Does not a two story building have more surface area than a three story building? Does this not mean that more roofing material and paints (potential hazardous materials) are required for construction and maintenance? Does this not mean that two story building produce more hazardous materials than three story buildings?	204-114
• Hydrology and Water Quality: Does the greater impermeable surface of a two story building increase the impacts to the Hydrology versus the smaller impermeable surface of a three story building? Does the reduce area for wetlands restoration reduce the benefits of a two story building over a three story building?	204-115
• The Land Use, Housing, Public Services, Transportation are about the same for two story and three story structures.	204-116
• Utilities: Does the increase of foot print reduce the available area for recycled water and storm water infiltration when as the above sketches show that it will be either building footprint , infiltration systems or wetlands restoration?	204-117
• Energy: Since a two story structure has a greater surface area to volume area and has more ground coverage, does this not mean it takes more energy to heat than a three story building?	204-118
• Based on the above criteria, does a three story building have fewer impacts than a two story building?	204-119
4. Alternative C: Four two story buildings versus the proposed project of four three story buildings both with 225,000 square feet.	204-120
• Does not the above analyses apply to this Alternative?	
• Based on the above analyses, is not a three story building environmentally superior to a two story building?	204-121
• Is this not a clear choice if the three story building has a similar height to the two story building?	204-122

5. Alternative D: Three Story, three buildings , 200,000 square feet. This alternative is being compared to Alternative B and the Proposed Project	204-123
<ul style="list-style-type: none"> Alternative D has a smaller foot print to the proposed alternative A. 	204-124
<ul style="list-style-type: none"> The footprint is over 33% smaller and has all of the advantages discussed above. 	204-125
<ul style="list-style-type: none"> Housing: Alternative D provides more revenue for Wellness Center and makes the housing more affordable. 	
<ul style="list-style-type: none"> Traffic: The larger the project, the larger the reduction in traffic congestion is on Highway 1 and 92. The only traffic impact on that requires mitigation on local roads results from left turn congestion from Cypress to Highway 1 north. A signal will be required even if the Project is not constructed. The residential traffic generates the need for the light during the morning commute. Big Wave develops the need for a light during the evening commute. Unless traffic is diverted south through Princeton, the Big Wave Traffic in the evening added to the local traffic will warrant a light for both the 186,000 sf option and the 200,000 option. The both generate essentially identical loads on the intersection. Both options generate 11 trips during peak hour turning left in the AM. The 186,000 sf option generates 54 trips turning left and the 200,000 option generates 55 trips turning left in the PM. 	204-126
<ul style="list-style-type: none"> Utilities: The 200,000 sf option requires a slightly larger wastewater system but given the safety factors, it essentially the same size for such a tiny system. The well use is set by the agricultural demand so water consumption will not necessarily be reduced. The three story option has a greater area for onsite infiltration, wetlands restoration and farming. 	204-127
<ul style="list-style-type: none"> Since both alternatives are designed to generate their own power, the smaller the project, the longer the local commutes and the greater the amount of air pollution is generated. 	204-128
<ul style="list-style-type: none"> The criteria indicates that Alternative D is environmentally superior to alternative B. This is clearly the case if the building area is the same size. 	204-129
6. Project Description with a Reduced size Wellness Center: This alternative will be compared to Alternative D:	
<ul style="list-style-type: none"> The footprint of the Office Park for Alternative D is 68,000 square feet. The foot print of the Office Park for the proposed project is 78,000 square feet. The parking lot size is reduce because the square footage is reduced. Squeezing the building between the Alquist Priola limits, the wetlands buffer and the Airport overlay does not reduce the outside limits of the parking lot. However, an additional 10,000 sf 20,000 sf is available for wetlands restoration or organic farming. This represents a 6% organic farmland or Wetlands Restoration. 	204-130
<ul style="list-style-type: none"> Housing: The smaller the office park the more costly the low income housing is. 	204-131
<ul style="list-style-type: none"> Traffic: The smaller the office the more conjection on Highway 1 and 92. Local traffic is essentially the same for both alternatives. The 225,000 option generates 11 cars per hour in the AM for the left turn at Cypress, the 200,000 option generates 11. The 225 option generates 56 PM left turn trips per hour, the 200 generates 55. This difference is probably not noticeable. Both alternatives need to divert traffic to the south or install a light at full development. 	204-132

- The alternatives are close. Is affordable housing more important than a 6% increase in open space? Is the reduction in regional traffic congestion more important than local congestion?

☐

204-133

All the alternatives considered in the DEIR have essentially the same impacts.

☐

204-134

Response to Comment Letter 204
Big Wave, LLC

Response to Comment 204-1

The comment letter has been incorporated into the FEIR. Responses to individual comments are provided below.

Response to Comment 204-2

Regarding notices, refer to Topical Response 2, Public Review Period, of the FEIR. Planning Commission hearings were conducted on November 18, 2009 (Informational public hearing item during the DEIR public review period) and on January 27, 2010 (study session on the DEIR).

Response to Comment 204-3

Please refer to Section I (Introduction of this FEIR) and Topical Response 2, Public Review Period.

Response to Comment 204-4

While the schematic drawings have been included in Appendix C of the FEIR and are provided to the public for reference, compliance analysis with the DEIR has not been performed. It should also be noted that Alternative C has been modified (Modified Alternative C) and an illustration has been provided in the FEIR.

Response to Comment 204-5

As no detailed lighting plan had been provided, Mitigation Measure AES-4 was necessary to set performance standards. As stated on page IV.A-28, compliance with these performance standards would reduce impacts to a less than significant level.

Response to Comment 204-6

As discussed in Topical Response 12, Construction Phasing for the Office Park, under a 7.4-year or 20-year construction timeframe scenario, exhaust emissions (i.e., fugitive dust) from engine-powered equipment would be reduced from the levels described in the DEIR under a 3-year scenario. Mitigation Measure AQ-2 of the DEIR requires implementation of a dust control program that would further reduce this impact.

Response to Comment 204-7

Regardless of the existing processes to ensure compliance with current regulation, implementation of the action described in the mitigation measure would minimize significant adverse impacts.

Response to Comment 204-8

The nesting bird survey requirement of Mitigation Measure BIO-1b on page II-10 of the DEIR applies to the vicinity (where there may be trees), not just the project site.

Response to Comment 204-9

A modified site plan of the Wellness Center, showing compliance with Mitigation Measure CULT-2a through the avoidance of the cultural site, has been provided in this FEIR.

Response to Comment 204-10

Mitigation Measure CULT-3 remains as presented in the DEIR.

Response to Comment 204-11

The applicant has since determined that a deep pier foundation system would be utilized to comply with the mitigation measure.

Response to Comment 204-12

Mitigation Measures GEO-3 through 8 are necessary to set performance standards. As stated on page IV.F-20, compliance with these performance standards would reduce impacts to a less than significant level.

Response to Comment 204-13

Please refer to Response to Comments 204-11 and 12.

Response to Comment 204-14

Please refer to Response to Comments 204-11 and 12.

Response to Comment 204-15

Please refer to Response to Comments 204-11 and 12.

Response to Comment 204-16

Please refer to Response to Comments 204-11 and 12.

Response to Comment 204-17

Prior to the application of this mitigation measure, it was determined in Impact GEO-7 of the DEIR that impacts from pervious pavements would be considered less than significant with the implementation of Mitigation Measure GEO-7.

Response to Comment 204-18

Refer to 2009 pump test report in Appendix H. Comment is noted.

Response to Comment 204-19

Comment is noted.*

Response to Comment 204-20

Topical Response 9, Tsunami Hazards, of the FEIR contains additional discussion of the requirements of Section 6326.2 of the Zoning Regulations, with regard to this project.

Response to Comment 204-21

Comment is noted. It should be noted that impacts to drainage patterns would still result in a less than significant impact, with the implementation of Mitigation Hydro-5, as stated on page IV.H-53.

Response to Comment 204-22

Comment is noted.*

Response to Comment 204-23

Comment is noted.*

Response to Comment 204-24

Comment is noted.*

Response to Comment 204-25

Comment is noted.*

Response to Comment 204-26

Refer to Topical Response 9, Tsunami Hazards, of the FEIR.

Response to Comment 204-27

Comment is noted.*

Response to Comment 204-28

Comment is noted.*

Response to Comment 204-29

Comment is noted.*

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 204-30

Mitigation Measure UTIL-2 is necessary to set performance standards. As stated on page IV.N-15, compliance with these performance standards would reduce impacts to a less than significant level.

Response to Comment 204-31

Mitigation Measure UTIL-4 is necessary to set performance standards. As stated on page IV.N-18, compliance with these performance standards would reduce impacts to a less than significant level.

Response to Comment 204-32

Mitigation Measure UTIL-5 is necessary to set performance standards. As stated on page IV.N-19, compliance with these performance standards would reduce impacts to a less than significant level.

Response to Comment 204-33

Comment is noted.*

Response to Comment 204-34

Comment is noted.*

Response to Comment 204-35

Comment is a summary of previous comments and is noted.

Response to Comment 204-36

The “90% Basis of Design - Riparian & Water/Wetlands Ecosystem Restoration” has been added to Appendix E of the DEIR.

Response to Comment 204-37

These details are clarified in Section III.A of the FEIR.

Response to Comment 204-38

These details are clarified in Section III.A of the FEIR.

Response to Comment 204-39

Analysis of these project revisions are addressed in Section III.C of the FEIR.

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

Response to Comment 204-40

Comment is noted and addressed and clarified in the FEIR.

Response to Comment 204-41

Refer to IV.A (Aesthetics) of the DEIR and Topical Response 7, Visual Simulations of the Proposed Project.

Response to Comment 204-42

Refer to IV.A (Aesthetics) of the DEIR and Topical Response 7, Visual Simulations of the Proposed Project.

Response to Comment 204-43

Comment is noted.*

Response to Comment 204-44

Traffic analysis assumes a worst-case scenario, where Wellness Center staff may not live on-site. Project traffic impacts are still less than significant after mitigation.

Response to Comment 204-45

Comment is noted.*

Response to Comment 204-46

Refer to Section IV.C (Air Quality) of the DEIR.

Response to Comment 204-47

Comment is noted and addressed and clarified in the FEIR.

Response to Comment 204-48

Comment is noted and addressed and clarified in the FEIR.

Response to Comment 204-49

The DEIR states that the air quality analysis is based on a worst-case scenario, where solar and wind power are not utilized. Project air quality impacts are still less than significant after mitigation.

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

Response to Comment 204-50

Refer to Response to Comment 204-49.

Response to Comment 204-51

Page IV.C-36 of the DEIR states that implementation of green principles, such as waste recycling, would reduce potential green house gases.

Response to Comment 204-52

Traffic impacts are discussed on page V-1 under “Growth Inducing Impacts of the Project.”

Response to Comment 204-53

Vehicular trips to and from the project site would increase local carbon monoxide emissions, as stated on page IV.C-22 of the DEIR. Project air quality impacts are still less than significant after mitigation.

Response to Comment 204-54

Refer to Response to Comment 204-51.

Response to Comment 204-55

CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect (positive or negative) shall not be considered significant in the absence of substantial evidence.

Response to Comment 204-56

CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect (positive or negative) shall not be considered significant in the absence of substantial evidence.

Response to Comment 204-57

Refer to Topical Response 13, County Permit History.

Response to Comment 204-58

Refer to Topical Response 13, County Permit History.

Response to Comment 204-59

The “90% Basis of Design - Riparian & Water/Wetlands Ecosystem Restoration” has been added to Appendix E of the DEIR.

Response to Comment 204-60

Refer to the “90% Basis of Design - Riparian & Water/Wetlands Ecosystem Restoration,” which has been added to Appendix E of the DEIR.

Response to Comment 204-61

Refer to Response to Comment 204-60.

Response to Comment 204-62

Refer to Response to Comment 204-60.

Response to Comment 204-63

Refer to Response to Comment 204-60.

Response to Comment 204-64

Refer to Response to Comment 204-60.

Response to Comment 204-65

Refer to Response to Comment 204-60.

Response to Comment 204-66

Refer to Response to Comment 204-60.

Response to Comment 204-67

Refer to Response to Comment 204-60.

Response to Comment 204-68

Refer to Response to Comment 204-60.

Response to Comment 204-69

Refer to Response to Comment 204-60.

Response to Comment 204-70

Refer to Response to Comment 204-60.

Response to Comment 204-71

Refer to Section IV.M (Biological Resources) of the DEIR.

Response to Comment 204-72

Mitigation Measure CULT-3 remains the same. CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect (positive or negative) shall not be considered significant in the absence of substantial evidence.

Response to Comment 204-73

Comment is noted. Refer to Topical Response 10, Final Geotechnical Report.

Response to Comment 204-74

Comment is noted.*

Response to Comment 204-75

Comment is noted.*

Response to Comment 204-76

Comment is noted.*

Response to Comment 204-78

Comment is noted.*

Response to Comment 204-79

Comment is noted.*

Response to Comment 204-80

Refer applicable section of page VI-20 (Alternative D) of the DEIR.

Response to Comment 204-81

Refer to IV.M (Transportation/Traffic) of the DEIR. CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect (positive or negative) shall not be considered significant in the absence of substantial evidence.

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

Response to Comment 204-82

Refer to Response to Comment 204-81.

Response to Comment 204-83

Refer to Response to Comment 204-81.

Response to Comment 204-84

Refer to Response to Comment 204-81.

Response to Comment 204-85

Yes. Refer to Section III.B (Related Projects) of the DEIR.

Response to Comment 204-86

Refer to Response to Comment 204-81.

Response to Comment 204-87

The comment is noted.*

Response to Comment 204-88

Please contact the County's Environmental Health Division.

Response to Comment 204-89

Ox Mountain capacity is discussed on Page IV.N-39 of the DEIR. Also, refer to Response to Comment 205-59.

Response to Comment 204-90

This is discussed in Section IV.N.4 (Energy) of the DEIR.

Response to Comment 204-91

This is discussed in Section IV.G (Hazards and Hazardous Materials) of the DEIR.

Response to Comment 204-92

Reducing the size and number of units at the Wellness Center described in Section III.A of this FEIR.

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

Response to Comment 204-93 through 204-107 (Comments on Alternative A)

Refer to applicable section of page VI-6 (Alternative A) of the DEIR. Also, note the following:

- Regarding conversion of farming from non-organic to organic, refer to Sections IV.B (Agricultural Resources) and IV. D (Biological Resources) of the DEIR and page VI-7 (No Project Alternative) of the DEIR.
- There is no affordable housing proposed under the No Project alternative.
- The DEIR identifies the environmentally superior alternative as Alternative B. This FEIR identifies the environmentally superior alternative as Modified Alternative C. Refer to Section III of this FEIR.

Response to Comment 204-108 through 204-119 (Comments on Alternative B)

Refer to applicable section of page VI-7 (No Project Alternative) of the DEIR. Also, note the following:

- Under this scenario, it is assumed that tree planting would be scaled down for a 2-story alternative so that trees do not block views.
- Stories are assumed at standard heights, so that two stories would be one-standard story less in height than the 3-story alternative.

Response to Comment 204-120 through 204-122 (Comments on Alternative C)

Refer to applicable section of page VI-16 (Alternative C) of the DEIR. Also, note the following:

- Stories are assumed at standard heights, so that two stories would be one-standard story less in height than the 3-story alternative.

Response to Comment 204-123 through 204-129 (Comments on Alternative D)

Refer to applicable section of page VI-20 (Alternative D) and page VI-25 (Environmentally Superior Alternative) of the DEIR.

Response to Comment 204-130 through 204-134 (Comments on Alternative D)

Refer to applicable section of page VI-20 (Alternative D) of the DEIR.

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December 22, 2009

Via FedEx

Camille Leung
Project Planner
County of San Mateo
455 County Center, 2nd Floor
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Re: Draft Environmental Impact Report for Big Wave Wellness Center
and Office Park

Dear Ms. Leung:

This firm represents the Committee for Green Foothills (CGF) with respect to the proposed Big Wave Wellness Center and Office Park (project). We respectfully submit this letter containing comments on the Draft Environmental Impact Report (DEIR) circulated by San Mateo County for the project pursuant to the California Environmental Quality Act (CEQA), Public Resources Code § 21000 et seq. and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq. (CEQA Guidelines). CGF is submitting a separate comment letter as well.

The project as proposed and described in the DEIR is enormously complex, including residential, office, and industrial uses, agricultural production, a commercial kitchen, possible farmers' market, dog-walking business, and facilities, such as the indoor swimming pool, that will be open to the public. It also proposes several state-of-the-art, onsite utilities, such as wastewater recycling, a wastewater treatment plant, and solar and natural gas power generation. Yet, in its analysis of the project's environmental impacts, these complexities are all but ignored. In many instances the DEIR improperly defers both analysis and mitigation of the project's impacts to some future, post-approval date.

205-1

In doing so, the DEIR notes that the project applicant has not yet submitted crucial information relating to, for example, the project's wastewater treatment facility, lighting or draining infrastructure. This deferral is particularly problematic given the nature of the proposed project site, which has significant geotechnical and hydrological issues (e.g., expansive and clayey soils, high groundwater, proximity to fault line). Deferring development of mitigation measures to handle the project's increased stormwater run-off, for example, leaves open the question whether any mitigation measures will be feasible in this environment, or whether the measures selected will, in fact, reduce the impacts to a less-than-significant level.

The inadequacies of the DEIR's description of the project, its impacts, and mitigation measures and alternatives, undermines the very purpose of CEQA. The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 392 (1988) (citations omitted) ("*Laurel I*").

[It] is an environmental "alarm bell" whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." Because the EIR must be certified or rejected by public officials, it is a document of accountability.

205-1

Id. (citations omitted).

Where, as here, the environmental document fails to fully inform decisionmakers, and the public, of the environmental consequences of the proposed actions, it does not satisfy the basic goals of CEQA. *See* CEQA § 21061. "The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." *Id.* The DEIR here fails to fulfill this purpose.

In sum, it is our opinion that the DEIR does not comply with the requirements of CEQA. The DEIR violates CEQA by, among other deficiencies, (1) failing to adequately describe the project, (2) failing to adequately analyze the significant environmental impacts of the project, and (3) failing to propose and analyze feasible mitigation measures and alternatives to reduce the project's significant environmental impacts. As a result of the DEIR's inadequacies, the County must revise and recirculate

the DEIR to provide the public a complete, comprehensible description of the project and its alternatives, an accurate assessment of the environmental issues at stake, and a mitigation strategy—developed before project approval—that fully addresses the project’s significant impacts.

205-1

I. THE DEIR’S DESCRIPTION OF THE PROJECT IS INADEQUATE.

“An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal. App. 4th 713, 730 (1994) (quoting *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977)). As a result, courts have found that, even if an EIR is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 730. Furthermore, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.* (citation omitted); *see also* *Silveira v. Las Gallinas Valley Sanitary District*, 54 Cal. App. 4th 980, 990 (1997). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

While extensive detail is not necessary, CEQA mandates that an EIR describe a proposed project with sufficient detail and accuracy to permit informed decision making. *See* CEQA Guidelines § 15124 (describing the requirements for an EIR). As explained below, the DEIR fails to meet this basic standard.

205-2

Project Elements. The project as proposed is extraordinarily complex, incorporating not only an office park and residential development for developmentally disabled (DD) adults and their assistants, but also wetlands restoration, a fire-road that also is proposed to function as a trail, onsite and offsite farming, a native plant nursery, recycling and composting facilities, dog walking and grooming facilities, a variety of alternative energy-generating facilities, new systems for provision of water and disposal of wastewater, a communications building with microwave dishes, a storage facility, and “various project-related business operations,” including a commercial kitchen, catering services, and the production and sale of food products such as yogurt, chicken, ice cream and eggs. Ordinarily, any one of these project elements, if presented as a stand-alone project, would require its own EIR. Here, each element receives only a cursory description. For example:

- The DEIR provides virtually no explanation of what is planned for the “Communications Building.” Will these facilities serve individuals and businesses offsite as well as on site? What kinds of equipment will be

used? This information is necessary to determine the project's environmental impacts, including energy consumption and possible hazards, among other impacts.

- Similarly, there is almost no description of the proposed production and sale of yogurt, chicken, ice cream and eggs by BW Farms. Where will these facilities be? How will the raw materials and finished product be transported to and from the project site? Are additional permits necessary for this industrial use?

Much more detail is required for each of these project elements for an adequate analysis of the environmental impacts of this complex project.

Restrictions on Residential Units. The DEIR asserts that the Wellness Center would provide housing affordable to low-income DD adults and staff employed to assist them. DEIR at III-18, -20. However, the project does not define who would qualify as a developmentally disabled individual. Nor does it describe any mechanisms the project would employ to ensure that only DD adults and their aides would occupy these residential units. This information is critical to determining the project's conformity with the existing land use designation at the project site. The project applicant is seeking a use permit for the Wellness Center as a "sanitarium." DEIR at IV.I-29. Assuming that a residential facility for DD adults justifies such a use permit—an assumption we question below—an enforceable requirement that Wellness Center residents be DD is necessary to ensure that the Wellness Center continues to function as a "sanitarium," and is not simply used for residences. Additional information about the proposed DD residents is also important because the DEIR assumes that they will not drive in its analysis of parking impacts. DEIR at III-50 ("The proposed parking assumes that all of the Wellness Center staff would live at the Center, and that the DD residents would not drive."). If this assumption is incorrect, the DEIR's analysis of parking and traffic impacts must be revised.

Similarly, the DEIR does not define what income would qualify as "low income" or indicate that the project applicant would place deed restrictions on the residential units to ensure that purchasers are, in fact, low-income. Without such information and requirements, the DEIR's description of the project as affordable is misleading.

Office Park Use. The DEIR includes a description of the kinds of uses that will be allowed within the Office Park: 40% of the space will be used for General Office, 25% for Research and Development, 15% for Storage, and 20% for Light Manufacturing. DEIR at III-19. According to a conversation with County Planner, Camille Leung, the

205-2

205-3

205-4

County will include a condition of approval requiring that this mix of uses be maintained throughout the project's life, and will impose a term limit on the permit for the Office Park so that the County can check compliance with this condition every few years. These conditions of approval are necessary to prevent a change in the mix of uses at the office park, which could result in potentially significant impacts not analyzed in the DEIR, such as increased traffic, increased exposure to hazardous substances, etc.

Any condition of approval must also take into account the phased development of the Office Park, by which the applicant will only construct a subsequent building in the Office Park once the previous building has been sold or rented. This phased approach suggests that the project could be stopped after one building is constructed and leased for 100% "General Office" or "Research and Development" use. In the absence of a requirement that the project maintain the proposed use mix, the potentially significant impacts resulting from this foreseeable change to the proposed use of the project must be analyzed in the DEIR.

Discretionary Approvals. CEQA requires that an EIR include a "list of permits and other approvals required to implement the project" and a "list of the agencies that are expected to use the EIR in their decision-making." CEQA Guidelines § 15124(d). The DEIR does not comply with this requirement. Instead, the DEIR indicates a use permit, tentative map, and coastal development permit are required in addition to "other discretionary approvals and requirements, including compliance with applicable ordinances and policies (e.g., Subdivision Ordinance, Green Building Ordinance, and General Plan) and various permits (e.g., use permits, off-street parking exception, building permits, grading permit)." DEIR at III-64. The land use and planning discussion does not provide any more detail. *Id.* at IV.I-29. A complete list of permits and approvals—not just a few, vaguely defined examples—must be provided in a revised and recirculated DEIR.

Public Facilities. Several passages in the DEIR indicate that at least some of the facilities included in the proposed project would be open to the public. For example, at page III-38, the DEIR states that the Wellness Center would include "a multipurpose auditorium for performing arts, large meetings and movies." Page III-43 states that "[t]he Community Center facilities would include the pool, fitness center and locker rooms, which would be available to the public as well." More information is needed about how and when the public would be able to use these facilities. For example, would the public be invited to movies at the Wellness Center every night? Once a week? Once a month? Would the public have to pay for access to the pool and basketball courts? This information is necessary to determine the environmental effects of the project, including impacts on traffic, parking, and utilities, as well as consistency with the land use designation.

205-4

205-5

205-6

Lighting Plan. The DEIR states that “a detailed lighting plan” is not available at this time, and goes on to describe in the most general terms the lighting that will likely be used. This general description is insufficient. Without a detailed lighting plan, it is impossible to analyze the potential impacts caused by the project’s lighting. For example, outdoor lighting that may be required to ensure the safety of people using the parking lot or trails may impact the birds and other species residing nearby. The lighting may also interfere with airport operations. Thus, the DEIR must be revised to include a more detailed description of the project lighting.

205-7

Wastewater Treatment Plant. The project includes construction of an onsite wastewater treatment plant yet critical details associated with the design and operation of this plant have not been planned. For example, the DEIR admits that the final design parameters and sizing have not yet been completed. DEIR at IV.N-13. Nor are the specifics of the internal combustion equipment associated with the treatment plant known. *Id.* at 4.C-20. Critically, the DEIR admits that the basis of design for the treatment plant’s odor removal system has yet to be provided by the project applicant. *Id.* at IV.C-28. Even the location of the sewer collection lines has not been decided since the DEIR explains that the line would either be installed within the roadway, or under a seasonal creek. *Id.* at IV.N-11.

MBR, UV Wastewater Treatment Plant & Emergency Generator. Although the DEIR lists the project’s advanced technologies—such as an onsite Membrane Bioreactor (MBR) wastewater treatment plant, an ultraviolet (UV)-disinfected tertiary wastewater treatment plant and sludge treatment/handling facilities, and a 600 kW natural gas engine generator—it provides no specifics about these facilities. In fact, the DEIR recognizes this lack of information. DEIR at IV.C-20 (“[T]he specifics of the internal combustion equipment associated with the MBR, UV wastewater treatment plant and the emergency natural gas engine generator (make, model, emission factors, hours of operation, etc.) are not known at this time.”). Without this information, the DEIR cannot adequately analyze the environmental impacts of these systems. Thus, this information is essential to a complete and accurate project description.

205-8

Wastewater Recycling. The description of the project’s proposed wastewater recycling program is inconsistent. While the DEIR states in one sentence that the proposed project “would recycle all wastewater,” the very next sentence refers to “excess wastewater [that is] not recycled.” DEIR at III-54. In another section, the DEIR states that “[a]ll water pumped from the ground would be used, recycled (providing irrigation for food crops) and then returned to the ground.” DEIR at III-56. Confusing matters further, the DEIR also includes an alternative wastewater processing scenario, in which the project would connect to Granada Sanitary District for the discharge and treatment of sewage and sludge. *Id.* If the project connects to the Granada Sanitary

District, will the project still recycle some of its wastewater? A complete and accurate description of the project's plan for wastewater disposal must be included in the DEIR.

Water Supply. The DEIR's description of the project's water supply is similarly confusing. The project proposes to use a combination of recycled water from an onsite wastewater treatment plant as well as water from an onsite well. The DEIR also states that the project site is "eligible for annexation" to the Coastsides County Water District (CCWD) and that the project would rely on water from the CCWD for "emergency back up and fire flow and operation of a private water system or provision of domestic water . . . in lieu of a private system." DEIR at III-55. These statements are both confusing and misleading. If CCWD does not annex the project site, how will the project obtain an adequate water supply? The DEIR must provide a clear and coherent description of how the project will satisfy its water supply needs.

The DEIR's description of water supply available for the project is also incomplete and inadequate because it fails to discuss whether the existing, onsite well was ever permitted under the San Mateo Local Coastal Program. According to information provided to us by members of the community, the well never received this required permit. As a result, the project application cannot rely on this unpermitted water source to serve the proposed project.

In addition, the DEIR states that water from the onsite well will be used to provide irrigation for food crops. DEIR at page III-56. However, there does not appear to be any plan to grow food crops on the project site. The DEIR must explain this discrepancy. If the well-water will be used for agriculture offsite, the DEIR must explain how the water will be transported and analyze the potential environmental impacts of using the water in this way.

Phasing and Schedule. The DEIR's description of the schedule for project completion is inconsistent. On the one hand, the DEIR states that the construction of the entire project would be completed in 30-36 months. DEIR at III-60. However, the DEIR also states that the Office Park buildings will be constructed one building at a time, and construction of the first office building will take 18 months. Given this plan, it is unclear how the entire project—including four Office Park buildings constructed consecutively—could be completed in 36 months. In addition, the DEIR states that construction of all buildings other than the first Office Park building would only begin after buyers and/or renters have been established for the first Office Park building. *Id.* Given the current state of the economy, this condition may not be fulfilled for years. Indeed, the October 2, 2009 Vernazza Wolfe Associates, Inc. peer review of the Enright & Company, Inc.'s 2007 and 2009 Reports indicates that, "[i]f one assumes that demand will be primarily from Coastsides businesses, then build-out could take even longer than is currently

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projected.” *Id.* at 2. The June 29, 2009 Enright & Co. Report repeats this conclusion, assuming project build-out in 2025. Thus, it is unrealistic and misleading for the DEIR to maintain that the entire project will be completed within 36 months.

A longer project construction phase could increase the project’s potentially significant environmental impacts. For example, during project construction, a significant portion of the project site will be graded, potentially increasing pollution from stormwater runoff. DEIR at III-59, IV.H-52. As a result, an accurate estimation of the construction schedule is essential for an accurate analysis of the project’s environmental impacts.

Offsite farming. The project Description section of the DEIR notes that “BW Farming” would operate and farm “an existing 20-acre offsite farm (located on Lobitos Creek Road)” but then immediately asserts that this offsite farm is not actually part of the project. DEIR at III-40. However, in the analysis of the project’s impacts on biological resources, the DEIR states that “the proposed project proposes 32 acres of farming”—a figure that apparently includes the 20-acre offsite farm. DEIR at IV.D-96. This inconsistent treatment of the 20-acre offsite farm is part of a recurring theme throughout the DEIR, which touts all of the various project elements when doing so helps to sell the project, but is silent about them when it comes time to analyze the potential impacts of the project. Such an approach conflicts with the requirements of CEQA. *See* CEQA Guidelines section 15126 (“All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation.”). If the 20-acre offsite farm is part of the project—or a mitigation measure for the project’s impacts—the DEIR must analyze all of the potentially significant environmental impacts associated with that project element. If, on the other hand, it is not part of the project, the DEIR cannot rely on it for mitigation or to demonstrate that the proposed project will satisfy the project objectives.

It is important to understand, however, that in addition to the obvious CEQA implications, the Big Wave project appears simply to have not been planned. It is especially disconcerting that the County could be this far along in the administrative process for a large-scale and controversial project yet still lack critical substantive project details. This project needs to go back to the drawing board. Once the planning is complete, the County will be in a position to actually evaluate its environmental effects. Only then can it make the intelligent, informed decisions that CEQA requires.

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II. THE DEIR'S ANALYSIS OF THE PROJECT'S IMPACTS IS INADEQUATE.

In every section of the DEIR's analysis of impacts, it is apparent that the authors are faced with an impossible task: They must evaluate the environmental consequences of implementing a project that has not been sufficiently planned and designed. As described above, the DEIR includes an insufficient description of multiple components of the project. This void becomes even more clear in the impacts chapters, where time and again the DEIR defers analysis and mitigation because there is no way to determine how the project will affect the environment.

205-13

A. BIOLOGICAL RESOURCES

The proposed project is located on undeveloped property bordering on the Fitzgerald Marine Reserve and Pillar Point Marsh. As the DEIR recognizes, if the project site was taken out of agricultural production, portions of the site would likely revert to coastal freshwater marsh, which is highly valuable due to the abundant wildlife it can support. DEIR at IV.D-23. The DEIR also recognizes that, even in agricultural production, the project site contains a riparian corridor separating the northern and southern project parcels, and this corridor leads directly to Pillar Point Marsh. Several special-status bird species use the project site for foraging, and there is at least a moderate chance that several more could occur on the project site. DEIR at IV.D-82-91. Despite the existing environment, the DEIR concludes that the project will not have a significant impact on biological resources. This conclusion is unsupported by the evidence in the DEIR.

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Special-Status Plant Species. The DEIR concludes that the project's impacts on special-status plant species will be less than significant because "no habitat for any of the special-status plant species with a potential to occur on the site exists on the project site." DEIR at IV.D-94. Not only is this statement internally inconsistent—how can there be a potential for a plant species to occur on the site if there is no habitat there to support it?—it conflicts with the prior analysis in the DEIR, which indicates at least four special-status species are moderately likely to occur on the project site: coastal marsh milk-vetch, bristly sedge, marsh horsetail, and hickman's cinquefoil. DEIR at IV.D-82-83. Moreover, the DEIR expressly states that, if agricultural production were stopped, portions of the project site would revert to coastal freshwater marsh. *Id.* at IV.D-23. This type of marsh is considered to have high wildlife values and thus its *permanent* loss as a result of the project must be considered significant. The DEIR must identify and analyze measures to mitigate these potentially significant impacts. The DEIR's omission of this analysis is a fatal flaw that must be corrected in a recirculated DEIR.

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CRLF and SFGS. The DEIR is inconsistent in its characterization of the likelihood that the California red-legged frog (CRLF) and the San Francisco garter snake (SFGS) occur on the project site. Table IV.D-2 indicates that the potential for occurrence of these species within the project site is “likely.” DEIR at IV.D-63–64. The text of the DEIR, however, states that these species have only a “moderate” potential to occur. DEIR at IV.D-85, -88, -89. This distinction matters, especially in the analysis of whether the measures identified to mitigate the project’s impacts to these species are sufficient to reduce the project’s impact to a less-than-significant level.

Moreover, the DEIR is incorrect that the nearest recorded occurrences of the CRLF are within Pillar Point Marsh, south of West Point Rd. DEIR at IV.D-89. We have been informed by one member of the community that the Midcoast LCP Update project Map (dated 11/25/2005 Working Draft), located in the San Mateo County Planning Office, shows CRLF sightings even closer to the project site. One such sighting occurred at the culvert under Airport Road adjacent to the project site, the other at the culvert under West Point Road. Because SFGS feed on CRLF (DEIR at IV.D-88), the CRLF sightings near the project site indicate that SFGS are also more likely to use the site than assumed in the DEIR. The DEIR must be revised to accurately reflect the potential for occurrence of the CRLF and SFGS on the project site.

Operational Impacts. The DEIR’s analysis of the project’s impacts to special status species concludes with the construction phase. However, given the information in the DEIR, the project will also have potentially significant impacts on special status species during operation. For example, the DEIR recognizes that certain special status bird species use the project site for foraging (northern harrier, white-tailed kite, and salt marsh common yellow throat), and that others have at least a moderate potential for doing so (bank swallow, sharp-shinned hawk, great blue heron). DEIR at IV.D-89–91. Between the physical loss of habitat occasioned by the project and the incompatibility of intensive human use and foraging habitat, the project will result in the loss of approximately 19 acres of foraging habitat for these birds.

The DEIR provides no analysis of whether such a loss would be significant. Instead, it simply concludes that the project will have no impact on these species because “the project proposes 32 acres of farming, 12 in row crop production in the immediate vicinity of the project site.” DEIR at IV.D-96. This reasoning fails, however, because twenty of these acres are already in agricultural production and the other twelve acres are already open space (and possibly even in agricultural production) at the airport across the street from the project site. This existing open space cannot serve to mitigate the project’s destruction of 19 acres of foraging habitat.

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Moreover, nothing in the DEIR indicates that the offsite farmland is actually suitable foraging habitat. Indeed, the twelve-acre parcel at the airport site cannot be farmed in a way that encourages birds to fly near the runways, per Federal Aviation Administration (FAA) regulations, on account of the danger posed by birds to aircraft. 14 C.F.R. § 139.337 (Wildlife Hazard Management); *see also* FAA, Wildlife Hazard Management Manual, attached hereto as Exh. A. Even if such farming were permitted, any activity that would attract special-status bird species into the path of aircraft would create a new, significant impact on those species that must be analyzed in the DEIR. The twenty-acre offsite farm is also, according to the DEIR, “not a part of the project,” and thus for this reason as well cannot serve to mitigate the project’s impacts. DEIR at III-40.

Additionally, the DEIR fails entirely to consider the potentially significant “edge effects” caused by the project’s urban/wildlife interface. The project proposes to require over 700 parking spaces, indicating that at least that many individuals will likely be working or living onsite. These individuals will use the trails and other outdoor facilities at the project, drive to and from work and home, and, as a result may interfere with wildlife use of neighboring properties as well as the project site itself. Light and noise from the project could impact the behavior of wildlife at and near the project site. The only mitigation measure relating to lighting (BIO-4a) does not contain any standards for ensuring that lighting will not impact wildlife. DEIR at IV.D-98-99 (“Lighting shall *generally* be kept low to the ground, directed downward, and shielded”) (emphasis added).¹ These potentially significant impacts must be addressed in a recirculated DEIR.

These edge-effects may be exacerbated by the planned restoration of wetlands onsite, which will create habitat suitable for a wide range of native and special-status plant and animal species. These species, once attracted to the project site, will be living in close proximity to the residents and workers at the project site. The project includes a proposed dog-grooming and -walking facility. Although Mitigation Measure BIO-4a states that all dogs must be “confined to individual residences and the fenced portion of the building envelopes,” (DEIR at IV.D-99) it is entirely foreseeable that dogs will occasionally escape these confines into the wetlands areas, potentially harming the plants and animals occurring there. As a result, the operation of the project—not just its construction—could significantly impact special status species.

¹ This measure is also internally contradictory, limiting lighting to “building envelopes,” but recognizing that lighting must be sufficient “to illuminate roadways and other outdoor areas.” DEIR at IV.D-99.

Similarly, the increased traffic travelling on Airport Street as a result of the project could make it even more difficult for wildlife to cross that road. This potentially significant impact is not discussed in the DEIR.

Wetlands Buffer and Restoration. The DEIR recognizes that there is riparian habitat (a “sensitive natural community”) and federally protected wetlands on the project site. DEIR at IV.D-84, -91. However, the DEIR concludes that the project’s impacts to these resources will be less than significant because the project proposes (1) a 100-foot buffer between these areas and the development, and (2) to restore nine acres of “wetlands” onsite. DEIR at IV.D-98, III-43. This reasoning suffers from several flaws. First, as is apparent from Figures III-9 and -16, the project would develop an approximately 20-foot wide fire-road/trail within the “buffer zone.” Not only could the road itself impact the wetlands, but presumably people using the trail could step off of it and damage the wetlands as well.

Second, the restoration plan is entirely vague, and includes no provision for monitoring the restoration to ensure that the native plants become permanently established. Moreover, it appears that no restoration will occur within the drainage basin between the two parcels, as that land is owned by the County. *See* DEIR at IV.H-40. If invasive and non-native species are not removed from this drainage basin, it is entirely probable that these species will spread to the restored wetlands onsite, thus eliminating any benefit of the restoration plan. If, on the other hand, the applicant proposes to restore the County-owned wetlands, such a measure must be included and analyzed in the DEIR.

The DEIR also makes much of the interactive relationship between the residents of the wellness facility and the occupants of the office park. However, these two parcels will be divided by the drainage basin. The only proposed walkway between the two parcels will be along Airport Street. *See* DEIR Figures III-10 and -16. It is unclear how such a walkway will be developed without impacting the drainage basin, as Airport Street does not, apparently, have a sidewalk. *See* DEIR Figure III-8, View 5.² All of this information must be included in a recirculated DEIR.

² It appears that at one time the applicant considered constructing a pedestrian bridge over the drainage swale instead of (or as an alternative to) a sidewalk along Airport Street. DEIR, App. F at 110 (3 April 2007 Letter from Treadwell & Rollo) (noting that project would include a pedestrian pathway either as a sidewalk along the road or a “clear-span bridge”); *id.* at 118, 120 (same). If this alternative remains a possibility, the DEIR must analyze its potentially significant environmental impacts, including impacts to wetlands and special-status species.

The DEIR's discussion of riparian habitat is also insufficient. While the DEIR states that riparian habitat will be discussed in detail in the Biological Resources section (DEIR at IV.D-84 (Riparian habitat and Northern Coastal Salt Marsh "are discussed in more detail below.")), no such discussion occurs. Thus, the entirety of the DEIR's analysis of this sensitive community consists of one sentence: "Riparian habitat and its associated corridor are 'present' on the project site along the drainage that separates the northern and southern parcels and flows to Pillar Point Marsh." (*Id.*) This level of detail is woefully inadequate, and leaves the reader to wonder how much habitat is present on the site and what types of plant and animal species occupy this habitat. All of this information is essential for analyzing the project's impacts on this sensitive natural community.

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Perched Wetlands. The DEIR states that only a small portion of the site is California Coastal wetlands. DEIR at IV.D-91. However, the DEIR fails to analyze whether a much larger portion of the site could be a "perched wetland." A perched wetland differs from a typical coastal wetland, and is defined by a layer of impermeable soil lying above the water table. See Dr. Claude M. Epstein, Introduction to Wetlands (May 2006) (available at <http://www.stockton.edu/~epsteinc/wetlands.htm>). This distinctive feature often causes drainage problems for structures built upon perched wetlands. *Id.*

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A 1994 memo from Sam Herzberg, a County planner, indicates that Pillar Point Marsh and surrounding areas is a perched wetlands. See Memo from Sam Herzberg to Patrick Sanchez (Mar. 9, 1994), attached hereto as Exhibit B. This memo also cites to a 1987 wetland delineation report for Pillar Point Marsh by Charles Patterson identifying the perched wetlands in the area. *Id.* The County must consider this report, make it available to the public, and analyze the project's potential environmental impacts in light of this information in a revised DEIR.

Tree removal. The DEIR suggests that trees may need to be removed in constructing the project. DEIR at IV.D-96. However, there is no discussion of how many trees will be removed, what size they will be, and whether their removal will trigger any requirements under the County's "significant" or "heritage" tree ordinances. DEIR at IV.D-11. This information must be provided to decisionmakers and the public. If the project requires the removal of significant or heritage trees, or if tree removal otherwise will cause potentially significant impacts, the DEIR must identify mitigation measures and be recirculated.

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Mitigation Measures for CRLF, SFGS, and WPT. Mitigation Measure BIO-1a provides for the construction of "exclusion fencing" to keep listed species (specifically CRLF, SFGS, and western pond turtle (WPT)) out of the construction area.

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DEIR at IV.D-94–95. According to the DEIR, if any life stage of the CRLF, SFGS, or WPT is found during the erection of this fencing, “activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.” DEIR at IV.D-95. Such a vague description fails to provide any indication of what such measures might be, and thus improperly defers their development. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 302 (1988). Moreover, this language leaves open the distinct possibility that Measure BIO-1a could be infeasible, if these species are found during the construction of the fence and there is no way to remedy the situation.

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Marine Species. The DEIR dismisses without any analysis the project’s potential impacts on special status species restricted to marine habitats, such as the black abalone, white abalone, and Guadalupe fur seal. DEIR at IV.D-9. Even though the project site does not “support habitat used by these species,” the project can—and likely will—impact them. For example, polluted stormwater or insufficiently treated wastewater from the project site could enter the marine habitat of these species; pile-driving noise and vibrations could disrupt their activities; occupants, residents, and visitors at the project site will likely increase human use of the beaches and waters below the project, resulting in increased impacts to these species. Of particular concern is the possibility that the Fitzgerald Marine Reserve could be contaminated with cat feces from residents’ pets. Significant recent research has shown that cat feces can carry a parasite lethal to sea otters. *See, e.g.,* Parasite Shed in Cat Feces Kills Sea Otters, www.csgc.ucsd.edu/RESEARCH/PROJPROF_PDF/Conrad_CZ169.pdf; What’s Killing California Sea Otters?, www.seaotterresearch.org/latestresearch.shtml; Report on the Monterey Bay, 2009 Condition Report, www.sanctuaries.noaa.gov/science/condition/mbnms/pressures.html. The DEIR’s failure to analyze these impacts requires recirculation.

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Wildlife Movement and Connectivity. According to the DEIR, the project’s impacts on wildlife movement and habitat connectivity will be less than significant because “wildlife species movement across the site is [already] limited.” DEIR at IV.D-98. However, no evidence is presented to support this assertion about existing wildlife movement. Moreover, the photographs and diagrams presented in the DEIR clearly show that the project site currently provides unobstructed, undeveloped access to Pillar Point Marsh and neighboring undeveloped property, down to the coast. This open space is bordered on both sides (to the northwest and southeast) by residential and industrial development. *See* DEIR Figure III-4. The project will develop almost the entire width of the site, cutting off this access. That the project will maintain a narrow strip of land (the drainage basin) mitigates this loss somewhat, but cannot mitigate it to a less-than-significant level.

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Similarly, the elements of Mitigation Measure BIO-4a do little to reduce the project's impacts on wildlife movement. For example, "fencing that obstructs wild life movement" must be limited to building envelopes. DEIR at IV.D-99. However, buildings are proposed to extend across a significant portion of the property. Moreover, human activity on the site—even without fencing—will deter wildlife from crossing the developed project site. Mitigation Measure BIO-4a's lighting provision is equally ineffective. For example, lighting must be kept "at the minimum level necessary to illuminate roadways and other outdoor areas." *Id.* However, nothing in the DEIR explains how bright these lights must be. Similarly, there is no requirement that all lighting be directed downward and shielded—instead, there is only the requirement that this type of lighting "generally" be used. *Id.* Finally, the requirement that dogs and cats be confined to individual residences and the fenced portion of the building envelopes is inconsistent with the element of the project calling for the use of the property for a dog-grooming and dog-walking business. As such, this portion of Mitigation Measure BIO-4a is clearly infeasible.

Cumulative Impacts. By developing a currently undeveloped linkage to Pillar Point Marsh and the coast, the project will contribute cumulatively to the loss of connected habitat and, more specifically, foraging habitat for special status bird species. DEIR at IV.D-100. To mitigate this impact, the DEIR states that the project will "creat[e] additional wetland nesting and foraging habitat" to offset "the temporary loss of foraging habitat." *Id.* This statement is misleading. The net foraging area for special status bird species will actually be decreased by the project, and this loss is not temporary. No additional foraging habitat will be created. The offsite farming areas already exist. While the project does call for the restoration of wetlands and riparian habitat onsite, that area will be relatively small compared to the developed area of the site. The restoration will not occur until after the entire project is completed, which may take many years, or may never happen at all. Nothing in the DEIR indicates this restored area will provide higher quality foraging habitat (or, indeed, any foraging habitat for these species), especially given its location adjacent to the densely occupied Wellness Center and Office Park. In addition, the "restoration plan" as described in the DEIR is extremely vague, and does not require any ongoing monitoring to ensure its success. In short, the DEIR's conclusion that the project will not contribute cumulatively to the loss of habitat and connectivity is unsupported. As a result, the DEIR's analysis of cumulative biological impacts is fatally flawed.

B. GEOLOGY AND SOILS.

Description of Topography. The description of the topography of the project site varies significantly throughout the DEIR. In the project description and at various points in the Geology & Soils section, the DEIR describes the project site as

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“relatively flat” with “gentle slopes to the south and west.” DEIR at III-1, IV.F-13. At another point, the DEIR describes these slopes as “moderate.” DEIR at IV.F-14. Elsewhere, the DEIR states:

Both portions of the site have a relatively steep topography change at their western edges, which approach the marsh. Steeper topographic changes also exist along the northern edge of the southern parcel and the southern edge of the northern parcel, where the parcels respectively border the drainage swale.

DEIR at IV.F-3. Nowhere does the DEIR provide a quantitative description of these slopes (e.g., 15%, 30%, etc.). These inconsistent qualitative descriptions undermine the DEIR’s conclusion that the project poses no risk of landslide or other slope instabilities.

Groundwater Elevation. The DEIR notes that “[g]roundwater was encountered on the project site. . . at depths ranging from 5.5 to 7.5 and 3 to 10 feet bgs on the northern parcel and southern parcel, respectively.” DEIR at IV.F-6. It goes on to state that “[g]roundwater levels fluctuate as a result of seasonal changes.” The DEIR must clarify whether the ranges of groundwater depths presented account for that fluctuation, or whether the groundwater could rise to even shallower depths in the wintertime. This information is essential for analyzing the project’s impacts on groundwater quality and supply, as well as the potential geotechnical risks of constructing the project on this site (and the feasibility of mitigation proposed to reduce these risks).

Seismic Ground Shaking. The DEIR recognizes that this project will be located in a seismically active region. DEIR at IV.F-6. In fact, the San Gregorio Fault is located approximately 500 feet to the southwest of the buildable portion of the project site. *Id.* at IV.F-7.³ The San Andreas Fault is a little more than ten kilometers away. *Id.* As a result of this proximity, the project site could experience an earthquake with an “MM Intensity” of X, which would result in “very violent” shaking and “extreme damage.” *Id.* at IV.F-10, 19.

³ The DEIR notes—twice—that “[n]o subsurface trenching was performed on the project site to locate the San Gregorio fault.” DEIR at IV.F-7,-10. Given the proximity of the site to the fault, such testing must be completed and the results included in a recirculated DEIR. See Exhs. C & D.

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The DEIR glosses over the potentially significant hazards associated with this location, stating “the risk of hazard associated with ground shaking at the project site is comparable to the risk experienced in the project area in general. This is common to virtually all developments in the greater San Francisco Bay Area.” DEIR at IV.F-10. No mitigation measures are identified or analyzed. Instead, the DEIR relies on the project applicant’s compliance with the California Building Code (CBC), which requires new structures to “resist major earthquakes without collapse but with some structural as well as nonstructural damage.” *Id.* at IV.F-19. In addition, the DEIR states that the Office Park and Wellness Center buildings “shall be designed to . . . maintain reasonable ingress and egress.” (*Id.*) With these two conditions, the DEIR concludes that the potential impacts from seismic ground shaking will be less than significant.

This analysis fails to recognize at least two essential facts about the proposed project. First, the project includes not only office buildings and residences, but also a host of onsite utilities, such as a wastewater treatment facility and a natural gas generator. The DEIR must analyze what effect strong seismic ground shaking would have on these facilities. For example, would natural gas pipes rupture? Would untreated wastewater escape into the wetlands? These potentially significant environmental impacts must be evaluated.

The DEIR also fails to analyze the impact of locating a residence for DD adults in this high-risk area. According to the DEIR, these residents will not have cars or be able to drive. Therefore, the DEIR should consider measures such as the development of an emergency response plan and potential evacuation routes as mitigation for the potentially significant impacts of a strong earthquake on these residents.

Deferred Analysis and Mitigation. The principal flaw in the DEIR’s analysis of geology and soils at the project site is that it defers entirely any detailed analysis of site conditions and the development of mitigation measures necessary to respond to these conditions. In fact, it appears that just enough research and testing was conducted to determine that the geology of the site poses a significant problem for development there. The groundwater table is shallow, expansive soils lurk right under the surface, and both parcels are underlain by layers of saturated loose- to medium-dense, sandy soil. DEIR at IV.F-6, -12, -14. As a result, liquefaction is likely to occur at the site, resulting in ground surface settlement and such “surface manifestations” as “sand boils” and “lurch cracking.” *Id.* at IV.F-12, -13. “The presence of expansive near-surface soil is a primary geotechnical concern for the project site,” and can “cause damage to building foundations, concrete slabs, hardscape, pavement, underground utilities, and other . . . improvements.” *Id.* at IV.F-14.

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Despite these significant issues, the only mitigation identified is to conduct further analysis—after project approval—and to develop final mitigation measures based on that future analysis. DEIR at IV.F-20, -21, -23. This deferral of analysis and development of mitigation is improper under CEQA. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d at 307 (1988). As the DEIR points out, no drainage plan has been prepared, and the erosion-control plan prepared by the applicant to date contains only short- and mid-term controls such as jute mesh or rolls. DEIR at IV.F-22. Long-term controls are especially important here where wetland restoration and other stormwater runoff control measures will not be undertaken until after project completion. According to the DEIR, the project will not be complete for at least thirty months. As stated elsewhere in this letter, thirty months is likely a significant understatement. Regardless, even three years is a long time to have graded soil exposed and no permanent measures in place to reduce soil erosion and loss of topsoil. These impacts are potentially significant; as such, the DEIR must analyze them and identify concrete measures to mitigate them now, prior to the County’s consideration of the project.

205-28

An additional flaw in this section of the DEIR is that the descriptions of potential mitigation measures that may be suggested as a result of future geotechnical investigations are vague and cursory. The DEIR does not consider whether these measures would be feasible at the project site or would create additional, adverse impacts, given the sensitive surroundings (onsite wetlands and Pillar Point Marsh) and shallow groundwater there. It is implausible, for example, that “deep foundations” (DEIR at IV.F-21-22) would be feasible where groundwater is encountered five feet below the surface. Similarly, “deep soil compaction techniques” (*id.* at IV.F-21) and “pile-driving” would likely create noise and vibration—and thus associated impacts on wildlife and neighbors—that have not been analyzed in this DEIR. Instead of deferring this analysis and the development of mitigation measures until after project approval, the DEIR must include this information now.

Inconsistency with General Plan. The San Mateo County General Plan policy 15.20 provides that the County must “[a]void the siting of structures in areas where they are jeopardized by geotechnical hazards” DEIR at IV.F-17. Only in “extraordinary circumstances when there are no alternative building sites available” may the County authorize such development. *Id.* Here, the DEIR itself recognizes the geotechnical hazards at the site—significant risk of violent seismic ground shaking and impacts from the expansive soils at the site. Nothing in the DEIR suggests that there are no alternative building sites available for this project. Indeed, the alternatives analysis identifies several potential locations. As such, the project is inconsistent with the County’s General Plan.

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Quantity of Grading and Fill. The project description states that the project would only require the importation of 4,105 cubic yards (cy) of imported fill. DEIR at III-59. However, several of the proposed mitigation measures appear to call for a significant increase in grading and imported fill. See DEIR at IV.F-20–21 (proposing such measures as “overexcavating and replacing loose sandy soil with compacted engineered fill” and stiffened shallow foundations “bearing on a layer of well-compacted fill”); *id.* at IV.F-23 (proposing the use of permeable base material under the pervious pavement). The nature and quantity of this fill must be described in the DEIR.

205-30

C. HYDROLOGY AND WATER QUALITY

Stormwater Drainage. The project proposes to create 80,000 square feet of new, impervious surfaces. DEIR at IV.H-46. The DEIR acknowledges that these new, impervious surfaces would increase stormwater discharges by 80%. *Id.* at IV.H-55. The DEIR further recognizes that pollutants in stormwater runoff could adversely impact water quality both in the short term (e.g., during construction when “disturbed soils become susceptible to water erosion and downstream sedimentation”) and in the long term, when urban pollutants such as trace metals from pavement runoff, nutrients, and pet wastes can enter aquatic and wetland habitats. *Id.* at IV.H-56–57. The only mitigation measure proposed to reduce these impacts is HYDRO-5, which requires the applicant to prepare an erosion control plan and stormwater pollution prevention plan (SWPPP). The SWPPP is to include best management practices (BMPs) that will reduce post-construction “peak flows” to existing levels and post-construction water quality BMPs that control pollutant levels to “pre-development levels, or to the maximum extent practicable (MEP).” *Id.* at IV.H-57–58. Although the development of these BMPs is generally deferred until after project-approval, in violation of CEQA, the possible measures proposed rely heavily on infiltrations systems, such as rain gardens. *Id.* at IV.H-58.

205-31

There are several flaws in this proposed approach to mitigation. First, as mentioned already, deferring all development of mitigation measures for this identified, potentially significant impact violates CEQA. This deferral is especially problematic here, where there are significant questions about the feasibility of infiltration systems (such as rain gardens) in handling stormwater runoff. As noted in the San Mateo County NPDES permit, infiltration devices may not be used if they would adversely impact groundwater quality. Municipal Regional Stormwater Permit Order No. R2-2009-0074 (NPDES No. CAS612008)(“NPDES Permit”) at 31 (Oct. 14, 2009) (available at <http://www.flowstobay.org/documents/municipalities/municipalities/NPDES%20Permit%20R2-2009-0074%20Oct142009.pdf>). Here, the groundwater table is very high. Thus, the DEIR must analyze whether infiltration devices will be feasible on the project site,

and must do so before project approval, not after. If they are not feasible, the DEIR must identify other potential mitigation measures, and analyze their effectiveness.

Similarly, it is questionable whether infiltration devices will actually work on the project site given the clayey nature of the surface soils, which do not drain quickly. If the sites soils cannot absorb stormwater quickly enough, that water will run off onto adjacent properties, including Pillar Point marsh, where urban pollutants will cause significant harm.

Finally, the DEIR improperly assumes that the hydromodification management provisions of the County's NPDES permit do not apply. These provisions require that projects adding or replacing one acre or more of impervious surface within non-exempt watersheds:

shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition. Increases in runoff flow and volume shall be managed so that post project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

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NPDES Permit at 35 (Section C.3.g.ii). The project will create more than one acre of impervious surface and is not within an exempt watershed area. *See* Exh. E (map of areas subject to HMP requirements). As a result, *any* increase in runoff flow or volume caused by the project constitutes a significant impact, and the project must incorporate flow duration controls—such as site design features and detention basins—to reduce the runoff flow and volume.

The DEIR indicates that the project will, in fact, increase the volume of runoff by 80 percent. DEIR at IV.H-55. Similarly, “[b]ased on the estimated precipitation for a 100-year, 24-hour storm and the increase in site impermeability, runoff volume is expected to increase by 17.0 acre-inches.” *Id.* at IV.H-54. The runoff rates will also increase. DEIR at IV.H-55. Given the regulatory framework described above, this increase constitutes a significant impact.

Yet the DEIR provides no evidence to support its conclusion that the project as mitigated will comply with this requirement. In fact, the DEIR notes that “[n]o modeling of the storm drainage systems and infiltration systems, such as in a drainage report, has been provided with the drainage plans, so the expected effect of the storm

drainage systems cannot be fully assessed at this time.” DEIR at IV.H-52; *see also* DEIR at IV.H-54 (no drainage report was provided by the applicant); *id.* at IV.H-58 (“[l]ocations and designs of the stormwater infiltration system should be provided to the County as part of the grading plans during Final Map review”—i.e., after project approval). The scant drainage information provided in the DEIR—which consists of a diagram showing the topography of the project site and the proposed location of the rain gardens (DEIR Figure III-25 and Figure III-26)—cannot support this conclusion without some evidence that the rain gardens are feasible and will reduce project runoff to pre-project levels. Quite to the contrary, the DEIR states that these rain gardens are “likely to handle flows from *only smaller events, such as the 2-year and 10-year storms.*” *Id.* at 10.11-52) (emphasis added). Moreover, as stated above, it is entirely unclear whether rain gardens will be feasible on the site, given the low permeability of the soils there. *See* Exh. F at 104 (SMCWPPP Handbook, Chapter 7) (noting that infiltration devices may not be feasible due to low-permeability of soils).

205-31

Simply requiring the applicant to prepare a SWPPP for the project after approval and requiring the applicant to “establish a mechanism for enforcement to assure that BMP functioning is being maintained as designed” is wholly inadequate to mitigate the project’s impacts on drainage patterns. DEIR at IV.H-53. Appropriate mitigation measures must be identified and described to the public in the DEIR. If infiltration devices, such as rain gardens, are infeasible, or will not mitigate the impacts to a less than significant level, other measures—including, potentially, changes to the site design—must be analyzed. Moreover, any adequate mitigation must ensure that stormwater treatment and control devices are properly maintained over time; allowing the applicant to establish enforcement mechanisms provides no such assurance.

Offsite Flooding. Because the applicant has not provided a drainage report, the DEIR states that “it is unknown if there are substantial stormwater discharges that would travel onto the site from neighboring areas, particularly the residential development to the northwest.” DEIR at IV.H-54. Nonetheless, the DEIR concludes that the project may have a potentially significant impact on offsite flooding based on an analysis of runoff onto Pillar Point Marsh. The only “mitigation measure” identified to reduce this impact is more deferred analysis: the applicant must submit a drainage report showing the drainage pathways and the extent of offsite drainage. This “mitigation measure” proposes no means to lessen or avoid the project’s impacts. As such, it is inadequate under CEQA. The drainage report must be prepared and analyzed and true mitigation measures must be identified in a revised and recirculated DEIR.

205-32

Capacity of Planned Drainage Systems. Pursuant to the CEQA Guidelines, Appendix G, a project can have a significant impact if it would create runoff water that would exceed the capacity of existing or planned stormwater drainage systems. Here, the

205-33

project apparently intends to incorporate its own stormwater drainage system. *See* DEIR, App. H, Technical Memorandum #1 at 12. However, no drainage report was provided by the applicant or described in the DEIR. DEIR at IV.H-54. Without this report, the DEIR's conclusion that the yet-unplanned drainage system will have the capacity to deal with the increased project runoff is unsupported by any evidence. *Id.* at IV.H-56. This conclusion is even more incredible given the DEIR's acknowledgement that the project will, in fact, increase stormwater runoff and velocity. *See id.* at IV.H-55.⁴

205-33

Deferred Mitigation. The DEIR relies on the future development of a SWPPP to mitigate both the increased erosion or siltation caused by the project and creation of additional sources of polluted runoff. *See* DEIR at IV.H-53,-57. As discussed above, deferring the development of mitigation measures for these impacts is improper under CEQA. In the absence of any concrete requirements, the DEIR lacks any evidence that the project's admittedly potentially significant impacts will be mitigated to a less-than-significant level. Moreover, the primary measure that may be included in a SWPPP—rain gardens—may be infeasible due to the low-permeability of the soil and the high groundwater table. *See* DEIR at IV.H-58 ("main post-construction water quality enhancement measure indicated by the applicant report is the use of rain gardens").

205-34

In relying on a SWPPP to reduce the project's post-construction water quality impacts to a level of insignificance, the DEIR overlooks the fact that the NPDES permit contains a different standard than CEQA: post-construction BMPs incorporated into a SWPPP need only reduce pollutant levels "to the maximum extent practicable," not to a level of insignificance. Thus, even if the project's yet-to-be developed SWPPP satisfies the County's NPDES Permit requirements, it may not reduce the project's water quality impacts to a less-than-significant level. For this reason, too, measure Hydro-5 is inadequate under CEQA.

Cumulative Impacts. The DEIR concludes that the project will not contribute to significant cumulative impacts on hydrology and water quality in the area as long as the other projects developed in the area comply with local, state, and federal regulations. DEIR at IV.H-62. However, an earlier discussion of the project's impacts

205-35

⁴ The actual amount of increase in stormwater runoff (volume and velocity) is never clearly or credibly stated in the DEIR. The DEIR notes that the estimates of pre- and post-project runoff are based on information supplied by the applicant, and does not take into account any effects of a high groundwater table, even though "high groundwater table can also lead to significant stormwater runoff, especially during large storm events." DEIR at IV.H-54. Thus, these estimates are likely understated.

205-33
(cont.)

on groundwater recharge contradicts that conclusion. According to the DEIR, the project will decrease groundwater recharge on the Half Moon Bay Terrace—which supports the Pillar Point Marsh and drinking water supplies in the area—as a result of increased impervious surfaces. *Id.* at IV.H-16. These surfaces and drainage ditches on the project site direct runoff off the surface of the Half Moon Bay Terrace and through Pillar Point Marsh. *Id.* at IV.H-16, 51. According to the DEIR, “if there is further development in the El Granada/Princeton area and along Airport Street, the trend may be towards less recharge area for the marsh.” *Id.* at IV.H-16) This statement presents a perfect example of a potentially significant cumulative impact: even if the project’s impacts can be mitigated to a less-than-significant level, when considered in conjunction with other development in the area, the cumulative impact will be significant. This impact, along with measures to reduce it, must be analyzed in a revised DEIR.

205-35

Floodplain and Sea Level Rise. The DEIR indicates that both parcels appear to be located within a 100-year flood hazard area as depicted on the Flood Insurance Rate Map (FIRM) for the project area. DEIR at IV.H-17. However, pursuant to a 2001 Letter of Revision Based on Fill and a 2005 Letter of Map Amendment (LOMA), the Federal Emergency Management Agency (FEMA) removed the project parcels from the floodplain, and determined that the base flood elevation for the area is 8.5 feet NGVD. *Id.* The lowest part of the project site is 10 feet. *Id.* Based on this information, the DEIR concludes that the project will not place housing or structures within a 100-year flood hazard area. *Id.* at IV.H-59.

This conclusion improperly overlooks two important considerations. First, Appendix G of the CEQA Guidelines specifically states that a project could have significant impacts if it places housing or structures within a 100-year flood hazard area “as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.” Guidelines App. G § VIII(g); *see also id.* § VIII(h) (emphasis added). Here, even though FEMA removed the project parcels from the FEMA-designated 100-year floodplain, the project site remains within the delineated area for flood hazard on other maps. *See, e.g.,* Exhibit G (Pacific Institute map of region showing project site within area currently at risk from a 100-year coastal flood).

205-36

Second, the DEIR fails to analyze the potential effects of global warming on the project and its location with respect to the 100-year floodplain. As discussed at length in the attached memorandum from the Department of Fish and Game (DFG), mean sea level along the California coast is projected to rise from 1.0 to 1.4 meters by the year 2100. *See* Exhibit H at 4 (DFG letter). Given that the lowest part of the project site is a mere 1.5 feet above the base flood elevation (DEIR at IV.H-17), this sea level rise will certainly place at least portions of the project site—if not the entire site—within the floodplain in the near future. The potential for flooding at the project site is further

supported by research indicating that California has experienced a significant increasing trend in extreme winter storms resulting in high sea level residuals, coastal erosion, wave heights and number of waves. Exh. H at 5-6 (DFG letter). These changes could also result in the intrusion of salt water into the project's well. Given these facts, the DEIR cannot simply conclude on the basis of the 2005 LOMA that the project will have no significant impacts related to development in the floodplain. A revised DEIR must be prepared and recirculated.

205-36

Mitigation for Exposure to Tsunami and Seiche. The DEIR acknowledges that the project site is located in an area vulnerable to tsunamis and seiches, and that exposure of project residents and employees to these events constitutes a potentially significant impact. DEIR IV.H-61. However, in place of an enforceable measure that would actually mitigate this impact, the DEIR states only that "implementing agencies shall, *where appropriate*, ensure that the project incorporates features designed to minimize damage from a tsunami or seich." *Id.* (emphasis added). This measure does not describe what these design features might be, much less require the applicant to incorporate them into the project. The measure goes on to state that "[s]tructures *should* either be placed at elevations above those likely to be adversely affected during a tsunami or seiche or be designed to allow swift water to flow around, through, or underneath without causing collapse." *Id.* (emphasis added). Again, the discretionary nature of this measure makes it unenforceable. Moreover, the DEIR's own analysis indicates that the project's buildings will *not* be at elevations above those likely to be affected.

205-37

Similarly, nothing in the DEIR suggests the project buildings as currently designed will "allow swift water to flow around, through, or underneath without causing collapse." *Id.* If the project will be redesigned to comply with this mitigation measure, the new design must be presented prior to approval, and the environmental impacts of the new design must be analyzed in a recirculated DEIR.

Finally, the proposed mitigation measure does not address one key element of the potentially significant impact caused by placing the project within an area subject to tsunamis and seiche: evacuation. An evacuation plan is especially critical here where the residents of the Wellness Center are assumed not to drive or maintain cars onsite. A revised DEIR must include a description of an evacuation plan that would lessen these potentially significant impacts.

Pervious Pavement. The DEIR relies heavily on the project's use of pervious pavement to reduce the project's stormwater runoff impacts. DEIR at IV.H-42. However, as the DEIR notes, the soils underlying the pervious pavement actually have slower permeability than the pavement itself. *Id.* Given these facts, the use of pervious pavement will do little if anything to reduce the project's impacts. Instead, it could result

205-38

in pooling and adverse impacts to building foundations. To reduce these structural impacts, the DEIR notes that the applicant could grade the soil and place gravel under the pavement to allow better drainage. However, these activities could create additional air quality and other impacts that must be analyzed in the DEIR.

205-38

D. HAZARDS AND HAZARDOUS MATERIALS

The DEIR recognizes that pesticides or other hazardous substances may have been released into the soil or groundwater at the project site, and that such contamination is a potentially significant impact, yet defers the performance of a Phase II Environmental Site Assessment (ESA) until after project approval. DEIR at IV.G-24. The DEIR compounds its error by proposing to mitigate this potentially significant impact with unspecified "recommendations" resulting from the future ESA. Courts have consistently rejected such deferred mitigation as inconsistent with CEQA's mandates. *See Endangered Habitats League, Inc. v. County of Orange*, 131 Cal.App.4th 777, 793 (2005). ("[A]n agency goes too far when it simply requires a project applicant to obtain a [] report and then comply with any recommendations that may be made in the report.")

205-39

E. NOISE

Length of Construction Phase. The DEIR considers the project's construction-phase noise to be "temporary." DEIR at IV.J-18. This conclusion is based on the assumption that total project construction would be complete within 30 to 36 months. As discussed elsewhere in this letter, this estimate is far too low; the phased approach to construction could thus last years longer. As a result, while the construction-phase noise (such as pile driving, which may be necessary to mitigate for the clayey and expansive soils on the project site) may be periodic, it will likely be repeated on numerous occasions over many years. The DEIR must take this fact into consideration when analyzing the significance of the construction-phase noise impacts.

205-40

Building Quality Assumptions. The DEIR relies on several unsubstantiated assumptions about the quality of construction of the project buildings to conclude that operational noise levels will be less than significant. For example, the DEIR notes that new homes typically reduce exterior-to-interior noise by more than 30dBA. DEIR at IV.J-3. The DEIR then goes on to assert that "[s]imilar reductions are typically provided for new office buildings." *Id.* at IV.J-21. However, there is no requirement or evidence suggesting that the any of the buildings proposed here will necessarily be designed to meet this standard. Similarly, the DEIR notes that large HVAC systems, such as the one proposed by the project, can result in noise levels that average between 50 and 65 dBA Leq at 50 feet, but that "[s]tandard building parapets typically reduce these noise levels by around 10 to 15 dBA and this type of equipment is generally not audible from nearby

205-41

uses.” *Id.* Again, there is no requirement or evidence suggesting that, in the buildings proposed here, the parapets will reduce the HVAC noise levels at all. Without such evidence, the DEIR cannot conclude that the operational noise levels of the project will be less than significant.

Use of Noise Averages. Noise from aircraft landing and taking off at the Half Moon Bay Airport across the street from the project site will be an integral, daily part of life for residents and employees of the project. Such activity will produce short episodes of intense noise that would significantly affect the project site. The kind of short-lived and intense noise events caused by aircraft are not well represented by noise averaging metrics, such as Leq, which is used in the DEIR. To properly convey the noise impacts of blasting, the DEIR should have (but failed to) conduct a single event noise analysis.

Single event noise analysis is so important because noise receptors such as residents, employees, and visitors at the project site will experience aircraft noise as a massive and discrete sound, not as an average of noise spread over a period of time. It is impossible for the public and decisionmakers to understand the true noise impacts of the proposed project absent a single event noise analysis of the aircraft operations from the Half Moon Bay Airport.

Accordingly, California courts have rejected EIRs that analyze only average noise impacts because impacted residents do not hear noise averages, but single events. *See Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners*, 91 Cal.App.4th 1344, 1382 (2001) (EIR must provide single-event noise information in a form that allows the public to understand the impacts of individual, loud events). Sleep disruption and speech interference, and heightened levels of stress and annoyance are likely to result from single noise events. Moreover, absent such analysis, the DEIR’s conclusion that future noise levels at the site will be below the County’s exterior and interior noise standards is unsupported. Noting that “sound exposure level [SEL] has been found to be the most appropriate and useful descriptor for most types of single event sounds,” the court in *Berkeley Keep Jets* required the Port to prepare a supplementary noise analysis calculating the impacts of single-event sounds. *Id.* Thus, the revised DEIR for the project must analyze the impacts of single event noise (such as that caused by aircraft activity near the project site) to determine whether these events will increase the project’s exterior and interior noise levels above the County’s thresholds of significance, and to determine the effects of this single event noise on sleep, speech, stress and annoyance levels.

205-41

205-42

Moreover, as discussed below, the DEIR's trip generation rates are incorrect because they do not take into account trips from each Project component. Consequently, the noise analysis also understates traffic-related noise impacts.

F. TRAFFIC AND CIRCULATION

Site Access. The DEIR's analysis of transportation impacts is hamstrung in large part by its failure to adequately describe the local roadways in the project vicinity. Because the project site is relatively remote, access to the site is highly constrained. Only a few roads provide direct access to the site and these roads are very narrow and likely substandard. It appears evident that these roads were never intended to support a use as intensive as the Big Wave project. Because the DEIR fails to disclose the highly constrained nature of site access, it necessarily downplays the impacts that would result from construction and operation of the project.

Although several local roadways would be potentially impacted by the proposed project, the DEIR's environmental setting section describes only two of these roads, Capistrano Road and Airport Street. *See* DEIR at IV.M-7. The document omits any description of other critical roadways in the area such as Cypress Avenue and Prospect Way. Indeed, the DEIR's failure to describe the physical constraints and operational characteristics of Cypress Avenue is an egregious flaw inasmuch as the document assumes that *all* project traffic would travel on this extraordinarily narrow roadway. *Id.* at IV.M-25. Cypress Avenue is already well used because it provides access to the existing Princeton, Pillar Ridge and Seal Cove residential neighborhoods and the Fitzgerald Marine Reserve. In addition to its narrow width, Cypress Avenue is further constrained because it has no sidewalks and a steep crown dropping off to deep roadside ditches thereby forcing pedestrians and bicyclists to share the narrow roadway.

Nor does the DEIR acknowledge that Capistrano Road and Prospect Way are also very narrow and are already quite congested during commute hours. Although Capistrano Road is a designated bicycle route, the roadway is so narrow that there is insufficient space for a bike lane. Circulation in the area is further constrained by the intersection at the west end of Prospect (at Broadway) because the through route to Harvard Avenue is offset. Most motorists use Harvard Avenue as the through route yet the DEIR's maps do not even depict the connection between Airport Street and Vassar Avenue.

In order for the public and decision makers to fully understand the traffic consequences of this project, detailed information about the status of each of the area roadways is needed. Such information includes, but is not limited to:

205-42

205-43

- A description of the County's standards for all project vicinity roadways including their required width.
- A description of the physical and operational characteristics of area roadways, including any known chokepoints.
- A description of locations along each of the streets and intersections where pedestrian and bicycle movements are constrained due to factors including but not limited to inadequate street widths, lack of shoulders, roadside ditches, and lack of appropriate signage.

205-43

Trip Generation. The DEIR underestimates the project's trip generation as well. The project would include an Office Park and a Wellness Center, the latter of which would include residential uses, a community center and storage facilities. DEIR at III-18. In addition, the project includes other project-related business operations such as catering/food service (selling chickens, eggs, yogurt and ice cream for use in local restaurants and stores); a weekly farmers' market; an organic yogurt local sales outlet; a nursery (which would supply about 15,000 to 30,000 native plants per year for restoration projects along the coast); two offsite farms; and a dog walking and grooming service. *Id.* at III-18; Table III-2 (page III-19), III-38 through III-40, and III-43.

Despite each of these additional uses, the DEIR identifies trip generation figures only for the Office Park and the Wellness Center. *See* Table IV.M-6, project Trip Generation Estimates. Since many of these other uses would appear to be retail-oriented, and thus available to the public, they would generate vehicular trips. Yet, these trips remain unaccounted for in the DEIR. Because the project would likely generate considerably more than the 2,100 daily trips disclosed in the DEIR, the document understates the severity and extent of the project's impact on traffic and circulation.

205-44

The DEIR must be revised to include trip generation estimates from each of the project's uses. Project-specific and cumulative traffic impacts must then be reanalyzed in order to accurately disclose the project's effect on local and regional traffic patterns.

LOS Mitigation. The DEIR also lacks adequate mitigation for the project's impacts to intersection level of service (LOS) and capacity. Notwithstanding the DEIR's failure to accurately account for the project's increase in vehicular traffic, the document nonetheless correctly concludes that the proposed development would significantly impact the intersection of State Route 1 and Cypress Avenue. DEIR at IV.M-27. Specifically, the eastbound left-turn movement at this intersection would reach LOS F upon implementation of the proposed project. *Id.* The DEIR goes on to state that other

205-45

than signalization, there are no improvements possible at this intersection to improve this LOS F operation. *Id.* With signalization, this intersection would operate at LOS A. *Id.*

Incredibly, the DEIR proposes to defer mitigation for this impact (i.e., the installation of a traffic signal at this intersection) to an unknown future date following project occupancy. DEIR at IV.M-28. The DEIR calls for the applicant to submit a bi-annual report indicating whether the intersection warrants a signal. *Id.* In the event the report shows that a signal is warranted, the applicant would coordinate with Caltrans to pay a fair share for the installation of a signal *within five years* of the date of [the] report. *Id.* (emphasis added). It is wholly inappropriate to deem this measure “mitigation” and allow it to be delayed until after project approval. *See Gentry v. City of Murrieta*, 36 Cal. App. 4th 1359, 1396 (1995) (rejecting mitigation measures allowing project applicant to comply with report and measures regarding the Stephens’ kangaroo rat developed *after* project approval).

Moreover, even if it were acceptable to defer this mitigation measure until after project approval—which it is not—the DEIR nonetheless fails to present sufficient evidence that this traffic impact would be mitigated to a less than significant level. The DEIR’s suggestion that the applicant would pay a fair share for the installation of a signal does not ensure that such a signal would be installed. Fee-based mitigation programs for traffic impacts based on fair share infrastructure contributions by individual projects have been found to be adequate mitigation measures under CEQA. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, 87 Cal. App. 4th 99, 140 (2001). To be adequate, however, these mitigation fees must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing. *Id.* at 140-41. *See also Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1188-89 (2005) (explaining that fee-based traffic mitigation measures have to be specific and part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue). Here, the DEIR’s proposed mitigation simply assumes that the payment will occur, that it will cause the signal to actually be installed, and that it will adequately mitigate the impacts, without providing a reasonably enforceable plan to achieve those results. Moreover, the fact that the signal may not even be installed for a full five years further demonstrates that the County is not committed to expeditiously solving the traffic problem at this intersection.

The DEIR also fails to consider the traffic impacts resulting from the DEIR’s approach to deferring mitigation. Since the project would cause the intersection of Cypress Avenue and State Route 1 to operate at LOS F and because this unacceptable condition may continue for five years, motorists will seek alternative routes to accessing Route 1. The only alternative route is via Prospect Way to Capistrano. Yet the DEIR fails to analyze the effect that this rerouting of traffic would have on this intersection.

Nor does the document call for any long-term monitoring of traffic operations at this intersection.

In short, the DEIR's conclusion that traffic impacts would be mitigated to a less-than-significant level cannot be sustained.

Emergency Access Mitigation. Nor does the DEIR adequately analyze or mitigate the project's emergency access impacts. As discussed above, access to the site is constrained by narrow roads that likely do not meet County standards. In the event of an emergency such as a fire, earthquake or a tsunami, it is critical that emergency response vehicles are able to access the site while allowing project occupants to escape.⁵ Unfortunately, the DEIR provides only a cursory discussion of this critical issue.

The DEIR lacks any description of the County's emergency access regulations and standards and does not disclose whether existing roadways meet minimum requirements for emergency access. In addition, the document contains no information whatsoever about the project's design of emergency access streets and driveways, gates and barriers, or any analysis of how the roadways would operate in the event of an emergency.

Instead of a detailed analysis, the document includes the following generic statements:

Impacts related to emergency access are generally site-specific, and the applicant would consult with County departments and is expected to implement any access recommendations provided. Fire lanes, turning radii and back up space around buildings would be designed in cooperation with local officials and County regulations to ensure adequacy for emergency and fire equipment vehicles.

DEIR at IV.M-37. Analysis and mitigation of the project's emergency access issues must happen in the context of this DEIR. As the California Supreme Court has explained, environmental review must happen *before* a project is approved if an EIR is to be

⁵ Since the project site is within the Tsunami Evacuation Zone, the project would include the development of an evacuation plan that is subject to approval by the County OES and Fire District for fires, earthquake, and tsunami. DEIR at III-59.

205-45

205-46

anything more than a “post hoc rationalization of a decision already made.” *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 81 (1974) (internal quotation marks omitted).

Design issues pertaining to access and emergency access are critical project details; they are not mere implementation measures that can be deferred until after project approval.

Mitigation for Cumulative Traffic Impacts. The DEIR’s mitigation for the project’s cumulative impacts on intersection level of service is legally deficient. The DEIR concludes that project traffic volumes, together with cumulative traffic, would result in LOS F at the intersection of Cypress Avenue and State Route 1 in the morning and afternoon peak hours. *See* DEIR Table IV.M-11, Cumulative Intersection Levels of Service. Yet, because the DEIR looks to the same mitigation measure (payment of a fair share payment for the potential installation of a traffic signal within five years), the DEIR’s approach to mitigation for cumulative traffic impacts is legally deficient for the reasons discussed above.

Pedestrian Safety. The project proposes to link the two parcels by a sidewalk running along Airport Street. However, the pictures in the DEIR suggest that this sidewalk would have to be very narrow, and would place pedestrians in very close proximity to vehicular traffic. The DEIR does not address the potential safety hazards caused by the sidewalk, or even describe if the sidewalk will be wide enough to serve the pedestrians, wheelchair users, and bicyclists who are likely to use it. These issues must be addressed in a recirculated DEIR.

G. AIR QUALITY

Inconsistency with the Clean Air Plan. According to the DEIR, a significant impact may occur if the project would conflict with or obstruct the implementation of the current San Francisco Bay Area Air Basin Clean Air Plan (CAP). DEIR at IV.C-14. To determine if this impact may occur, the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines recommend that the project’s potential to conflict with or obstruct the current CAP be based on an evaluation of the consistency of the project with the local general plan *and* the consistency of the general plan with the current CAP. *Id.* According to the BAAQMD CEQA Guidelines, a local general plan is consistent with the current CAP if: (1) the general plan population projections are consistent with the CAP and Association of Bay Area Governments (ABAG) population projections and the rate of increase in vehicle miles traveled (VMT) does not exceed the rate of increase in population.

205-46

205-47

205-48

205-49

Since the current County of San Mateo General Plan has not been updated since 1994, the DEIR preparers undertook an evaluation to determine: (1) whether the project in combination with past, present, and reasonably foreseeable future projects would cause the County of San Mateo's population to exceed CAP and ABAG's population projections and (2) whether the project in combination with past, present, and reasonably foreseeable future projects would cause the rate of increase in VMT to exceed the rate of increase in population. The DEIR states that if either of the scenarios identified above occurs, the project would not be consistent with the CAP and would therefore have significant air quality impact. *Id.* at IV.C-14 and IV.C-15.

The population growth associated with the proposed project would be more than three times greater than the projected population growth in the unincorporated Half Moon Bay area between 2009 and 2013. *Id.* at IV.C-15. In addition, the VMT increase for San Mateo County from 1990 to 2010 will be 19.8 percent while the population increase in the County from 1990 to 2010 will be approximately 13.7 percent. *Id.* at IV.C-16. Because the VMT increase already exceeds the County population projections for the 1990 to 2010 timeframe and because the proposed project would contribute to this VMT, by the DEIR's own wording, the project would not be consistent with the CAP. Yet, in a marked attempt to sidestep disclosure of this impact, the DEIR asserts that because the project would not *cause* the rate of increase in VMT to exceed the rate of increase in population, the project's potential to obstruct implementation of the applicable air quality plan is less than significant. *Id.* at IV.C-17. This conclusion cannot be sustained. The DEIR's failure to recognize and mitigate this significant impact is a violation of CEQA.

Construction-related Emissions. The DEIR fails to evaluate the project's construction-related emissions against the BAAQMD proposed CEQA guidelines. Rather than quantify the increase in construction-related emissions, the DEIR looks to the implementation of air quality control measures to conclude that construction-related emissions would be less than significant. DEIR at IV.C-19. There are myriad problems with this approach to impact analysis. First, the measures identified in the DEIR do nothing to control emissions from diesel-powered engines used during construction. Consequently, the DEIR fails to analyze and mitigate impacts relating to exposure to diesel particulate matter (DPM) emissions.

The combustion of diesel fuel in engines produces diesel exhaust, which contains some 40 compounds that are listed by the U.S. Environmental Protection Agency as hazardous air pollutants and by CARB as toxic air contaminants. DPM emitted from diesel exhaust is a serious public health concern. It has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer and premature death. Fine diesel particles are deposited deep in the lungs

205-49

205-50

and can result in increased respiratory symptoms and disease, particularly in children and individuals with asthma. In 1998, CARB identified particulate emissions from diesel-fueled engines as a toxic air contaminant.⁶

Construction of the proposed project would occur over at least a three year period⁷ and would require the use of dump trucks, push-pull scrapers, backhoes, pile drivers, cranes, concrete trucks and pumbers, cat crawlers, fork lifts and semi-trucks. DEIR at IV.C-18. Most, if not all, of this equipment uses diesel fuel. On an equivalent horsepower basis, diesel engines produce particles at a markedly greater rate than gasoline engines. Project construction would therefore expose workers, as well as residents of adjacent neighborhoods, to elevated concentration of DPM exhaust. A revised DEIR should identify and analyze the increase in DPM emissions and evaluate the public health impacts from these emissions. If impacts are significant, the revised document must identify feasible mitigation measures to reduce diesel emissions.

Second, by simply identifying construction-related control measures, the DEIR is ignoring the guidance set forth in the BAAQMD updated Air Quality Guidelines. *See* BAAQMD Draft CEQA Air Quality Guidelines, December 2009 (BAAQMD Proposed Guidelines).⁸ Although these Guidelines are in draft form, they nonetheless provide state-of-the-art procedures for evaluating and mitigating a project's potential air quality impacts. To this end, the Guidelines take a more conservative approach than the BAAQMD's existing CEQA Guidelines in terms of construction-related emissions. Whereas the previous Guidelines emphasized the adoption of control measures rather than the quantification of construction-related emissions, the proposed Guidelines look to preliminary Screening Criteria which provide a conservative indication of whether a project would result in the generation of construction-related criteria air pollutants and/or precursors that exceed the BAAQMD's threshold of significance. *See* BAAQMD Proposed Guidelines at 3-5. The Guidelines require that several Screening Criteria be met to result in a less-than significant impact. *Id.*

Here, the Big Wave project does not meet the criteria because it does not include all of the BAAQMD's Basic Construction Mitigation Measures in the project

⁶ *See* <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>

⁷ As discussed elsewhere in this letter, the three-year construction schedule is likely a significant underestimate. The DEIR must analyze the potential air quality impacts of a longer, more accurate construction schedule.

⁸ *See* http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Draft%20BAAQMD%20CEQA%20Guidelines_Dec%207%202009.ashx.

design. *Id.* Accordingly, the BAAQMD Guidelines require that the project's construction emissions should be quantified. *Id.* at 8-1. In addition, the applicant must also include, at a minimum, each of the following construction mitigation measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publically visible sign with a telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the BAAQMD shall also be visible to ensure compliance with applicable regulations.

See BAAQMD Guidelines at 8-4.

Because the DEIR does not include all of the BAAQMD's list of mitigation measures, the document's conclusion that construction-related air quality impacts would

be less than significant cannot be sustained. The revised DEIR must quantify the project's construction-related emissions and adopt all feasible mitigation measures.

205-50

Operational Criteria and Toxic Air Emissions. The DEIR understates the severity of the project's air quality impacts because it fails to include all sources of emissions. As discussed above, the DEIR underestimates vehicular trip generation for the project and thus because the operational analysis relies in large part on assumptions from the transportation analysis, the DEIR also underestimates the project's mobile sources of emissions.

The DEIR further understates the project's air quality impacts because it does not include emissions from certain project components such as the onsite membrane bioreactor (MBR), ultraviolet-disinfected tertiary wastewater treatment plant, and the 600 kW emergency natural gas engine generator. The DEIR discloses that these project components would be primary sources of operational emissions (at IV.C-20) but fails to identify the amount of emissions these project components would generate or analyze the effect these emissions would have on air quality. The DEIR implies that such an analysis does not need to be included in the DEIR because specific details regarding the internal combustion equipment associated with these components are not known and because the project would need permits from the BAAQMD.⁹

The DEIR's failure to define essential project components cannot be used as an excuse to avoid examining the project's impacts. CEQA requires that a document provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision-makers to make intelligent judgments. Consistent with this requirement, the information regarding the project's impacts must be "painstakingly ferreted out." *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado*, 131 Cal.App.3d 350, 357-

205-51

⁹ This same defect affects the DEIR's purported analysis of toxic air contaminants (TAC) as well. The MBR, wastewater treatment plant, and the natural gas engine generator would likely be sources of TACs. However, the DEIR fails to identify the increase in TAC emissions or analyze the health implications of the TAC emissions from these project components. See DEIR at IV.C-25 footnote 10. The failure to identify the TACs from these sources is especially disconcerting inasmuch as the County and the EIR preparer specifically acknowledged the potential for these sources to emit TACs and impact public health because new residences would be sited in proximity to these sources. See First Amendment to Agreement Between the County of San Mateo and Christopher A. Joseph & Associates, attached as Exhibit I, at 4 of 17.

58 (1982) (“EPIC”) (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

Moreover, the DEIR cannot look to compliance with BAAQMD regulations to avoid examining impacts in this EIR. California courts are clear in this regard; merely requiring compliance with agency regulations does not conclusively indicate that a proposed project would not have a significant and adverse impact. In *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 716 (1990), for example, the court found that the fact that the EPA and the local air pollution control district had issued the necessary air emission permits for the construction of a coal fired cogeneration plant did not nullify the CEQA requirement that the lead agency analyze the significant air quality impacts of the entire project.

Finally, the DEIR makes an attempt at identifying the project’s “total operational emissions” but because the document does not identify each source of emissions, it is impossible to verify the accuracy of the emissions projections. See Table IV.C-7.

The DEIR’s “analysis” of operational emissions thus falls well short of CEQA’s standards. The EIR’s air quality analysis must be revised and recirculated.

Odor Emissions. The project proposes the construction of an onsite sewage disposal system to accommodate the project’s wastewater demand. DEIR at IV.N-5. Although critical details pertaining to the treatment facility remain unknown, the treatment facility would include a collection system, the MBR, a water recycling system, and several onsite drain fields. The MBR plant would be located at the southern corner of the Wellness Center (*Id.* at III-54) and various leaching chambers and drainfields would be located near the Wellness Center and the Office Park. See Figures III-25 and III-26. In addition, although the treatment facility is not shown on any of the DEIR maps, if it is located near the water treatment facility, it would be no more than about ¼ mile from the residential community which borders the project site to the north. Some of the leach fields would be located considerably closer to this community, potentially within a few hundred feet. See Figures III-1 and III-25.

According to the BAAQMD, wastewater treatment plants have the potential to generate considerable odors. BAAQMD Proposed CEQA Guidelines at 7-1. Rather than make any effort to actually analyze how these odorous emissions would impact nearby sensitive receptors, the DEIR contains a sum total of two paragraphs on this issue. See DEIR at IV.C-27,-28. The document suggests that odors would be controlled by covering the plant with aluminum plates, hatches and gaskets and would use fans, a soil scrubber system, and cover in loam, wood or root chips. *Id.* at IV.C-28. The DEIR then

205-51

205-52

claims that “this type” of odor removal system is common and can be effective. *Id.* As with other sections of the DEIR, the document lacks any evidence to support its conclusions that odor impacts would be less than significant. The document’s failure to provide the necessary detail of the wastewater treatment system itself and the methods for controlling odors thwarts informed decision making.

The DEIR’s “mitigation” for odor impacts is similarly flawed in that it merely calls for the applicant to provide engineering and site plan details to verify the basis of design for the odor removal system. DEIR at IV.C-28. The DEIR then summarily concludes that impacts relating to odors from the wastewater treatment plant would be less than significant. “Such a bare conclusion without an explanation of its factual and analytical basis is insufficient.” *San Joaquin Raptor*, 27 Cal. App. 4th at 736 (1994); *accord Laurel Heights I*, 47 Cal. 3d at 404 (“[T]he EIR must contain facts and analysis, not just the agency’s bare conclusions or opinions.”). “This requirement enables the decision-makers and the public to make an ‘independent, reasoned judgment’ about a proposed project.” *Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Ass’n*, 42 Cal. 3d 929, 935 (1986). The DEIR’s conclusory analysis does not provide that supporting evidence for the project “strategies” relied on to mitigate the project’s odor impacts.

The DEIR’s failure to comprehensively evaluate the potential for the wastewater treatment facility to impact nearby sensitive receptors is a fatal flaw. The DEIR must be completely revised to remedy this failing. Since odor impacts are dependent on a number of variables including the nature of the odor source, frequency of odor generation, intensity of odor, wind direction, and sensitivity of receptors, the revised DEIR must provide this information to allow for a comprehensive analysis of project impacts.

Project’s Impact on Climate Change. As described below, the DEIR uses an unlawful standard of significance that ignores the quantity of the project’s actual greenhouse gas emissions (GHG) emissions and thus ignores the severity of its contribution to climate change. When considered under an appropriate standard of significance, the project would clearly have significant climate impacts.

1. *The project’s GHG Emissions Represent a Significant Impact by Any Reasonable Standard.*

The DEIR asserts “there are currently no thresholds or official guidance adopted by the BAAQMD or other agencies in California to assess the significance of potential greenhouse gas emissions.” DEIR at IV.C-31. While the BAAQMD has not yet adopted GHG thresholds, the agency nonetheless has draft thresholds and intends to

205-52

205-53

adopt them in January 2010. According to the draft BAAQMD thresholds, the Big Wave project would have a significant climate impact.¹⁰ For land use projects such as the instant project, the BAAQMD has proposed a significance threshold of 1,100 tons per year CO₂e (carbon dioxide equivalent). See BAAQMD, *Staff-Recommended California Environmental Quality Act (CEQA) Thresholds of Significance* (December 2009), at 7. The Big Wave project is estimated to generate over 4,300 metric tons per year CO₂e. DEIR at IV.C-30. Based on the BAAQMD threshold, the project would plainly have a significant climate impact.

In addition, in 2008, the California Air Pollution Control Officers Association (CAPCOA) published what has become a leading report on addressing GHG emissions in CEQA documents. The CAPCOA report proposes a variety of potential thresholds of significance. Under CAPCOA's analysis, the only two thresholds that were determined to be highly effective at reducing emissions and consistent with the state policies that dictate reducing GHG emissions (AB 32 and Executive Order S-3-05) are a zero-emission threshold or a threshold of 900 tons per year CO₂e. Under either threshold, the Big Wave project's emissions are plainly significant.

2. *The DEIR Underestimates project GHG Emissions by Ignoring Black Carbon.*

The DEIR underestimates project GHG emissions because it fails to account for black carbon emissions. Black carbon, which is a component of soot, is produced by incomplete combustion and is a significant contributor to global warming. Although combustion produces a mixture of black carbon and organic carbon, the proportion of black carbon produced by burning fossil fuels, such as diesel, is much greater than that produced by burning biomass. See *Global and Regional Climate Changes Due to Black Carbon*, Ramanathan and Carmichael, Scripps Institution of Oceanography, March 2008, attached as Exhibit J.

Black carbon heats the atmosphere in a variety of ways. First, it is highly efficient at absorbing solar radiation and in turn heating the surrounding atmosphere. Second, atmospheric black carbon absorbs reflected radiation from the surface. Third, it

¹⁰ On September 8, 2009, BAAQMD proposed adoption of CEQA significance thresholds for GHG emissions. See BAAQMD, *California Environmental Quality Act Thresholds of Significance*, available at <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Workshop%20Draft%20-%20CEQA%20Thresholds%20Options%20Report%204-28-2009.ashx>

evaporates low clouds. Notably, black carbon is often associated with other aerosols such as sulfates, which greatly increases its heating potential. *Id.*

Due to black carbon's short atmospheric life span and high global warming potential, reducing black carbon emissions offers an opportunity to mitigate the effects of global warming trends in the short term. *Id.* It is estimated that black carbon is the second greatest contributor to global warming behind carbon dioxide. *See Id.* In developed countries, diesel combustion is the main source of black carbon. Diesel emissions include a number of compounds such as sulfur oxides, nitrogen oxides, hydrocarbons, carbon monoxide, and particulate matter. Diesel particulate matter is approximately 75 percent elemental carbon. *See EPA, 2002 Diesel Health Assessment, available at <<http://www.scribd.com/doc/1011457/Health-Assessment-Document-for-Diesel-Engine-Exhaust-EPA-May-2002>>.* Project construction will require the use of diesel-powered, heavy-duty trucks and construction equipment, and project operations will also undoubtedly entail diesel emissions generated by trucks making deliveries to the project. Thus, it is important that black carbon emissions be addressed as part of a revised and recirculated DEIR for the project.

205-53

3. *The DEIR Does Not provide Substantial Evidence to Demonstrate that Project Features and Proposed Mitigation Will Reduce the Project's Climate Impacts to a Less-than-Significant Level.*

CEQA's central mandate is that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." *Berkeley Keep Jets Over the Bay*, 91 Cal. App. 4th at 1354 (quoting Pub. Res. Code § 21002). CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines § 15126.4(a)(1)(A) (discussion of mitigation measure "shall identify mitigation measures for each significant environmental effect identified in the EIR"). Mitigation under CEQA can include:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

CEQA Guidelines § 15370.

The DEIR suggests that the project would not have a significant impact on GHG emissions if it would be consistent with local GHG goals or policies. To this end, the DEIR evaluates the project against a set of actions pursuant to the AB32 Scoping Plan and Office of Planning and Research (OPR) recommended GHG mitigation measures. *See* Tables IV.C-13 and IV.C-14. The DEIR concludes that the project would be consistent with these measures and would therefore have a less than significant impact on GHG emissions. *See* DEIR at IV.C-31 through IV.C-35.¹¹

Even if the DEIR's approach in relying on AB 32 and OPR measures to conclude the project's impacts would be less than significant were valid—which it is not—the measures listed in Tables IV.C-13 and IV.C-14 are vague, insubstantial, and non-binding, and thus cannot be relied on to mitigate project impacts. First, the DEIR provides no evidentiary support that the proposed “measures” would effectively reduce GHG emissions. For example, under “Encourage walking, bicycling and the use of public transit systems,” the project would be developed in a remote location and thus the predominant mode of transportation would be via automobile. *Id.* We can find no evidence that the project would encourage alternative transportation modes in a manner that would result in reduced GHG emissions.

In another instance, the document calls for the project to incorporate onsite renewable energy production, including installation of photovoltaic cells or other solar options. *Id.* Yet, the document's bare-bones description of “renewable energy production” options does not allow decision makers and the public to evaluate the potential for their implementation or to determine whether the measures would in fact reduce GHG emissions, let alone to determine what quantity of emissions they would eliminate. A conclusion that a measure will be effective in mitigating an impact must be supported by substantial evidence. *Gray v. County of Madera*, 167 Cal. App. 4th 1099, 1115-18 (2008); *see also San Franciscans for Reasonable Growth v. City & County of*

¹¹ As discussed above, the DEIR errs in not relying on the BAAQMD and CAPCOA thresholds of significance. Accordingly, the project would have a significant impact on GHG emissions.

San Francisco, 151 Cal. App. 3d 61, 79 (1984) (measures must not be so vague that it is impossible to gauge their effectiveness).

Moreover, other measures are merely hortatory or potential rather than binding commitments. Measures relied upon to mitigate impacts must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Similarly, they must actually be implemented, not merely adopted and then disregarded, and thus the mitigation must provide assurance that such implementation will in fact occur. *Anderson First*, 130 Cal. App. 4th at 1186-87; *Fed’n of Hillside & Canyon Ass’ns v. City of Los Angeles*, 83 Cal. App. 4th 1252, 1261 (2000). The “mitigation measures” do not meet this standard. For example, although the project would “provide tenant guidelines for energy efficiency and environmental protection,” (DEIR at IV.C-35), the DEIR does not indicate how these guidelines will cause emission reductions. Nor do statements such as this qualify as binding commitments to reduce the project’s GHG emissions. Moreover, the DEIR does not describe how the County would ensure that the project in fact incorporates all of the proposed “measures.”

4. *The DEIR Makes No Attempt to Quantify the Emission Reductions Associated With the “GHG Measures.”*

205-53

As noted above, the effectiveness of mitigation must be established based on substantial evidence. *Gray*, 167 Cal. App. 4th at 1115-18. Here, the DEIR fails to provide a quantitative estimate of emission reductions. Instead, it simply concludes that “the implementation of these green building principles, performance standards, and mitigation measures will extensively reduce the potential greenhouse gas emissions associated with the implementation of the project.” DEIR at IV.C-36. The DEIR must either generate an emission reduction estimate or explain, based on substantial evidence, why doing so would be infeasible. See *Berkeley Keep Jets Over the Bay*, 91 Cal. App. 4th at 1370-71; *Citizens to Preserve the Ojai v. County of Ventura*, 176 Cal. App. 3d 421, 430 (1985). Without that estimate, the public and decision maker cannot determine the extent to which the proposed measure in fact would reduce emissions.

5. *Certain project Measures Are Vague, Unenforceable, and Insufficient.*

The DEIR looks to certain measures to achieve environmental sustainability and associated decreases in GHG emissions. For example, the DEIR calls for installing a wind power system. DEIR at IV.C-35. Yet, the DEIR does not include any details of this system other than a general reference in the project description to wind turbines and generators and that these systems would generate 50 to 100 kW of wind

power. DEIR at III-18, III-40, and III-58. While the use of a wind power system would be an important project asset, the DEIR cannot rely on this feature to reduce GHG emissions without providing detail as to the system's feasibility and operational provisions. Exactly how will this wind power system operate and what would be the associated GHG emission reduction? Without that information, the public and decision makers have no idea how effective this system would be.

205-53

The DEIR's conclusions regarding GHG emissions and the project's impacts on climate change cannot be sustained. The DEIR should be revised to provide a legally adequate analysis of project impacts and identify feasible mitigation capable of mitigating the project's significant climate change impacts.

H. CULTURAL RESOURCES

Another troubling aspect of the DEIR is its treatment of cultural resources. While the document acknowledges that "[a]s currently proposed, development on the proposed project would occur within the mapped boundaries of archaeological site CA-SMA-151," (a site listed on the National Register of Historic Places and the California Register of Historic Resources and protected under a variety of statutes and regulations), the DEIR attempts to avoid the obligations that flow from that acknowledgment. DEIR at IV.E-14. For instance, the DEIR fails to adequately describe the extent of the archeological resources or the nature of the project's concededly significant impact on those resources and fails to consider mitigation measures that would avoid the disturbance of significant archaeological resources. In addition, the DEIR improperly relies upon an as yet unspecified "mitigation plan" to allegedly fully minimize the impacts of the disturbance of a portion of these resources.

205-54

Archaeological Resources. Significant archaeological resources are known to exist on the project site. DEIR at IV.E-4. The DEIR documents the site's importance due to the fact that the National Register's assessment of the site concluded that it has strong potential "to yield considerable information on prehistoric coastal habitation" and it is "one of the last relatively undisturbed prehistoric habitation sites in the area." *Id.* As stated in the DEIR, the potential for well preserved artifacts of the kind found at Site CA-SMA-151 are increasingly uncommon in the area. *Id.* Indeed, the DEIR repeatedly acknowledges the value of this site and its status as a "unique archaeological resource." *Id.*

205-55

Despite the document's acknowledgment of the significance of the resources on the site, and the fact that the location and significance of the resources are known, the DEIR fails to adequately analyze the nature of the project's impacts on these resources or to provide a basis for determining either the scope of the impacts or the

range and feasibility of alternatives and mitigation measures that could avoid these impacts. Perhaps most significantly, the DEIR fails to identify even the approximate location of the affected archaeological resources. Nor does the DEIR provide any information on the geographic size that the resource area occupies. As a result, it is impossible to decipher to what extent the development would destroy or disturb the resources. The DEIR's alternatives analysis indicates that the cultural resources are located on the western portion of the southern parcel. DEIR at VI-12. Given that the project contemplates developing the entire western portion of the southern parcel with the Wellness Center buildings, a water recycling plant and a paved fire trail, it is likely that construction of the buildings and supporting infrastructure (e.g., electrical, water, sewer, and gas) will extend across the archaeological site. DEIR at Figure III-16. Any revised document must disclose the extent of the impact to the resources.

205-55

Mitigation of Impacts to Significant Resources. CEQA Guidelines section 15126.4(b)(3) states that "Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature" and that "[p]reservation in place is the preferred manner of mitigating impacts to archaeological sites." "Preservation in place maintains the relationship between artifacts and the archaeological context." CEQA Guidelines § 15126.4(b)(3)(B). Preservation in place may be accomplished in a variety of ways and CEQA Guidelines list examples such as: planning construction to avoid the resources; incorporating the site where the resources are found within parks or open space areas, and deeding the site into a permanent conservation easement. *Id.*

Despite CEQA's clear preference for designing projects to avoid impacting historical resources, the proposed project would pave over or otherwise disturb the archaeological resources that the DEIR identifies as significant historical resources within the meaning of CEQA. The DEIR identifies as one possible mitigation measure avoidance of the archaeological site, yet does not disclose if avoidance would require redesigning the project or whether avoidance is feasible. The DEIR acknowledges that Site CA-SMA-151 is "considered to be an important Native American site, known to contain human burials," yet, rather than prioritizing and requiring avoidance of these remains, the DEIR asserts that a mitigation measure that calls for re-interring the remains with "appropriate dignity" would reduce impacts to less-than-significant levels. DEIR at IV.E-17. However, developing a water recycling plant in the location of a burial site can hardly be described as appropriately dignified.

205-56

Furthermore, the DEIR provides mitigation for the eventuality that avoidance would be impractical or infeasible and asserts that the development of a post-approval mitigation plan will mitigate the project's impacts to this portion of the site to a less than significant level. This conclusion is not supported by substantial evidence,

constitutes an inappropriate deferral of mitigation measures under Sundstrom, 202 Cal.App.3d at 307, and is erroneous as a matter of law. See Discussion following CEQA Guidelines § 15126.4 (“where a historic resource is to be demolished, documentation of the resources usually falls short of full mitigation.”). Case law supports that the mitigation of the effects of demolition of an historic resource (as defined by CEQA) through documentation of the resource and placement of commemorative markers is not adequate to reduce impacts to insignificance. *League of Protection of Oakland’s Architectural and Historic Resources v. City of Oakland*, 52 Cal. App. 4th 896, 909 (1997). A revised DEIR must identify true mitigation for the project’s impacts, giving priority to avoidance.

I. LAND USE AND PLANNING

County Zoning Regulations. The DEIR states that both parcels are within the Airport Overlay (A-O) District, as defined in the County’s Zoning Regulations. DEIR at IV.I-9. The DEIR also states that “all uses permitted by the underlying district shall be permitted in the A-O District *except* residential or uses with more than three (3) persons occupying the site at any one time.” *Id.* (emphasis added). The project, of course, plans to place both residential uses and an employment center on the two parcels. Thus, it is entirely unclear how the DEIR comes to the conclusion that the proposed project “would be designed and constructed in conformance with all applicable . . . Zoning Regulations.” *Id.* at IV.I-35.

Even assuming the project could be developed in the A-O District, the development of the residential Wellness Center is inconsistent with the light industrial zoning. The DEIR attempts to reconcile this inconsistency by asserting that the Wellness Center is permitted (with a use permit) as a “sanitarium.” DEIR IV.I-10. However, the DEIR nowhere describes how a residential facility for DD adults could be considered a “sanitarium,” which is generally defined as a facility designed to provide treatment, rest, and recuperation for people who are ill. See <http://www.merriam-webster.com/dictionary/sanatorium> (A sanitarium (also spelled “sanitorium”) is “an establishment that provides therapy combined with a regimen (as of diet and exercise) for treatment or rehabilitation;” “an institution for rest and recuperation (as of convalescents);” or “an establishment for the treatment of the chronically ill.”). The Wellness Center does not appear to provide any such services for people with illnesses. Thus, contrary to the DEIR’s conclusion, the Wellness Center is inconsistent with the Use Permit exception to the County’s zoning for the parcels, and thus will have a potentially significant land use impact.

Fitzgerald Marine Reserve Master Plan. The DEIR neglects to mention that the project will interfere with at least two of the goals of the Fitzgerald Marine

205-56

205-57

205-58

Reserve Master Plan. The primary goal of that plan is “to preserve the natural resources of the Reserve,” which is located to the west of the project site. *See* Fitzgerald Marine Reserve Master Plan, Part I, § C at 41 (Natural Resource Management Program), attached hereto as Exhibit K. Policy 10 of that document seeks to “[a]cquire land in the vicinity of Pillar Point Marsh and lands adjacent to the Reserve, as it becomes available, to add to the ecological system of the Reserve.” *Id.* at 44-45. The plan goes on to state:

The Pillar Point Marsh land is now separated from the main body of the Reserve. *The County should acquire land as it becomes available* in order to connect Pillar Point Marsh with the Reserve, to expand the ecological system of the Reserve, to provide opportunities for future educational activities, and to avoid potential land use impacts that could result from management practices on adjacent lands in different ownership. *Acquisition efforts should focus on land between the Reserve and Airport Street to the east*

Id. (emphasis added). Clearly, approving a large-scale development on land between the Reserve and Airport Street is in tension with this policy. Yet, the DEIR did not discuss the possibility of the County acquiring the project site, or the impact approving this development will have on the County’s ability to pursue Policy 10. The DEIR must be revised to include this analysis.

Similarly, the DEIR fails to analyze the project’s impacts on Policy 11 of the Fitzgerald Marine Reserve Master Plan. That policy states: “Introduction and possession of domestic and feral animals, including dogs, cats, ducks and any exotic, non-naturalized species are prohibited in the Reserve.” *Id.* Allowing a development that explicitly includes a dog walking and grooming facility on land adjacent to the Reserve is patently inconsistent with this policy. Moreover, for the reasons stated above, the mitigation measures proposed in the DEIR to avoid any impacts caused by pets at the Wellness Center are inadequate to reduce this risk to a less-than-significant level. The DEIR must include an analysis of the project’s consistency with this policy of the Fitzgerald Marine Reserve Master Plan, as well.

J. UTILITIES

Solid Waste Services. The DEIR concludes that the project’s impacts relating to landfill capacity would be less than significant (DEIR at IV.N-46), yet the analysis does not support this conclusion. Solid waste from the project area is hauled to Ox Mountain Sanitary Landfill. DEIR at IV.N-39. Ox Mountain is currently in excess by approximately 6.7 million cubic yards of its total permitted capacity. *Id.* In addition,

205-58

205-59

the landfill is scheduled to close in 2018. *Id.* While the DEIR states that Ox Mountain continues to accept waste as the landfill gradually settles, the fact remains that the landfill is operating beyond its permitted capacity. According to the DEIR's own significance threshold, this constitutes a significant impact which requires mitigation. *See* DEIR at IV.N-42: 'the project would have a significant environmental impact if it would be served by a landfill (i.e., Ox Mountain Landfill) with insufficient permitted capacity to accommodate the project's solid waste disposal needs.' In addition, the DEIR fails to resolve how solid waste service would be provided once Ox Mountain closes in 2018. The document lacks any discussion of whether other landfill capacity is being sought. Therefore, it is impossible to reconcile the facts that the applicable landfill has insufficient capacity and is scheduled to close in eight years with the DEIR's conclusion that impacts relating to solid waste would be less than significant.

The DEIR also concludes that impacts relating to the project's compliance with local statutes and regulations would be less than significant. DEIR at IV.N-46. Here too, the document lacks the evidentiary support for this conclusion. San Mateo County's Ordinance No. 04099 requires projects to salvage, reuse or recycle 100 percent of inert solids and at least 50 percent of the remaining construction and demolition debris generated by a project. *Id.* at IV.N-44. In addition, the Ordinance requires the preparation of a Waste Management Plan (WMP) to demonstrate compliance with the Ordinance. *Id.* The DEIR states that the project would recycle over 50 percent of construction waste, with an ultimate goal of 75 percent. *Id.* at IV.N-43. Unless the applicant commits to reuse or recycle 100 percent of inert materials and at least 50 percent of remaining construction debris, the project would not meet the clear requirements of the County Ordinance. Moreover, the DEIR does not include the WMP and thus fails to provide any evidentiary support that the project would be able to achieve even a 50 percent recycling rate. Instead, the document simply asserts that: "[p]rovided the project conforms to County Ordinance No. 04099, impacts to landfill and solid waste services associated with the short-term generation of solid waste during project construction would be less than significant." *Id.* at IV.N-44. This self-evident statement lacks the evidentiary basis required by CEQA.

Finally, the DEIR fails to adequately analyze and mitigate cumulative impacts relating to the provision of solid waste service. While the DEIR identifies the increase in solid waste generation for the proposed project and related projects, it concludes that Ox Mountain has sufficient capacity to accommodate the increase in solid waste from these projects. For the reasons discussed above, this conclusion cannot be sustained.

The revised DEIR should provide a comprehensive analysis of, and mitigation for, the project-specific and cumulative impacts to solid waste services.

Wastewater Service. The DEIR provides no evidence that critical public services such as wastewater service would be available to serve the proposed project. As discussed in the project description section of this letter, the DEIR fails to provide myriad details pertaining to the project's onsite wastewater treatment plant and sewage disposal system. Set forth below are examples of some of the deficiencies in the wastewater treatment analysis.¹² This list is by no means exhaustive.

1. *The DEIR Fails to Adequately Identify the Project's Environmental Setting With Regard to Wastewater Service Providers.*

Municipal wastewater treatment for the area is provided by the Sewer Authority Mid-Coastside (SAM or Authority). The DEIR acknowledges that SAM has experienced sewer capacity overflow problems during heavy rain periods. DEIR at IV.N-2. While the document states the Authority has implemented or plans to implement a number of improvements and procedures to control sanitary sewer overflows, it fails to provide the necessary detail to ensure that these improvements will be in place prior to receiving wastewater from the proposed project. For example, the DEIR notes that environmental review has been completed for the construction of wet-weather storage facilities in the area known as Burnham Strip in El Granada. *Id.* While this facility project, if implemented, is intended to alleviate wet-weather sewage flows at the Montara and Portola Pump Stations (*id.*), the DEIR provides no assurance that it will be operational in time to serve the Big Wave project. Nor does the DEIR disclose whether the Miramar Pump Station or the Granada Sanitary District capacity assessment will be in place prior to the implementation of the Big Wave project. Finally, the DEIR acknowledges that the Princeton Pump Station may not have adequate capacity for the project's wastewater flows (at IV.N-15), but fails to provide any clarifying details such as the capacity of this pump station or an indication of how much additional capacity would be needed to serve the project.

¹² The failure to resolve issues relating to the Project's wastewater facilities is especially disconcerting inasmuch as the Agreement between the County and the EIR preparer specifically acknowledged the need to "narrow down various Utilities options to one option." See Exhibit L at 10 of 17 (Agreement Between County and EIR Preparer). The Agreement goes on to state if the various utilities options were not narrowed down, "the project may appear to be more programmatic (i.e., necessitating the preparation of a Program EIR), potentially resulting in more environmental review at a later time when more specifics are provided or available." *Id.*

In addition, the DEIR discloses that SAM has a permitted treatment and disposal capacity for dry-weather flow of 4.0 million gallons per day (at IV.N-15), yet it fails to disclose the more important capacity statistic relating to wet weather flow capacity. As discussed above, SAM has experienced sewer capacity overflow problems during heavy rain periods. *Id.* at IV.N-20. The DEIR must analyze how wastewater from the project would be handled during wet weather because it is during wet-weather events that sanitary sewers can fail.

Heavy rainfall is one of the main causes of sanitary sewer overflows (SSO) which is a condition whereby untreated sewage is discharged into the environment prior to reaching treatment facilities thereby escaping wastewater treatment. *See* Preventing Sewage Overflows and Spills, Hawaii Water Environmental Association, attached as Exhibit M. In turn, wastewater enters creeks, wetlands, the marsh, and groundwater and can pose a serious public health concern. If certain bacteria are present in the effluent, it can create human health issues – illnesses and death in the short term, or long-term effects on reproduction and other bodily processes. *See* USEPA, Office of Wastewater Management, *Sanitary Sewer Overflows* (Summer 1996), attached as Exhibit N. Because SSOs contain raw sewage they can carry bacteria, viruses, protozoa (parasitic organisms), intestinal worms and inhaled molds and fungi. *Id.* People coming in contact with these organisms can suffer adverse health effects ranging from minor ailments such as sore throats, stomach cramps and diarrhea, to life-threatening illnesses such as cholera, dysentery, infectious hepatitis and severe gastroenteritis. Children, the elderly, people with weakened immune systems and pregnant women are more at risk of illness. Waterworld U.S., *West Virginia sue town for violations of Clean Water and Safe Drinking Water Acts* (available at <http://www.waterworld.com/index/display/article-display/1066984087/s-articles/s-waterworld/s-wastewater/s-treatment/s-2009/s-08/s-us-west-virginia.html>).

205-60

The revised DEIR must provide accurate information about the status of existing wastewater treatment providers as the basis for a comprehensive analysis of the project's environmental impacts.

2. *The DEIR Fails to Adequately Analyze Impacts Relating to Wastewater Disposal System Capacity.*

The project includes two wastewater disposal options during the wet season; excess wastewater would either be discharged to the Granada Sanitary District (GSD or District) system or dispersed onsite via subsurface disposal fields. DEIR at IV.N-13. Because substantial problems exist with both disposal options, the DEIR fails to provide the necessary assurance that the project would have sufficient wastewater

service. Moreover, for the reasons discussed above, insufficient wastewater service, especially during the rainy season, has the potential to degrade the environment.

3. *The DEIR Fails to Provide Any Assurance that the Site Can Support the Proposed Subsurface Disposal Fields.*

As for the onsite disposal fields, the DEIR sets forth preliminary information based on the applicant's estimates for the fields' disposal capacity. DEIR at IV.N-13. The document stops short of actually analyzing the ability of the site to accommodate the drain fields or for the drain fields to handle the project's wastewater demand, claiming that the necessary percolation tests cannot be undertaken until the final design parameters and sizing of the drain field system is undertaken. *Id.* Unfortunately, the DEIR's "analysis" of this issue raises more questions than answers. First, the DEIR makes clear that the authors have insufficient information to determine whether the disposal fields would be able to comply with Title 22 Water Recycling Criteria and Regional Water Quality Control Board (RWQCB) Minimum Guidelines. DEIR at IV.N-16. Second, the DEIR acknowledges that in reviewing the preliminary utility plans, there are several points of uncertainty or clear departure from the RWQCB Guidelines. To this end, the DEIR calls for additional studies including percolation tests, a wet-weather groundwater monitoring investigation, and a groundwater mounding analysis. DEIR at IV.N-17 and 18. Third, the DEIR notes that there are aspects of the project that are not consistent with typical practice such as leaching bed cross-section detail, building setbacks, and the leach field dosing plan. *Id.* Inasmuch as the drain field system is an integral component of the sewage plant, and because the project cannot proceed in the absence of the sewage plant, the necessary design parameters of the disposal field system must be identified now. Moreover, since an inadequately sized or operated sewage plant would impact the environment, details about the system must be identified now in order to adequately disclose the project's environmental impacts. As discussed extensively above, one of the policy goals of CEQA is to identify impacts at the earliest feasible stage before project momentum decreases an agency's flexibility. *See Sundstrom* 202 Cal.App.3d at 307; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884-85.

The DEIR's approach to mitigation also falls well short of CEQA's standards as it simply calls for the applicant to comply with regulatory requirements. As discussed above, merely requiring compliance with agency regulations does not conclusively indicate that a proposed project would not have a significant and adverse impact. *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 716 (1990). Clearly, as the DEIR indicates, numerous studies are required to evaluate the feasibility of the proposed wastewater treatment system. Until the system is actually designed, it is

205-60

not possible to evaluate the potential environmental consequences of the project's proposed approach to wastewater treatment and disposal.

4. *The DEIR Fails to Resolve Critical Issues Pertaining to a Sewer Connection with GSD.*

The DEIR fares no better with its evaluation of impacts relating to a potential sewer connection to GSD. GSD's Wastewater Ordinance requires that the project connect to a public sewer because the project site is within the designated Urban Zone of the District. DEIR at IV.N-9. Since the applicant does not actually propose wastewater service that includes a connection to GSD, the DEIR incorrectly concludes that this inconsistency with the Ordinance is a less than significant impact. *Id.* at IV.N-16. Unfortunately, the DEIR fails to actually examine the environmental consequences associated with this impact.

First, the DEIR considers a connection to GSD only as an "alternative" to onsite disposal suggesting that a connection with GSD would be the disposal option only if the project's drain field system is inadequate to handle excess wastewater. DEIR at IV.N-14. As discussed above, the DEIR provides no assurance that the project site or the design of the drain field would be able to accommodate the project's wastewater. Consequently, the project's wastewater needs alone may dictate a connection to GSD. Second, according to the DEIR, in order for the project to proceed, the GSD must determine that it has adequate capacity to serve the project's wastewater demand. DEIR at IV.N-9. The DEIR provides no evidence that GSD has capacity to serve the project. Third, the DEIR suggests that it is not the purpose of an EIR to resolve questions pertaining to regulatory authority (*Id.* at IV.N-10) and that there is a "difference of opinion" regarding the extent to which the GSD has jurisdiction over permitting of private wastewater systems in district boundaries. *Id.* at IV.N-9. The DEIR cannot, however, sidestep resolution of this critical procedural requirement since the requirement likely exists to ensure that wastewater disposal does not harm public health or the environment. Even if GSD grants an exception to its Ordinance requirements, the DEIR has failed to provide any evidentiary basis that the project's wastewater service would not result in environmental impacts. Fourth, inasmuch as the DEIR proposes a potential connection to GSD as an alternative, the feasibility of GSD's providing wastewater service must be analyzed in this environmental document. Fifth, the DEIR concedes that although "no efforts have been made to resolve this regulatory conflict," the project would be required to comply with all applicable requirements and concludes the impact is less than significant. *Id.* at IV.N-16. For the reasons explained above, the DEIR cannot simply rely on regulatory compliance to conclude that an impact would be less than significant.

205-60

The DEIR also fails to analyze the physical constraints associated with connection to GSD. Specifically, the DEIR acknowledges that no hydraulic analysis has been completed to confirm that existing sewer lines have sufficient capacity to accommodate the project's wastewater flows. DEIR at IV.N-15. Moreover, the Princeton Pump Station may also have inadequate capacity to handle the project's wastewater volume. *Id.* In addition, the DEIR states that the potential lack of adequate capacity for the project's wastewater flows in the GSD sewage collection system may require improvements that have not been accounted for in the project plans. *Id.* Given the fact that this project cannot proceed without wastewater treatment, the DEIR should have thoroughly evaluated the physical constraints in the sewer system. Rather than evaluate the ability of the sewer system to serve the proposed project and analyze the environmental impacts that would result from the construction of new sewer lines, the EIR defers the entire issue until after project approval.

Nor does the DEIR provide adequate mitigation for this impact. The measure calls for a redesign of the project or expanding the sewer system to accommodate the project's wastewater demand. DEIR at IV.N-15. Yet, because the mitigation measure lacks any detail, it also lacks the evidentiary basis as to how it would reduce impacts to a less than significant level. For example, as for the project redesign, the DEIR fails to actually explain how the project would be redesigned to minimize the impacts. Moreover, if the sewer system must be expanded to accommodate the project, the DEIR must identify the details associated with the expansion. In addition, to the extent that either of these measures would result in additional environmental impacts, the DEIR is obligated to provide an analysis of these impacts. CEQA Guidelines §15126.4(a)(1)(D).

205-60

5. *The DEIR Fails to Adequately Analyze Impacts Relating to Wastewater Recycling Requirements.*

The wastewater treatment system for the project would include an onsite membrane bioreactor, ultraviolet disinfected tertiary wastewater treatment and sludge treatment/handling facilities. DEIR IV.N-11. Unfortunately, here too, the DEIR fails to provide sufficient information about these systems or how they would work. The information that is provided raises more questions than it answers when it asserts, for example, that the applicant's preliminary plans do not indicate there is an adequate emergency storage tank nor do the preliminary plans for the drain field indicate that it has sufficient size to accommodate the project's wastewater needs. DEIR at IV.N-16. In addition, the applicant's estimates for the volume of recycled water that would be used for toilet flushing are incorrect which also implicates the size of the drain field. *Id.* at IV.N-18 and 19. As regards this last issue, the DEIR calls for the applicant to revise the project plans and water budget analysis to correct these inconsistencies. As discussed

above, it is the purpose of this EIR to address and resolve these critical project details and to analyze the environmental impacts of the project's wastewater system. By calling for project redesign as a mitigation measure – and by not including any indication of the nature of the project redesign – the public and decision makers are kept in the dark about the project and its environmental impacts.

6. *The DEIR Fails to Adequately Analyze Other Impacts Relating to the Proposed Sewer System.*

The applicant proposes the alignment of a sewer line through an open creek channel or along Airport Street. As the DEIR acknowledges, either option would affect the feasibility of having a gravity flow to the GSD manhole. DEIR at IV.N-19,-20. The DEIR concludes that this impact is potentially significant but fails to provide an analysis of the environmental impacts associated with either option. This issue cannot be deferred until after project approval as the EIR currently contemplates.

In addition, the DEIR calls for a potential composting facility to be constructed on the project site yet the document provides no information about this facility. DEIR at IV.N-43. Composting facilities can have extensive environmental impacts depending on the nature of the operation and the proximity of sensitive receptors. These impacts include potentially offensive odors, elevated noise levels and an increase in criteria and toxic air pollutants including ammonia. The DEIR fails to analyze the potential environmental impacts resulting from construction and operation of a composting facility on the project site.

The DEIR also fails to adequately analyze the cumulative increase in wastewater demand resulting from the project and other development in the area. The DEIR acknowledges that the project would contribute to a potentially significant cumulative increase in demand but stops short of actually analyzing this impact. An appropriate analysis would identify the increase in cumulative demand from other projects within the GDS or SAM service areas and identify the capacity of these service providers. If the capacity of the service providers falls short of the cumulative demand, the DEIR must identify feasible mitigation capable of avoiding or minimizing this impact.

In conclusion, the project's ability to accommodate its wastewater demand is not a trivial detail that can be determined after project approval. The DEIR must be revised to address this serious issue. Of course, this analysis cannot proceed until such time as the applicant resolves the regulatory issues with GSD and the wastewater treatment plant is actually designed.

Wasteful, Inefficient and Unnecessary Consumption of Energy. CEQA devotes considerable attention to energy conservation. Appendix F of the CEQA Guidelines explains that significant energy implications of a project should be considered in an EIR and provides a list of energy impact possibilities and potential conservation measures. See CEQA Guidelines Appendix F.

We applaud the project applicant for the proposal to supply a majority of energy for heating, cooling and electrical demand for the project with renewable energy, through a combination of offsite and onsite power generation. DEIR at IV.N-56. To this end, the DEIR states that the potential onsite power systems include solar heat, photovoltaic panels, wind generation, back up cogeneration with a natural gas generator for peak shaving and geothermal cooling. *Id.* Yet, as with other components of the project, the DEIR is so vague as to the details of the project's renewable energy components, that it is not possible to determine how these systems would operate and how much of the project's energy needs would be supplied by alternative energy sources. For example, the project would include up to 100 kW of wind power (at III-40 and III-58), yet the DEIR does not include even a preliminary level of information regarding, for example, the specific technology that would be employed.

In addition, it is not possible to verify the accuracy of the DEIR's accounting of the project's energy consumption. The document identifies the expected natural gas and electricity consumption from the Wellness Center and the Office Park (see Tables IV.N-5 and IV.N-6), but there is no indication that the calculations take into account energy use from energy-consuming equipment and processes which will be used during construction of the project and from the project's other business operations such as catering/food service (selling chickens, eggs, yogurt and ice cream for use in local restaurants and stores); a weekly farmers' market; an organic yogurt local sales outlet; a nursery (which would supply about 15,000 to 30,000 native plants per year for restoration projects along the coast); two offsite farms; and a dog walking and grooming service. *Id.* at III-18; Table III-2 (page III-19), III-38 through III-40, and III-43. Nor do the DEIR's calculations appear to include the energy consumed from the vehicular trips that would be generated by operation and construction of the project. See CEQA Guidelines Appendix F.

Moreover, the DEIR does not analyze the effect that the project would have on local and regional energy supplies and on requirements for additional capacity or on the effects on peak and base period demands for energy. See CEQA Guidelines Appendix F. Instead, the DEIR simply asserts that the project "would not require new (offsite) natural gas or electrical supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities." DEIR at IV.N-59. The ability of California generally, and energy providers such as PG&E specifically, to provide natural

205-61

gas and electricity to meet the state's enormous and growing demand is a critical issue which requires analysis in this EIR. The revised DEIR must comprehensively and specifically evaluate the effect that the proposed project would have on the ability of energy providers to supply electricity and natural gas.

Finally, the DEIR fails to adequately analyze and mitigate the project's cumulative increase in energy demand. While the document does attempt to quantify the cumulative increase in demand from the project and related projects in the region, it stops short of comparing this cumulative demand to the ability of service providers such as PG&E to meet this demand. Moreover, the DEIR assumes that the project would not contribute to a cumulatively considerable effect on energy because all projects would be required to implement locally mandated energy conservation programs. DEIR at IV.N-63. The DEIR lacks any evidentiary support for the assumption that each project would actually implement locally mandated conservation programs at the level necessary to offset the increase in energy demand. The DEIR must be revised to provide far more concerted attention to this critical issue.

205-61

K. GROWTH-INDUCING IMPACTS

CEQA requires an EIR to include a "detailed statement" setting forth the growth-inducing impacts of a proposed project. Pub. Res. Code § 21100(b)(5); *City of Antioch v. City Council of Pittsburg* (1986) 187 Cal. App. 3d 1325, 1337. The statement must "[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA Guidelines § 15126.2(d). It must also discuss how projects "may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." *Id.* The DEIR at issue here does not meet these requirements.

205-62

One key route to induced growth is the removal of constraints that formerly limited growth. *Id.* Development of the Big Wave project is constrained by the lack of wastewater services. The project would remove that constraint by constructing and operating an onsite sewage treatment facility. The DEIR concludes that the project would not foster population growth by removing an obstacle to growth. DEIR at V-2. Yet, at the same time, the DEIR discloses that the project's treatment plant would be sized to handle double the required capacity for redundancy and to allow potential future expansion of service. *See* DEIR at IV.N-12. Thus, by the DEIR's own admission, the project's wastewater treatment plant would facilitate growth beyond that which would occur with the proposed project. The revised DEIR must describe the kind of growth the new treatment plant would enable, the quantity of new development, the specific impacts

it would engender and propose mitigation measures to minimize those impacts. *See City of Antioch*, 187 Cal. App. 3d 1338.

205-62

III. THE DEIR'S ALTERNATIVES ANALYSIS IS INADEQUATE.

The principal function of alternatives analysis under CEQA is to evaluate alternatives that would avoid some or all of the environmental impacts associated with the proposed project. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mt. Shasta*, 198 Cal. App. 3d 437, at 443-45 (1988). As stated by the CEQA Guidelines,

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of *alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project*, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

CEQA Guidelines § 15126.6(b) (emphasis added; citation omitted); *id.* § 15126.6(f) (“The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.”). “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the consequences of action by their public officials.” *Laurel I*, 47 Cal. 3d at 404.

205-63

The primary flaw in the DEIR’s alternatives analysis is its failure to identify and consider a reasonable range of alternatives that reduce project impacts, as CEQA requires. *See* CEQA Guidelines § 15126.6(c); *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 566 (1980). The discussion of alternatives must focus on alternatives that attain most of the basic objectives of the project and avoid or substantially lessen the adverse environmental effects of a project, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b).

Here, the DEIR identifies and analyzes four alternatives to the proposed project: the “No project” alternative, two slightly reduced-scale alternatives, and one reconfigured alternative (same square footage as project, but different design resulting in slightly smaller footprint). The three substantive alternatives propose only the most minor variations on the project, and thus fail to provide a reasonable range of alternatives. Moreover, these alternatives do not avoid or lessen some of the most significant project

impacts discussed elsewhere in this letter, including the impacts resulting from the geology and soils at the project site, loss of foraging habitat for special-status bird species, loss of habitat connectivity, increased impervious surfaces, hydrologic changes to the project site, and insufficient vehicular access to the site. To comply with CEQA, at a minimum the following alternatives must be analyzed in a revised and recirculated DEIR.

205-63

Previous Proposal Reduced Alternative. The DEIR states that “according to the applicant,” “a reduced development alternative with less than 186,000 square feet for the Office Park and fewer than 57 units for the Wellness Center” would not be economically viable and therefore is infeasible. DEIR at VI-11. There is no evidence in the record to support this conclusion. Quite to the contrary, we are informed that a previous project application by the same applicant at the same site proposed a development with 156,000 square feet of office space and 36 residential units at the Wellness Center. This application was filed in 2006. Presumably, the applicant would not request a permit to develop a financially unviable project. Since no more recent information indicates that such a project would now be infeasible, the DEIR must analyze a reduced alternative at least as small as the former project proposal.

205-64

A project with a significantly reduced footprint is especially crucial here where the DEIR has identified serious problems with the quality and nature of the soil at the project site. *See* DEIR at IV.F-18–24. To mitigate the potentially significant impacts associated with the clayey, expansive soil, the DEIR has suggested—albeit without sufficient detail and as a result of deferred analysis—such measures as “improving the soil with deep soil compaction techniques,” using “deep foundations,” and constructing “structural slab[s].” *Id.* at IV.F-21. As discussed elsewhere in this letter, these measures themselves are likely to have significant environmental impacts. Thus, reducing the footprint would reduce the need for and impacts from these mitigation measures.

Offsite and Northern-Parcel Only Alternatives. The DEIR dismisses out of hand any alternative that calls for the development of the Wellness Center offsite or that calls for the development of both the Wellness Center and the Office Park (presumably at reduced scale) on the northern parcel only. DEIR at VI-5. The main reason for this rejection is that Big Wave, LLC, is donating the southern parcel to the Big Wave non-profit. *Id.* According to the DEIR, locating the Wellness Center anywhere other than on the southern parcel would require the Big Wave non-profit to purchase additional land. The DEIR asserts that this added expense would make the project infeasible because “it would not be economically viable.” DEIR at VI-5.

205-65

Again, the DEIR provides no support for this conclusion, such as estimated costs for purchasing a portion of the northern parcel or purchasing any of the identified

offsite alternative locations. Moreover, the only specific economic impact identified in the DEIR is that, under any offsite alternative, the Wellness Center units would be unaffordable to lower income residents. *Id.* This assertion, too, is unsupported by any evidence in the record. Even if it were true, however, the units could still be available for DD adults, thus achieving the vast majority of project objectives. *See* DEIR at VI-2-4. Indeed, the only reference to *low-income* DD adults within the list of project objectives is under the second bullet point: “to give low-income DD residents the ability to provide services to the Office Park.” DEIR at VI-2. Thus, the provision of residential units affordable to low-income DD adults is not even one of the enumerated project objectives.

The conclusion that any offsite alternative would be economically infeasible is also unsupported by the information in the DEIR regarding the relationship between Big Wave, LLC, and the Big Wave non-profit. Nothing in the DEIR suggests that the donation of the southern parcel is contingent on the Wellness Center being constructed there. Presumably, the Big Wave non-profit could sell the donated southern parcel and use the proceeds to purchase land at an alternative location. Similarly, there is no information indicating Big Wave, LLC, would be unwilling to donate a portion of the northern parcel instead of the southern parcel.

Additionally, CEQA requires a reasonable range of alternatives, even if these alternatives are more costly than the proposed project. CEQA Guidelines § 15126.6(b). Thus, assuming an offsite alternative would be more costly than the proposed project, that fact alone does not justify rejecting such an alternative.

Both an offsite alternative and a northern-parcel only alternative offer myriad environmental benefits. Locating a reduced-scale version of the entire project on the northern parcel would leave the entire southern parcel undeveloped. This would avoid impacts to foraging habitat for special-status bird species, impacts to wetlands, and the cultural resources (including human remains) on the site. *See* DEIR at VI-12 (Alternative B would avoid cultural resources on western portion of Wellness Center site). The southern parcel could also be farmed or restored to wetlands. This alternative would leave a significant migration and wildlife corridor open to the Pillar Point Marsh, and could preserve a view across the undeveloped parcel. By placing the Wellness Center on the same parcel as the Office Park, this alternative would facilitate the relationship and symbiotic nature of the two project elements: unlike the proposed project, individuals would not have to traverse a narrow sidewalk along Airport Street to walk between the two facilities. Finally, the residences could be located adjacent to the manufactured home community, north of the project site, thus buffering that residential community from the commercial uses at the office park.

Locating the entire Wellness Center offsite would also bring several environmental benefits. Like the northern-parcel only alternative, it would leave the southern parcel undeveloped.¹³ In addition, it would be consistent with the County's existing land use plans. The identified alternative locations are, according to the DEIR, "[p]otential affordable housing sites." DEIR at VI-5. As discussed in the separate letter from Committee for Green Foothills, the Wellness Center is not consistent with the current designation for the project site, as it is a residential use. Although this alternative would not locate the Wellness Center within walking distance of the Office Park, this fact does not automatically disqualify the alternative: a reasonable range of alternatives must be evaluated "even if these alternatives would impede to some degree the attainment of the project objectives." CEQA Guidelines § 15126.6(b). Moreover, the identified offsite locations are all located within two miles of the project site. As part of an offsite alternative, the applicant could propose a shuttle or other transportation linking the two sites.

205-65

In sum, the range of alternatives analyzed in the DEIR is wholly inadequate under CEQA. A revised and recirculated DEIR must analyze an alternative that is the same size or smaller than the previously proposed project, an offsite alternative, and a northern-parcel only alternative.

205-66

IV. CONCLUSION

For the reasons set forth above, we respectfully request that the County prepare a revised DEIR that fully complies with CEQA and recirculate the new DEIR to the public for comment. Additionally, we request that no further consideration be given to the Project as proposed until an EIR is prepared that fully complies with CEQA.

205-67

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Winter King / net
Winter King
Laurel Impett, AICP

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¹³ The DEIR asserts that the identified offsite locations "have various environmental constraints." DEIR at VI-5. However, these constraints are only briefly described. Moreover, no specific environmental or other constraints are identified for the Farallon Vista Site and the North El Granada Site. *Id.*

205-65
cont.

Camille Leung
December 22, 2009
Page 59

cc: Lennie Roberts, Committee for Green Foothills
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Response to Comment Letter 205

Shute, Mihaly and Weinberger (Attorneys for Committee for Green Foothills)

Response to Comment 205-1

The commenter provides an introductory comment and provides a summary of ensuing comments, emphasizing that the DEIR does not comply with the requirements of CEQA and needs to be revised and recirculated.

This statement is introductory. No response is required by CEQA.* Please refer to responses to detailed comments below.

Response to Comment 205-2

The commenter states that project description only gives cursory description to each of the numerous project elements. For example, the commenter states that the DEIR project description leaves out details regarding the communications building that are necessary to determine energy consumption, possible hazards, and other impacts, such as whether it serves on-site and/or off-site entities and what kinds of equipment are housed.

The “Other Systems” Section on pages III-56 through 58 describes the equipment that would be housed in the Communications Building, including telephone cable and internet services, solar heat storage tanks, and two 36-inch microwave dishes. The Communications Building would only house equipment serving the Wellness Center and the Office Park buildings. Impacts of the proposed equipment related to hazards and energy consumption are discussed on pages IV.G-19 and 20 of Section IV.G (Hazards and Hazardous Materials) and Table IV.N-6 of Section IV.N.4 (Utilities and Service Systems, Energy) of the DEIR.

The commenter states that the production of yogurt, chicken, ice cream and eggs by BW Farming are not adequately defined.

Details of BW Farming are provided in DEIR on page III-40. In this section, it is stated that these activities would occur at an off-site farm, with dairy, poultry and farm produce being processed in the Wellness Center commercial kitchen. Agricultural activities on the existing off-site farm would not create any additional impact, as it is an existing use. As described in Topical Response 11, Sanitarium Use Permit, commercial kitchen uses at the site are considered accessory to the sanitarium use, which is allowed with the issuance of a use permit.

Response to Comment 205-3

The commenter states that there has been no criteria established for the selection of the residents when ensuring the residents be developmentally disabled (“DD”) and that this is necessary to have the Wellness Center qualify as a “sanitarium.”

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Refer to Response to Comment 213-3. The County's approval of this project or project alternative would require that the project remain as approved, including maintenance of the Wellness Center's sanitarium use. The conditions of approval will require regular review and monitoring of the project and sanitarium operations by the County, at the owner's expense, to ensure that the project is operated in a manner that is consistent with the County's approval.

Response to Comment 205-4

Commenter states that conditions of approval are necessary to ensure the percentages of mixed office use are maintained as approved. The commenter opines that because the Office Park is being built in phases, the proposed use mix of the Office Park could change, and the impacts of such potential change must be analyzed in the DEIR.

The County's approval of this project or project alternative would require that the project remain as approved, including retaining the percentages or total square footages of each proposed use. The approval will require regular review and monitoring of the project by the County, at the owner's expense, to ensure that the project is operated in a manner that is consistent with the County's approval. Office Park building construction will rely on economic demand for each particular use (i.e., office, research and development, light manufacturing, and/or storage use). However, in the event that less than the full approved square footage of the Office Park is built, the total square footages of each use cannot exceed the total area approved for that use. Therefore, although the partially constructed Office Park would not necessarily retain the ratios of approved uses as set forth in the DEIR, the total amount of each approved use in the Office Park would remain consistent with the analysis in the DEIR.

Response to Comment 205-5

Commenter asserts that the DEIR fails to provide a list of permits and other approvals required to implement the project and asserts that DEIR must be revised and recirculated.

Requested permits requiring discretionary approval are listed on pages III-63 through III-66 of the DEIR. Regarding the required Coastal Development Permit, California Coastal Commission (CCC) staff has contacted the County and indicated that the CCC believes that a portion of the project site lies within the original permit jurisdiction of the CCC, in which case, a separate CDP would be required from the CCC, in addition to the CDP required from the County of San Mateo. While the County has made no determination regarding whether the CCC actually has original permit jurisdiction, based on CCC staff input, the CCC has been added as a State agency in Section III of the FEIR from which a discretionary approval is required for the project. The applicant will have to coordinate with CCC staff to determine whether a permit is actually required from the CCC. Also, in Section III of the FEIR, the County has added the following recommended mitigation measure to require the property owner to work with the Coastal Commission to determine whether the CCC has permit jurisdiction and, if so, identify and delineate the CCC's jurisdiction over the project site and obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC jurisdiction.

New Recommended Mitigation Measure LU-2

The property owner shall work with the California Coastal Commission (CCC) to determine whether the CCC has permit jurisdiction over any portion of the project site, and, if so, the applicant shall identify and

delineate the CCC's jurisdiction over the project site, subject to CCC review and approval. The property owner shall obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC jurisdiction.

Also, refer to Topical Response 6, Recirculation of the DEIR.

Response to Comment 205-6

Commenter alleges that the DEIR indicates that certain facilities of the project would be open to the public, but does not adequately analyze the impact the public access would have on traffic and parking.

The Wellness Center recreational facilities, including the auditorium, pool, and fitness center are for the Wellness Center residents, staff and their guests, as well as Office Park employees only, as stated in Section III of the FEIR. While the facilities were originally proposed to be made available to the Coastsides public, as described in the DEIR, the Community Center/public aspect has been removed. Parking and traffic for the Community Center were analyzed and impacts are identified in Tables IV.M-6 and IV.M-10 of the DEIR. The parking and traffic impacts were determined to be less than significant, as mitigated. Under the current proposal, which is non-public, the parking and traffic impacts would be reduced further. See also Topical Response 8, Traffic and Parking Impacts.

Regarding consistency with the land use designation, the sanitarium use is conditionally permitted use requiring a use permit and the fitness center and auditorium are accessory uses to the primary sanitarium use. Refer to Topical Response 11, Sanitarium Use Permit, for more information.

Response to Comment 205-7

Commenter asserts that the DEIR's lighting plan is too general.

A description of the project lighting plan is included on page III-48 of the DEIR. All outdoor lighting would comply with Mitigation Measure AES-4, which requires submittal of a lighting plan to the County, compliance with lighting standards, and prohibits reflective glass and building materials. Outdoor lighting will be limited to walkways and provided by 3-foot tall bollards with 100-watt lights directed downward, spaced at 20-foot intervals. Building surface materials would also comply with Mitigation Measure AES-4. The following additional details are provided in Section III of the FEIR: All buildings will have low-emittance windows; the business park will have tinted windows to reduce light impacts from nighttime use of the buildings.

As a part of the permitting process, the lighting plan will be required to comply with standards to minimize hazards to Aircraft in flight (page III-38 of the Half Moon Bay Airport Land Use Plan). However, to ensure compliance, the requirements in these standards have been added to Mitigation Measure AES-4 in Section III of the FEIR.

Response to Comment 205-8

The commenter states that the Wastewater Treatment Plant has not been sufficiently and specifically planned.

The MBR unit is sized and shown in Figure III-27 of the DEIR and the plan provides sufficient detail to allow assessment of potential environmental impacts. More specific sizing will occur in the permit stage of the project.

The commenter states that no specific details are provided for the UV system, MBR system, emergency generator and sludge handling facilities.

The DEIR on pages III-54 and IV.N-11 through IV.N-15 state the sizes, performance characteristics and the types of equipment. This data is adequate for the professional engineers reviewing the project to determine the environmental impacts.

The commenter states that the description of the proposed water recycling program is inconsistent.

The program is described on the page III-54, Figure III-27 and Table IV.N-1 in the DEIR. The description is further clarified in Section III of the FEIR and in Topical Response 15, Potable and Recycled Water Demand.

Response to Comment 205-9

The commenter states that the description of the water supply is confusing, specifically the statement on page III-55 of the DEIR that states that the project would rely on water from the Coastside County Water District ("CCWD").

The DEIR analyzed the capacity of the existing permitted well on pages IV.N-31 and IV.N-35 and has determined that the flow with treatment is adequate for the project. The fire flow is estimated on page IV.N-35 and the pool with booster pumps is described on page III-55 of the DEIR. Impact Util-7 of the DEIR describes the steps required to connect to CCWD, if desired. Page IV.N-37 of the DEIR states that the project proposes to provide its domestic water with the on-site system and its fire service from CCWD. Furthermore, page III-55 states that fire and emergency service (metered fire hose connection) would be provided by CCWD.

Refer to Section III.A of the FEIR, which clarified the options for fire flow, based on the approval of the Coastside County Fire District.

Refer to Topical Response 15, Potable and Recycled Water Demand regarding the use of potable (well) and recycled water for the project.

The commenter asserts that the DEIR's description of water supply is inadequate because it fails to discuss whether the existing on-site well was ever permitted under the LCP.

Refer to Topical Response 13, County Permit History.

The commenter is confused by the statement on page III-56 that the well will be used for food crops.

The well currently provides water for food crops and will continue to do so until the project is fully developed. See pages IV.H-49-50 and IV.N-24 of the DEIR.

Response to Comment 205-10

Commenter asserts that the DEIR's description of the construction schedule is inconsistent because phased building cannot reasonably be completed in 36 months. Commenter argues that a longer project construction phase could increase the project's potentially significant environmental impacts.

Refer to Topical Response 12, Construction Phasing for the Office Park.

Response to Comment 205-11

Commenter asserts that the DEIR is inconsistent in describing whether the 20-acre off-site farm is or is not a part of the project.

The existing off-site farm is not part of the project, and thus is not required to be described or analyzed in the DEIR. The off-site farm is referenced in Section IV.B (Agricultural Resources) of the DEIR as a source of produce and other agricultural products, along with the on-site nursery, but an analysis of off-site farm operations is not necessary for a determination of a less-than-significant project or cumulative impact to agricultural resources.

Response to Comment 205-12

The commenter states that the project has not been planned and needs to go back to the drawing board. Once the planning is complete, the project can be evaluated under CEQA.

The project description is comprehensive and adequate for the purposes of CEQA. Project refinements presented in the FEIR reflect minor changes that have occurred as a result of the comments received during the public review process, which is the intention of CEQA.

Response to Comment 205-13

The commenter provides an introduction to ensuing comments, stating that the DEIR authors faced an impossible task of evaluating the applicant's project which was not sufficiently planned or designed.

This statement is introductory. No response is required by CEQA.*

Response to Comment 205-14

Commenter asserts that the DEIR fails to support the conclusion that special-status bird-species will not be significantly impacted.

Page IV.D-96 states that the project site does not provide suitable nesting habitat for any of the special-status bird species with the potential to occur, or known to occur, in the vicinity of the project site. It states that, although the site currently provides some suitable foraging habitat, other areas of suitable foraging habitat exist in the area. In addition, the restored wetlands will extend both foraging and

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

breeding habitat currently available in Pillar Point Marsh for project area special-status species as well as provide a wider, protected movement corridor through the site. This section concludes that no special-status bird species will be substantially affected as a result of the proposed project. However, while no nests were observed during on-site surveys, nests could be established in the future and disruption of a nest would be in violation of the Migratory Bird Treaty Act. To prevent this potentially significant impact, Mitigation Measure BIO-1b is required, which requires the completion of pre-construction surveys in advance of construction during the nesting season (March through August) to confirm presence or absence of any new nests. Implementation of the mitigation measure would reduce the impact to bird-species from significant to less than significant.

Commenter asserts that given the project's proximity to Pillar Point Marsh, the DEIR does not support the conclusion that the project will not significantly impact biological resources.

The "Biological Resources Report" included in the DEIR's Appendix E and evaluated in the DEIR reviews the potential project impacts to the marsh and the conclusion of the DEIR is that the impacts are less than significant. The "Riparian and Waters/Wetlands Ecosystem Restoration (Draft 90% Basis of Design Report)" by WSP in FEIR (Addition to Appendix E of the DEIR) conclude that the 8 acres of restoration have a positive impact on the Pillar Point Marsh.

Response to Comment 205-15

Commenter asserts that the DEIR is inconsistent when analyzing the impact the project would have on special-status plant species; specifically where the DEIR states that there are four such species are "moderately" likely to occur on the project site.

The DEIR concludes that the four aforementioned plants do not presently exist and have "moderate potential" to someday grow on the site. The DEIR analyzes 60 special-status plant species and finds that only four specified in the DEIR pose such moderate potential. The remainder are either not present or pose a low potential for future growth on the site (reference pages IV.D-27 through 49). Based on the foregoing, the DEIR reasonably concludes that the project's impact on special-status plant species is less than significant (page IV.D-94).

Commenter asserts that because the DEIR states that if agricultural production were stopped on the project site, portions of it would revert to coastal freshwater marsh, the permanent loss of which must be considered significant and that DEIR must be corrected and recirculated.

The commenter references the benefits of an asserted "no project" alternative (although it would involve the cessation of agricultural activities) against the impacts of the proposed project. Section 15126.6(e)(1) specifically states that "the no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline." The baseline is not an undisturbed property, but one that is currently, and has been historically, used for agricultural activities. Therefore, the no project alternative, in this case, assumes no cessation of agricultural activities at the project site. Therefore, it is unnecessary to analyze the potential loss of freshwater marsh that could potentially occur if agricultural use of the parcels ceased.

Response to Comment 205-16

The commenter argues the DEIR is inconsistent regarding the CRLF's potential for occurrence within the project site. Table IV.D-2 of the DEIR states that the potential for occurrence for the CRLF is shown as "likely" and yet on page IV.D-89, the DEIR states these species have only a "moderate" potential to occur. The commenter also references two other sitings of the CRLF, one at West Point Avenue and another in the drainage between the two project parcels, based on the County's DRAFT LCP Update Sensitive Habitats Maps. The commenter states that since CRLF are the food source for the SFGS, than the potential for occurrence of SFGS should also be upgraded to likely.

The County's DRAFT LCP Update Sensitive Habitats Map shows to two sitings of the CRLF, one at West Point Avenue and another in the drainage between the two project parcels. Based on a review of the biological reports located in Appendix E of the DEIR, the location of the siting of CRLF near West Point Avenue is described as "riparian area along West Point Road" (2001 WRA report) and "drainage ditch located south of West Point Road" (2008 WSP report). These locations appear to be the same as the location described in Table IV.D-2 of the DEIR, "Pillar Point Marsh, south of West Point Road." Therefore, the DEIR is consistent with the West Point Avenue siting shown on the DRAFT LCP Update Sensitive Habitats Map. After review of source documents for the map, it is clear that the possible CRLF siting in the drainage between the two project parcels is not based on the CDFG database; the source of the siting is unconfirmed. The map is a draft and has not been certified by the California Coastal Commission.

It should be noted that the potential for occurrence in Table IV.D-2 for the California Red-Legged Frog has been changed from "Likely" to "Moderate" to be consistent with the potential for occurrence discussed on page IV.D-89 of the DEIR. This change does not the analysis of the DEIR and reports in Appendix E. The "Moderate" potential of occurrence is consistent with the DEIR and reports in Appendix E which state that the site does not contain aquatic habitat capable of supporting breeding CRLF and the lack of landscape features capable of holding ponded water. As stated on page IV.D-19 of the DEIR, a "likely" potential of occurrence describes a site where "habitat components are available on the site, but no record of the species utilizing the project site exists." For your reference, a "moderate" potential of occurrence describes a site where "there are known records of occurrence in the vicinity of the site; and/or some of the required habitat components are available on the site, but the site lacks some critical components required by the species."

Response to Comment 205-17

The commenter is concerned that the DEIR fails to analyze the project's operational impacts on special-status bird species. The commenter considers the loss of farmland a significant impact due to the loss of foraging habitat for special-status bird species. The commenter states that proposed off-site farming on 32 acres within the project vicinity does not mitigate the loss of agricultural land which serves as foraging habitat.

The site currently does not contain any trees. The applicant proposes to plant trees throughout the site for the purpose of project screening and wetlands restoration. Therefore, the project will increase suitable nesting habitat at the site. Regarding foraging habitat, the DEIR acknowledges that foraging habitat exists on-site, within the drainage separating the parcels, and within the project parcel's western boundary.

Wetlands restoration would increase the area of on-site wetlands, thereby increasing foraging habitat. The 90% Design Report considers the history of wetlands restoration based on two projects in Pacifica. The Calera Creek project increased the CRLF population from three to thousands by providing breeding habitat for the CRLF. The CRLF population in Pillar Point Marsh is very low, primarily because this breeding habitat is low. The recorded bird species in the Calera Wetlands increased from 20 species to over 100, and the Calera Wetlands restoration is 16 acres. The 90% Wetlands Restoration Report predicts a similar increase in function and diversity for the project. The edge effects of the project with the restored wetlands (and the very purpose of restoring the wetlands) is to positively impact the marsh as stated in the 90% Design Report; the improvement in Hydrologic Function, Biochemical Function, Plant Function and Faunal Support Habitat Function is described on pages 11 through 14 of that report. The DEIR fully analyzes these impacts and has concluded that the project and would have less than a significant impact for special-status species.

Additionally, the proposed on-site nursery would provide additional foraging habitat. Foraging habitat within the drainage would remain. Therefore, consistent with the analysis in Impact BIO-1, the reduction of the agricultural production of the site would not result in a significant impact to foraging habitat for special-status bird species.

The commenter states that impacts to special-status species would result from the projects creation of urban/wildlife interface opportunities, such as impacts to species from lights, noise, dogs and vehicles.

Mitigation Measure 4-a imposes the following requirements to minimize impacts to wildlife:

- “Lighting shall be restricted to building envelopes, at the minimum level necessary to illuminate roadways and other outdoor areas. Lighting shall generally be kept low to the ground, directed downward, and shielded to prevent illumination into adjacent natural areas.”
- Dogs and cats shall be confined to individual residences and the fenced portion of the building envelopes to minimize harassment and loss of wildlife.

Additional noise from project operations are largely from project traffic, as noise from within the buildings will be insulated from the outside. Existing noise levels from agricultural activities (i.e., tractors) and traffic along Airport Street already exist and will not be increased by the project. Noise from on-site traffic circulation is anticipated to be low due to vehicles traveling at a low speed. On-site noise would also be shielded from habitat areas within the restored wetlands due to trees within the wetlands areas. Also, additional traffic on Airport Street will be largely shielded by proposed landscaping along Airport Street and throughout the site.

Regarding project traffic along Airport Street making it more difficult for wildlife to cross the road, Mitigation Measure BIO-1a requires permanent exclusionary measures as described below:

Once restoration activities are complete, the exclusion fencing shall be removed under the supervision of the biological monitor. Prior to the removal of the buffer area/restoration area fencing, permanent exclusionary measures shall be put in place to prevent special-status species movement beyond the buffer areas. Wildlife movement through the site shall be facilitated via a buffer zone on either side of the drainage that bisects the parcels.

As stated on page D-98, no wildlife corridors or sensitive habitats will be affected as a result of the proposed project. Impacts would be less than significant. Compliance with Mitigation Measure 4-a would further reduce impacts to wildlife corridors or sensitive habitats.

Response to Comment 205-18

The commenter questions the allowance of a fire road and/or trails in the buffer zone.

Please refer to Response to Comments 193-39 and 193-40.

The commenter states that the restoration plan is vague, and contains no provision for monitoring the restoration to ensure that the native plants become permanently established.

The 90% Design Report, included as an addition to Appendix E of the DEIR, includes a 10-year monitoring plan which establishes success criteria.

The commenter questions how the walkway between the two parcels would be designed without impacting the drainage channel.

Other than the installation of K-rails along the walkway to provide pedestrian safety as may be required by the County Department of Public Works, there would be no physical improvements to Airport Road over the area of the drainage channel. The walkway would utilize the existing culvert and headwall.

The commenter states that there is no detailed discussion of the riparian habitat and that the analysis consists of one sentence in the DEIR.

Riparian habitat is discussed in detail in Section IV.D (Biological Resources) of the DEIR, including analysis within Impact sections BIO-1, BIO-2, BIO-3, and BIO-5.

Response to Comment 205-19

The commenter asserts that the DEIR failed to analyze whether some portion of the site could be “perched wetlands.”

Wetlands delineations for both the Federal and State wetlands were performed by WSP, using the definition of “wetlands” employed by each agency, which defines wetlands based on the presence of several factors. Hydrology is included in the Army Corps definition. “Perched wetlands” is one of six types of wetland hydrology. The wetlands hydrology was analyzed in the report “An Analysis of the Geographical Extent of Waters of the United States and Including Wetlands on the Big Wave Property,” March 14, 2008 and, included in the Appendix E of the DEIR. As stated in their 2008 report, the results and conclusions of this report have been given final approval by the U.S. Army Corps of Engineers, San Francisco District. Approval by the California Coastal Commission is pending.

Please refer to Topical Response 13, County Permit History for a discussion of the 1997 Wetland Delineation Study.

Response to Comment 205-20

The commenter states that the DEIR suggests on page IV.D-96 that trees have to be removed, but fails to provide detail in connection thereto, and thus concludes that the DEIR must be revised and recirculated.

The DEIR never specifically states that trees would need to be removed from the site. It states “Tree removal, vegetation clearing, or disturbance in the immediate vicinity of a nest in active use could result in abandonment of the nest or loss of eggs and young, which would be a violation of the Migratory Bird Treaty Act. However, here are no trees on the site. Therefore, there are no impacts related to tree removal for this project.

Response to Comment 205-21

The commenter states that the BMP in the DEIR’s BIO-1 mitigation, which provides for “exclusion fencing” to keep the listed species (specifically the CRLF, SFGS and WPT) out of the construction area are vague.

The BMP set forth on pages IV-D.94 – 96, identifies the fencing requirement, the training of workers and the presence of an on-site biologist during construction. Standard procedures require if a CRLF or SFGS is identified within the fenced area, a trained biologist with in possession of a “Take Permit” will relocate the CRLF or SFGS appropriately. The language and the mitigation are standard. Refer also to Response to Comment 205-23.

Response to Comment 205-22

The commenter states that stormwater, insufficiently treated wastewater, and cat feces may enter the marine habitat and impact special-status species. The commenter states that pile driving noise may impact special-status species.

Section Impact HYDRO-1 (Violate Water Quality Standards or Waste Discharge Requirements) discusses potential project impact to the water quality of Pillar Point Harbor and the Fitzgerald Marine Reserve. On page IV.H-48, the section concludes that, with the implementation of the planned stormwater BMPs and the requirements for the Waste Discharge Requirements (WDR) of the State Board and Regional Water Quality Control Board (RWQCB) for wastewater discharges, the project is anticipated to have less than significant impacts in terms of violating water quality standards or waste discharge requirements and therefore no mitigation measures are required.

The project does not include pile driving; see Section III of the FEIR.

Section III of the FEIR contains a project revision (under page III-43 of the DEIR) that includes signs throughout the Wellness Center and Office Park properties to remind cat and dog owners and caretakers to restrict animals to allowed areas per Mitigation Measure BIO-4a and to pick up any animal waste.

Response to Comment 205-23

The commenter asserts that wildlife movement and connectivity between the project site and Pillar Point Marsh will be impacted and that the DEIR does not adequately analyze the assertion that wildlife movement is currently “limited.”

The DEIR states on page IV.D-98 that species movement and connectivity is currently limited due to the heavy use of Airport Street and the active farming. Moreover, the narrow corridor of the stream channel is 300 feet wide and will direct habitat crossing to the culverts rather than the paved roadway.

The commenter expresses concern that Mitigation Measure BIO-4a does little to reduce the impacts on wildlife movement, since the buildings and human activity on the site, as well as fencing, will deter wildlife movement.

The goal of construction fencing is to direct species movement away from hazardous areas, such as Airport Street, and direct habitat crossing to the culvert. Effective construction fencing is a temporary impact and is considered less than significant. See pp. III-38-39 of the DEIR for the description and analysis of the fencing and gates. As for the buildings and human activity, there will be a barrier wall erected separating the biological resources from the building perimeters and human activity, and thus the only migration affected will be that along Airport Street, which is inherently dangerous and thus undesirable. See III-39 of the DEIR.

The commenter expresses concerns that the site’s lighting may impact species movement in that there is not an accurate or specific description of the lighting plan in the DEIR.

The current project lighting plan is contained in on page III-48 of the DEIR. The DEIR concludes that the project’s impact on wildlife movement and connectivity is less than significant (pp. IV.D-98-99, and p. IV.D-100).

The commenter asserts that a requirement that pets be confined to individual residences and fenced building envelopes is inconsistent with an element of the project being used as a dog grooming/walking business.

The Wellness Center’s dog walking business may only be conducted within the limits of Mitigation Measure BIO-4a.

Response to Comment 205-24

The commenter states the cumulative project will contribute to the loss of connected habitat and more specifically, special-status bird foraging habitat, and despite the DEIR’s comments to the contrary, the project will result in a loss of net foraging area for special-status bird species on a permanent level.

Regarding foraging habitat, refer to Response to Comments 205-14 and 205-17. As described in Topical Response 12, Construction Phasing for the Office Park, and Appendix H of the FEIR, wetlands restoration will be phased. The ten-year monitoring plan of the restored wetlands is described on page 9 of the “Riparian and Waters/Wetlands Ecosystem Restoration (Draft 90% Basis of Design Report)” by WSP.

Response to Comment 205-25

The commenter states that the DEIR is inconsistent in its description of slopes on the project site, and fails to provide quantitative descriptions of any slopes, thereby undermining the DEIR's conclusion that the project poses no risk of landslide or slope instabilities.

The DEIR sets forth specific heights of the only slopes of any significance on page IV.F-3. The only slopes described in the DEIR that pose any steepness are the drainage ditch channel's banks, which the DEIR describes on page IV.F-3 as having "steep" excavated banks. The site topography is relatively flat (refer to Grading Plans in Figures III-2A and III-2B of the DEIR). Topographic surveys are included as Figures III-2A and 2B of the DEIR.

Response to Comment 205-26

The commenter is concerned about the effects of higher groundwater in the rainy season and its impacts on groundwater quality.

Variations in groundwater elevations are attributed to site topography rather than to seasonal conditions. The groundwater depth in the soil borings varies from 3 to 10 feet down from the surface as shown in Appendix F of the DEIR. Groundwater was found at a depth of 3 feet in one boring and was found at a depth of 10 feet in one boring. The majority of the groundwater elevations vary between 6 and 8 feet (as shown in 21 borings). This is because the project surface elevation varies from 10 to 26 feet. The surface elevation of the borings varies from 12 to 23 feet. The groundwater elevation (as described in the Klienfelder report, Phase II Ground Water Study) is a gradient of .00077 heading to the north, which indicates that the groundwater surface varies approximately 2 feet over the entirety of the project site. While the higher water surfaces to the north vary between depths of 8 to 10 feet, the water surfaces to the south vary between depths of 3 to 5 feet. The DEIR analysis is consistent with the Klienfelder report. As stated in the DEIR, the project as mitigated will have no significant impact on the groundwater.

Response to Comment 205-27

The commenter asserts that due to the site's proximity to the San Gregorio Fault and the San Andreas Fault, that it "could experience" an earthquake of MM Intensity that could cause "extreme damage."

The DEIR references and incorporates three detailed soils reports for this project. The project, like most in the Bay Area, is in a critical earthquake area. The project will be required to comply with the most current seismic codes. See Topical Response 10, Final Geotechnical Report and page IV.F-18 and 19 of the DEIR, in which it is concluded that the impacts of strong ground shaking are covered under the 2007 seismic section of the California Building Code and the impacts are less than significant and no further study or mitigations are required to address the impacts of seismic ground shaking.

The commenter states that the DEIR fails to recognize the seismic impacts to utilities that will be located on-site (such as the wastewater treatment facility and a natural gas generator).

The only significant potential seismic impact is the potential for seismic settlement and differential settlement. These issues can be adequately addressed with the use of deep piers and interlocking grade beam and flexible couplings at all utility connections. The geotechnical reports and the Geology and Soils Section of the DEIR contain detailed analyses of the amount of settlement that can be incorporated

in the design. Also, refer to the EPA Design Manual for On-site Wastewater Treatment and Disposal Systems in Appendix K, Utilities Data, of the DEIR.

The commenter states that the DEIR defers geotechnical analysis and mitigation.

Geological mitigation measures of the DEIR require that the final design soils report include additional borings or CPT to determine the size, spacing and number of the piers required. These mitigations are design suggestions and do not constitute deferred environmental studies. The locations of additional geotechnical borings would be determined once the permitted locations and size of the structures are determined in the Coastal permit and the Building permits. The soils report provides detailed descriptions of the potential for settlement at a maximum of 3 inches in 50 feet. Flexible building couplings and polyethylene pipe will prevent gas ruptures for this level of settlement. The DEIR identifies all pavements as permeable. The final design will include the use of permeable quarry stone to prevent seismic damage to the hardscape surfaces. The DEIR determined that this is feasible and the impacts of differential settlement, as mitigated for the proposed project, are less than significant. Also, refer to Topical Response 4, Deferral of Mitigation Measures, and Topical Response 10, Final Geotechnical Report.

The commenter states that the DEIR fails to analyze and require an emergency response plan for the evacuation of DD adults in a “high-risk area.”

As stated in Topical Response 9, Tsunami Hazards, with some exceptions (i.e., vertical evacuation), the evacuation plan described for tsunamis will be utilized as a baseline for fire and earthquake evacuation plans.

Response to Comment 205-28

Commenter asserts that the DEIR’s analysis of geology and soils at the project site defers analysis and mitigation.

Regarding deferred geological impact mitigation; refer to Response to Comment 205-27; Topical Response 4, Deferral of Mitigation Measures; and Topical Response 10, Final Geotechnical Report. Regarding the construction schedule, refer to Topical Response 12, Construction Phasing for the Office Park. Regarding erosion and sediment control, refer to Mitigation Measure HYDRO-5 of the DEIR. Regarding the drainage plan, refer to Response to Comment 185-33.

Response to Comment 205-29

The commenter asserts that the project is inconsistent with the San Mateo County’s General Plan, specifically Policy 15.20, which provides that the County must “avoid the siting of structures in areas where they are jeopardized by geotechnical hazards.”

As stated in Section IV.F (Geology and Soils) of the DEIR, Treadwell and Rollo reviewed available subsurface data and concluded that the proposed project, as proposed and mitigated, is feasible from a geotechnical standpoint and that the project structures can be constructed in a manner such that they are not jeopardized by geologic hazards. Implementation of the proposed mitigation measures and compliance with applicable regulations would reduce project impacts related to geology and soils to a less than significant level. Regarding alternative sites analysis, see Response to Comment 115-3.

Response to Comment 205-30

The commenter asserts that the DEIR fails to adequately describe the nature and quantity of fill to be used on the project.

The DEIR describes that the project will require 4,105 cubic yards of imported gravel for the stormwater storage and support of the parking lot. All other cut and fill is balanced on-site. Please refer to Section III.A of the FEIR for clarification of proposed grading and an update of grading and imported gravel quantities. It should be noted that the overall amount of grading and amount of imported gravel is slightly reduced.

Response to Comment 205-31

The commenter refers to the additional 80,000 square feet of roof area and the reference to the Table IV.H-6 that shows an increase of 80%, which would result in urban pollutants entering aquatic and wetland habitats.

Refer to Response to Comment 185-32.

The commenter is concerned about the feasibility of the infiltration systems (such as rain gardens), as they contain high groundwater and clayey surface soils.

The geotechnical borings identify the upper 12 to 18 inches of surface soil as being dense clay. All other subsurface soils are identified as permeable. Mitigation Measure GEO-7 on page IV.F-23 and 24 of the DEIR requires the removal and relocation of the surface soils under the stormwater infiltration system. Also, refer to Response to Comment 185-30.

The commenter asserts that the DEIR improperly assumes that the hydromodification management provisions of the County's NPDES permit do not apply.

Regarding NPDES hydromodification requirements, refer to response to Comment 185-32. The project is required to comply with the County's and NPDES drainage requirements through the building permit and SWPPP processes. Also, refer to Topical Response 4, Deferral of Mitigation Measures.

Response to Comment 205-32

The commenter states that the drainage impacts are unknown because the applicant did not provide a drainage report.

The project would not result in off-site flooding, as it is required to comply with the County's and NPDES drainage requirements through the building permit and SWPPP processes. Also, refer to Response to Comment 185-34 and Topical Response 4, Deferral of Mitigation Measures.

Response to Comment 205-33

The commenter is concerned that the project may exceed existing or planned drainage facilities.

As stated in Impact HYDRO-5 of the DEIR, based on the proposed detention facilities, project watershed peak flows to Pillar Point Marsh are minimal. The project would not result in the capacity of existing or planned stormwater drainage systems to be exceeded. In addition the project is required to comply with the County's and NPDES drainage requirements through the building permit and SWPPP processes. Also, refer to Topical Response 4, Deferral of Mitigation Measures.

Response to Comment 205-34

The commenter states that requiring a SWPPP is deferred mitigation and does not account for the standards required under CEQA.

As stated in Impact HYDRO-5 of the DEIR and Appendix H of the DEIR (Schaaf and Wheeler report, 2009), the application of performance standards under SWPPP as required by Mitigation Measure HYDRO-5 would serve to reduce the level of significance under CEQA of potential impacts from erosion and siltation to a less than significant level.

Response to Comment 205-35

Commenter asserts that even if the project's impacts can be mitigated to a less than significant level for groundwater discharge/recharge, when considered in conjunction with other development in the area, the cumulative impact may be significant.

The relationship between growing areas of impervious surface and groundwater recharge is described on page IV.H-16 of the DEIR. While it is acknowledged, generally, in the DEIR that, as the area (Princeton and along Airport Street) is further developed, impervious surfaces will increase and groundwater recharge may decrease, the discussion is not an analysis and is intended to be general. The analysis of cumulative projects, which includes projects located in the airport aquifer and other groundwater aquifers, is based on CEQA levels of significance. The cumulative analysis on page IV.H-62 states that the cumulative hydrologic and water quality impacts of related projects would be less than significant.

Response to Comment 205-36

The commenter states that both parcels appear to be in the 100-year flood zone and that because the DEIR fails to analyze the possible effects the project could have on the floodplain, the DEIR should be prepared and recirculated.

Figure IV.H-6 in the DEIR shows that both parcels are actually outside of the 100-year flood zone as approved by FEMA. Project elevations are based on a Base Flood Elevation (BFE) of 8.5 feet NGVD (refer to pages IV.H-17 and 18 and Figure IV.H-6 of the DEIR), a maximum recorded wave run-up elevation of 14.35 feet NGVD in 273 years, and a highest projected sea level rise over the next century of 5 feet from the current mean high tide. (Currently, mean high tide is at 3.49 feet NGVD.) Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD).

Response to Comment 205-37

The commenter states that the project is located in an area vulnerable to tsunamis and seiches but fails to incorporate specifics regarding design for tsunamis and an evacuation plan.

As stated in Topical Response 9, Tsunami Hazards, Mitigation Measure HYDRO-10 has been revised to incorporate the recommendations of the County Sheriff's Office of Emergency Services and Homeland Security (OES), including having the applicant reference "Designing for Tsunamis – Seven Principles for Planning and Designing for Tsunami Hazards," National Tsunami Hazard Mitigation Program, March 2001, in the design of the Wellness Center and Office Park. Topical Response 9, Tsunami Hazards, also address OES recommendations regarding tsunami evacuation.

Response to Comment 205-38

The commenter states that removal of the impermeable soils under the parking lots and replacing with gravel, as suggested in the DEIR, could create additional impacts.

As described in the geotechnical reports in Appendix F of the DEIR, the surface soils are impermeable and range in depth from 12 to 18 inches. These soils are to be removed and replaced with gravel as described in the DEIR, and as part of the proposed grading plan (see DEIR, page III-59). This system meets the County's NPDES Provision C.3 requirements. Removing and relocating the soil under the parking lots is included in the grading estimate that is analyzed in the DEIR.

Response to Comment 205-39

The commenter states that deferring soil pesticide concentrations to a Phase II Environmental Site Assessment is deferral of the evaluation of a potentially significant impact inconsistent with CEQA mandates.

As stated in Topical Response 4, Deferral of Mitigation Measures and within section Impact HAZ-2 of the DEIR, the environmental site condition identified by the Phase I study generally does not represent a threat to human health or the environment and generally would not be the subject of an enforcement action. Therefore, this does not qualify as a recognized environmental condition, the impact is less than significant, and no mitigation measures are required. The Phase II ESA is only a recommended mitigation measure and compliance is not required in order to mitigate any potential significant effect of the project.

Response to Comment 205-40

The commenter is concerned that construction phasing noise will last longer than stated in the DEIR because construction will last far longer than the 36 months estimated in the DEIR, and thus the noise impact (caused by pile driving among other things) requires additional study.

Refer to Topical Response 12, Construction Phasing for the Office Park.

Response to Comment 205-41

The commenter is concerned that the buildings will not meet current noise reduction standards.

The noise analysis for the DEIR was performed by a professional noise specialist, with appropriate industry knowledge and experience. The commenter does not provide data contradicting the noise reduction estimates provided in the DEIR. CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect, such as is alleged by the commenter, shall not be considered significant in the absence of substantial evidence.

As described on page III-40 of the DEIR, building heat is provided by solar-powered radiant floor heating. Cooling is by crawl space ventilation through a geothermal slab heat exchanger. There will be no air conditioning systems other than radiant floor heating and ventilation. Based on the 2007 code requirements and the building proposal description for LEED Platinum, pages IV.J-23-24 of the DEIR concludes that the impact of building noise and noise from the airport to the buildings will be less than significant.

Response to Comment 205-42

The commenter states that the DEIR should include single event noise analyses.

Regarding airport noise, refer to Topical Response 14, Location of Project Near Half Moon Bay Airport. Regarding project trip generation for Wellness Center businesses, refer to Response to Comments 185-8.

Response to Comment 205-43

The commenter states that project does not adequately describe the local roadways in the project vicinity and downplays the impacts that would result from the project's construction and operation.

Section IV.M (Transportation/Traffic) of the DEIR provides an abbreviated description of local streets based on a thorough description contained in the June 2009 Hexagon Transportation Consultants, Inc. report referenced in the introduction of the section. The report is included in Section III of the FEIR, as an addition to Appendix J of the DEIR. The analysis in this section of the DEIR examines project impact to the streets listed by the commenter.

Standards for new roads are located in the County's Subdivision Regulations. The June 2009 Hexagon report also includes a description of existing traffic conditions including operational deficiencies, in which the report concludes that the level of service analysis appears to adequately reflect actual existing traffic conditions.

Response to Comment 205-44

Commenter asserts that the DEIR underestimates the project's trip generation, since it fails to take into account the additional project-related business operations (i.e. catering, farmers' market, organic yogurt sales, nursery, off-site farms and dog walking/grooming).

Refer to Response to Comment 185-8.

Response to Comment 205-45

Commenter asserts that the DEIR lacks adequate mitigation of the project's impacts to intersection level of service and capacity, specifically the intersection of State Route 1; commenter further states that the DEIR defers said mitigation.

As stated in Topical Response 8, Traffic and Parking Impacts, based on comments from the public, Mitigation Measure TRANS-1 has been revised, as shown below, to require a new traffic report to be submitted upon completion of every 60,000 sq. ft. of office space, until full project occupancy, and to require a traffic report to be submitted bi-annually after full project occupancy. Also, the revised mitigation measure includes the Highway 1 at Cypress Avenue intersection, along with the following additional intersections to evaluate if they maintain a LOS level "C" or better: Airport Street and Stanford/Cornell (Study Intersection 3 of DEIR), Broadway and Prospect Way (Study Intersection 2), Prospect Way and Capistrano (Study Intersection 1) and State Route 1 and Capistrano (Study Intersection 8). The revised mitigation measure shortens the timeframe for the implementation of mitigations, including signal installation and necessary coordination with CalTrans, from 5 years to 1-year of the date of the report.

Response to Comment 205-46

The commenter states that the DEIR does not adequately address or mitigate the emergency access impacts.

Emergency access is discussed on pages IV.M-37 and 38 of the DEIR. Emergency access routes are shown in Figure III-9 and III-16 and discussed in Section Impact TRANS-4 of the DEIR. Emergency evacuations for fire, tsunami and earthquake are by foot to approved evacuation sites and do not depend on vehicular traffic. Emergency medical evacuation from the Coast in extreme cases is by Medivac Helicopter. Based on the review of the site and the evacuation plans, the EIR concludes that the impacts associated with emergency access are less than significant. Also, refer to Topical Response 9, Tsunami Hazards.

Response to Comment 205-47

The commenter states that having the applicant pay a fair share of the traffic signal at Cypress is legally deficient.

Mitigation Measure TRANS-1 has been revised as stated in Response to Comment 205-45.

Response to Comment 205-48

The commenter states that the narrow width of the pedestrian trail should be addressed to insure pedestrian safety.

As described in Section III.A of the FEIR, the sidewalk shown in Figure III-9 and III-16 of the DEIR has been widened to 10-feet to meet the standard of a Class 1 trail, with a curb facing Airport Street. The sidewalk would be subject to the Department of Public Works review and approval.

Response to Comment 205-49

The commenter states that the population growth resulting from the project would be more than three times greater than the projected growth in unincorporated Half Moon Bay between 2009 and 2013 and would be inconsistent with the CAP and VMT requirements of the BAAQMD.

As stated in Impact AQ-2 of the DEIR, the project would not result in the exceedances of quantitative requirements i, ii, or iii. Also, because the 2000 CAP only contains population and vehicle miles traveled (VMT) projections through 2006, the project's potential to exceed CAP population projections (quantitative requirement iv) cannot be determined. Quantitative requirement "v" states that, the project is consistent with the County of San Mateo General Plan and the 2000 CAP if, in conjunction with past, present, and reasonably foreseeable future projects, the project would not cause the rate of increase in VMT to exceed the rate of increase in population. The DEIR also states that the projected rate of VMT increase (19.8%, without the project and future projects) is already estimated to be larger than the rate of population increase in San Mateo County (13.7%, without the project and future projects). The DEIR acknowledges that the project and future projects, under a conservative/worst-case scenario, would add 1,250 employees in the area. However, the DEIR also acknowledges that the project would create 825 permanent jobs. Given the imbalance in the number of jobs compared to the number of residents, impacts associated with the potential growth in jobs stemming from the related projects would be less than significant and would create local employment opportunities for residents currently working outside of the area and for unemployed residents seeking employment.

Page III-36 describes the Wellness Center as providing residence and employment for 50 Coastsides Developmentally Disabled adults that do not drive and 20 staff. The Office Park is described on page III-36 of the DEIR. The intent of the Office Park is to provide places of employment for local residents. Page IV.M-44 of the DEIR projects that 47% of the employees of the Office Park would live on the Coastsides. This implies that approximately 300 residents would be able to find work at the Office Park and no longer need to commute to the Baysides. Also, as discussed on pages V-1 through V-3 of the DEIR, the proposed project would not result in significant growth inducing impacts.

Based on the foregoing, the DEIR concludes that the project's potential to conflict with or obstruct implementation of the applicable air quality plan is less than significant. Additionally, as stated in Section IV.C (Air Quality) and IV.M (Transportation/Traffic), the project, as proposed and mitigated, would not result in significant impacts to air quality or traffic in the area.

Response to Comment 205-50

The commenter states that the DEIR fails to quantify the increase in construction related emissions and suggests that the DEIR be redrafted to quantify all construction emissions and thereafter be recirculated.

Page IV.C-19 of the DEIR states that, although there are exhaust emissions emitted from all engine-powered equipment, the BAAQMD CEQA Guidelines state that PM10, typically in the form of fugitive dust, is the pollutant of greatest concern with respect to construction activities. Mitigation Measure AQ-2 addresses air quality impacts from PM10. As stated in the DEIR on page IV.C-19, the BAAQMD CEQA Guidelines, "the District's approach to CEQA analyses of construction impacts is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions. If all of the control measures indicated [here] (as appropriate, depending on the size of the

project area) will be implemented, then air pollutant emissions from construction activities would be considered a less than significant impact.”

Also, as stated in Topical Response 12, Construction Phasing for the Office Park, under a low demand for office space and non-concurrent, continuous construction, project construction could take up to 7.4 years or even up to 20 years. Under these scenarios, construction will be less concentrated (fewer vehicles and construction workers) and spread out over a longer time frame. Under these scenarios, air quality impacts would be further reduced from the less than significant level with mitigation discussed in the DEIR.

Regarding recirculation of the DEIR, refer to Topical Response 6, Recirculation of the DEIR.

The commenter states that the DEIR does not include the BAAQMD Basic Construction Measures.

As stated on page IV.C-19, Mitigation Measure AQ-2 on page IV.C-19 incorporates all “Basic Control Measures” from Table 2 of the current *BAAQMD CEQA Guidelines* (December 1999). The control measures provided by the commenter are from the Draft Updated *BAAQMD CEQA Guidelines* and are in draft form. Most of these draft control measures are similar to requirements in Mitigation Measure AQ-2 and NOISE-1 (page IV.J-18 and 19).

Response to Comment 205-51

The commenter states the DEIR underestimates the severity of the projects air quality impacts because it fails to include emissions from the following project components: On-site Membrane Bioreactor (MBR), ultraviolet-disinfected tertiary wastewater treatment plant, and the natural gas emergency generator.

Page IV.C-20 of the DEIR erroneously describes the on-site Membrane Bioreactor (MBR) and the ultraviolet (UV)-disinfected tertiary wastewater treatment plant as “internal combustion equipment”. These are non-combustion systems that do not generate emissions regulated by the BAAQMD. The correction has been made in Section III of the FEIR.

The purpose of the 600 kW emergency natural gas engine generator is described on page IV.C-20 of the DEIR as “backup and cogeneration”. As discussed in Section III of the DEIR, the project buildings would be heated by solar power. The project has been revised to eliminate natural gas for heating and building operations. Instead, the natural gas generator will only be used for backup purposes. Therefore, emissions from the natural gas generator are anticipated to be low.

The commenter states the information provided in Table IV.C-7 identifies total operational emissions but does not identify the amount of emissions per source.

Emissions estimates are provided by source in Appendix D of the DEIR.

Response to Comment 205-52

The commenter states that the wastewater treatment facility is not located on the site plans. Depending on its location, it may result in impacts to nearby residential uses. The commenter states that the DEIR concludes that the odor impacts from the MBR plant would be less than significant but does not provide sufficient evidence or mitigation.

As stated in Section III of the DEIR, the septic fields have been eliminated from the project. The singular MBR plant has been eliminated as a result of compliance with the Mitigation Cult-2. Separate, small MBR water recycling plants (approximately three) will be constructed in separate locations to serve all project buildings. The systems will be in plastic tanks with 2 feet of soil cover. Each system will be required to comply with nuisance odor requirements of the BAAQMD permits, Regional Water Quality Control permit and the Environmental Health permit processes. Mitigation AQ-5 would still apply to the smaller systems.

Response to Comment 205-53

The commenter asserts that the DEIR uses an unlawful standard of significance that ignores the quantity of the project's actual greenhouse gas emissions. The commenter argues that the project's GHG (greenhouse gas) emissions represent a significant impact by any reasonable standard (stating that the project must comply with BAAQMD draft thresholds that were to be adopted in January, 2010).

The impact analysis in the DEIR of greenhouse gas emissions resulting from operation of the project is consistent with the methodology outlined in the Governor's Office of Planning and Research (OPR) technical advisory and AB 32. As stated in Response to Comment 205-50, the BAAQMD have not adopted the draft CEQA thresholds of significance referenced by the commenter.

The commenter asserts that the DEIR underestimates project GHG emissions by ignoring black carbon, which is generated primarily by diesel combustion.

For operational and construction related GHG emissions, the draft *BAAQMD CEQA Guidelines* recommends the use of URBEMIS for the quantification of GHG emissions. The DEIR's methodology for the calculation of GHG emissions associated with operational and construction use of motor vehicles is consistent with this quantification methodology.

The commenter asserts that the DEIR fails to demonstrate that the project features and proposed mitigation will reduce the project's climate impacts to a less than significant level.

The draft *BAAQMD CEQA Guidelines* recommends measures that are included as "green" project features as mitigation measures to achieve operational mobile source emissions reductions. These include providing a mix of uses on-site, affordable housing, traffic demand management measures such as shuttles, solar panels and solar heating, jobs housing balance, increased density, and infrastructure and treatment to allow use of 50% greywater/recycled water in residential and commercial uses for outdoor irrigation. Therefore, the mitigation methodology used in the DEIR is consistent with the draft *BAAQMD CEQA Guidelines*.

The commenter asserts that the DEIR makes no attempt to quantify the emission reductions associated with the GHG measures. The commenter argues the project measures for GHG emissions set forth in the DEIR are vague, unenforceable and insufficient.

Per the DEIR, project operation and construction GHG impacts (without mitigating "green" project features) are themselves less than significant. Therefore, the application of "green" project features would provide a further reduction, which can be assumed as less than significant. As the "green" features are being implemented as a part of the project description and are not required mitigation and are not

necessary for reduction of project GHG impacts to a less than significant level, quantification of the additional reduction provided by the features and enforcement is not necessary.

Response to Comment 205-54

The commenter asserts that the DEIR fails to adequately describe the archeological resources located at the site or the project's significant impact on those resources.

The DEIR adequately analyzed the extent of the Cultural Resources area and identified the impacts and mitigation measures as set forth in Impact Sections Cult-2a, b, and c (see pp. IV.E-15 through 16.), as well as in Impact CULT-3 and Impact CULT-4 (see pp. IV.E-16 through 17.) of the DEIR. The revised site plan avoids site CA-SMA-151, as determined and delineated by a State Certified Archeologist and is presented in Section III of the FEIR. The DEIR does not specify the specific locations of the archeological resources or the specific contents of the site, as it is generally viewed as appropriate not to do so in order to discourage treasure hunting and desecration of remains that are sacred to the decedents of indigenous people.

Response to Comment 205-55

The commenter argues that the DEIR fails to adequately analyze the project's impact on archeological Site CA-SMA-151.

See previous response to comment.

Response to Comment 205-56

The commenter is concerned that the DEIR fails to prioritize avoidance of site CA-SMA-151.

Refer to Response to Comment 205-54.

Response to Comment 205-57

The commenter questions how the project can build for residential use in an Airport Overlay (AO) District.

The location of the Airport Overlay (AO) Zoning District is shown on the site plans III-9 and III-16. The proposed project locates buildings and uses exceeding three persons on site at any one time outside of the overlay zone. The project, as proposed, does not violate the requirements of the AO District regulations.

The commenter is concerned about the Wellness Center being considered a "sanitarium" and thus violating the light industrial zoning of the project site.

See Topical Response 11, Sanitarium Use Permit.

Response to Comment 205-58

The commenter states that County should seek to acquire the project site and questions why this is not addressed in the DEIR.

The County has made no offer to the applicant to acquire the project parcel. The Fitzgerald Marine Reserve (FMR) Master Plan does not preclude or prohibit the development of this site.

The commenter states that dog walking and grooming services offered by Wellness Center residents are in conflict with a FMR Master Plan policy which prohibits domestic and feral animals in the Reserve.

The project sites are not part of the FMR. Therefore, the presence of cats and dogs on the site is not inconsistent with this policy, which does not apply to the sites. In addition, as stated in Mitigation Measure BIO-4a, dogs and cats shall be confined to individual residences and the fenced portion of the building envelopes to minimize harassment and loss of wildlife.

Response to Comment 205-59

The commenter questions the permit capacity of the Ox Mountain Landfill and states that the project impacts will be significant if Ox Mountain is over its permitted limit or closes altogether. The commenter states that the landfill is in excess of its permitted capacity by 6.7 million cubic yards and will close in 2018.

The commenter provides information regarding Ox Mountain landfill capacity found on the CalRecycle website. Per County staff conversation with Rick King, General Manager of the Ox Mountain landfill site, the figures provided on the site are erroneous. Mr. King confirmed that the landfill is not at capacity and is estimated that the site will close in 17 years, not in 8 years. Regarding the closure of the Ox Mountain landfill site and potential impacts to solid waste services, this is a regional planning issue and is outside of the purview of this EIR. Therefore, the DEIR provides an adequate review of project impacts to solid waste management and has concluded that the project will have a less than significant impact on solid waste (pages IV.N-42 through 43 of the DEIR).

Response to Comment 205-60

1. *The commenter states that the DEIR fails to adequately identify the project's environmental setting with regard to wastewater service providers.*

As discussed in Section III of the FEIR, the project has been revised to reflect the current proposal for wastewater that includes wastewater treatment/recycling and connection to GSD. In phone communication with Delia Comito at the Granada Sanitary District on August 30, 2010, Ms. Comito stated to County staff that GSD assesses the project parcels over a 25-year period to finance a bond that pays for construction of additional sewer system capacity. GSD assesses the owner of the project parcels, along with other owners of vacant parcels in the district, as they would most likely benefit from the additional sewer capacity. Ms. Comito states that additional capacity exists for conforming development on these parcels.

The DEIR states that SAM has the permitted capacity of 4.0 mgd and a current flow of 1.7 mgd on page IV.N-2. Page IV.N-15 of the DEIR states that the estimated project flow to the SAM facilities is approximately 1.1% of the available surplus treatment capacity in the system. As stated in Section III of the FEIR, as proposed and mitigated, the proposed connection to GSD for eight EDUs and on-site water recycling would result in environmental effects which are considered are less than significant. Regarding the Miramar force main, page IV.N-3 of the DEIR states that the

improvements to the Miramar force main will provide increased wet weather flow capacity. As stated in Topical Response 12, Construction Phasing for the Office Park, construction of all the proposed buildings may take as little as 3 years or as long as 20 years. As construction will be initiated based on economic demand, it is difficult to assess whether the Miramar force main will be constructed and ready to serve the project should the project wastewater connection needs exceed 8 EDUs. Page IV.N-15 concludes that the project will not contribute to the wastewater capacity impacts of the SAM system, which includes the Princeton Pump Station and the Miramar force main. Refer to Topical Response 15, Project Potable and Recycled Water Demand, for more information regarding the proposed uses of recycled water on-site that would minimize excess treated wastewater directed to the GSD system.

2. *The commenter claims that the DEIR fails to adequately analyze impacts relating to wastewater disposal system capacity.*

As discussed in Section III of the FEIR, the project has been revised to perform wastewater treatment/recycling and connect to GSD. The project will treat a majority of its wastewater for recycling or irrigation uses. The septic drainfields have been eliminated from the proposal. Mitigation Util-2 requires the peak flow to be reduced to meet the capacity of the 8-inch sewer line. The project reduces the flow with flow equalization and metering the flow to a maximum of 8 EDU. Regarding SAM's wet weather flow capacity, refer to Response to Comment 205-60 (1).

3. *The commenter states that the DEIR fails to provide any assurance that the site can support the proposed subsurface disposal fields.*

As stated previously, the septic drainfields have been eliminated from the proposal. Section II of the FEIR describes the wastewater treatment and recycling proposal.

4. *The commenter states the DEIR fails to resolve critical issues pertaining to a Sewer Connection to GSD. The commenter states that the project does not comply with GSD Ordinance that requires projects in GSD's Urban Zone to connect to GSD. Also, GSD has not determined it has adequate capacity to serve the project.*

The DEIR describes the GSD sanitary district criteria on page IV.N-16. GSD has assessed the project for 8 EDU connections and applicant asserts that this entitles applicant to connect to GSD. Without expressing a view on the merits of the applicant's position, the County notes that it will be required to achieve a connection with GSD in order to implement the project. Section III of the FEIR clarifies the connection issues by stating that the project will utilize these connections, meter the wastewater flow, and recycle the remainder of the wastewater.

5. *The commenter states the DEIR fails to adequately analyze impacts relating to wastewater recycling requirements and to provide sufficient information on how the systems work.*

Page IV.N-12 of the DEIR provides a detailed description of the wastewater recycling system, including the proposed manufacturer, the size and the discharge characteristics and its compliance with State Title 22 standards for the unrestricted reuse of recycled water. Regarding project potable and recycled water demand, please reference Topical Response 15 of the FEIR. As previously

stated, the septic drainfields have been eliminated from the proposal. Section II of the FEIR describes the wastewater treatment and recycling proposal.

6. *The commenter states that the DEIR fails to adequately analyze other items relating to the proposed sewer system, including design considerations to allow for gravity flow or a lift station for the proposed sewer line, worm composting, and cumulative demand of treated wastewater.*

Mitigation Measure UTIL-6 of the DEIR offers two design options to resolve questions regarding the operation of the proposed sewer line. Neither option, the below-ground creek crossing and alternative route along Airport Street, would result in the disturbance of the drainage channel and both options would be subject to the applicable requirements of the California Department of Fish and Game. Refer to first paragraph of Response to Comment 205-60 for the cumulative effects of wastewater flow along with page VI.N-20 of the DEIR.

Composting operations are described on pages III-42 and IV.N-12 of the DEIR. Page III-42 of the DEIR stated that composting would occur in the Communications Building for the Office Park. As described in Section III.A of the FEIR, the separate Communications Building has been eliminated. Composting operations are now proposed in Wellness Center Building A. The location would be further from off-site residential uses (i.e., mobile home park) than originally proposed. Therefore, odor impacts of this proposal remain less than significant.

Response to Comment 205-61

The commenter states the DEIR does not include adequate descriptions of the wind generators.

Pages III-40 and III-56 of the DEIR describe the wind generators; furthermore, Figures III-11 through III-14 show box-enclosed, screened-in turbine generators on the tops of the Office Park roof.

The commenter states that there is no accounting for power consumed for catering food, selling eggs, yogurt and ice cream, outside farmers market, dog walking and grooming and watering native plants as provided in the DEIR.

Kitchen services (i.e., for yogurt and ice cream production) and dog grooming services are specifically listed in Tables IV.N-5 and IV.N-6 of the DEIR (revised in the FEIR to clarify that natural gas will only be used for back-up purposes). Other uses listed by the commenter (nursery/farming, farmer's market) are not expected to use significant amounts of electricity.

The commenter states that the DEIR does not analyze the effect the project would have on local and regional energy supplies and the requirements of additional capacity or on the effects on peak and base period demand.

Page III-57 of the DEIR states that the project would generate the majority of the electrical power that it requires from photovoltaic panels, wind and fuel cells. This design feature was intended to provide ample power without significant demands on the grid. All heat and air conditioning will be solar powered.

The commenter states that the DEIR fails to adequately analyze and mitigate the project cumulative increase in energy demand.

The project would generate its own power and heat from solar sources and, as described in Section IV.N of the DEIR, would have a less than significant impact on local and regional demands for natural gas and electricity. This section in the DEIR has been revised in the FEIR to clarify that natural gas will only be used for backup purposes. Page III-57 of the DEIR states that the project would generate the majority if not all of its electrical power from photovoltaic panels, wind and fuel cells. Also, the DEIR proposes a project where all buildings and development would be designed with numerous components that meet Platinum-level Leadership in Energy and Environmental Design (LEED) certified construction. Therefore, the project would not create wasteful, inefficient and unnecessary consumption of energy.

Response to Comment 205-62

The commenter states the DEIR fails to provide a detailed statement setting forth the growth inducing impacts of a proposed project, as it is required to do.

The DEIR provides a detailed statement on growth inducing impacts on pages V-1 through V-3.

The commenter states that Big Wave would be growth inducing by adding sewage treatment facilities.

The wastewater treatment plant is designed to meet the capacity of the project as described in the FEIR (i.e., size, density, etc.), which includes the DEIR. As described in Section III of the FEIR, to be conservative in sizing the facilities, the treatment plant is sized assuming no water recycling to have capacity for the full demand without recycling. The treatment plant would not treat wastewater from any off-site projects. Therefore, the sizing of the wastewater treatment plant for the full demand would not be growth-inducing.

Response to Comment 205-63

The commenter states that the DEIR does not meet the CEQA requirement to provide a reasonable range of alternatives, as the alternatives provided propose only minor variations on the project.

Alternatives B through D offer a wide range of alternatives including various project sizes, that vary in impact, focusing on reduction of project impacts to aesthetics and hydrology and biological habitat through the creation of impervious surface. Alternative A is the “no project” alternative. As discussed in Section III of the FEIR, the Modified Alternative C further reduces aesthetic, hydrological, and biological impacts of this alternative by breaking up the four, 2-story buildings into eight buildings and reducing the footprint of development.

Response to Comment 205-64

The commenter proposes a reduced Office Park project alternative with less than 186,000 square feet based on an earlier proposal made by the applicant. The commenter states that this size should be considered as it would reduce the footprint of the project, thereby reducing associated impacts.

This alternative was analyzed and rejected as infeasible on pages IV-4 and 5 of the DEIR. Feasibility of various project sizes was based on County review of financial information provided in Draft #2 of the Facilities Plan (Big Wave Property), which was submitted at the time the Office Park was re-designed from 156,000 sq. ft. to 225,000 sq. ft. The financial information showed that the project would generate a loss of approximately \$1.5 million under a 150,000 sq. ft. scenario, while the project at 225,000 sq. ft.

would generate a positive return on investment of \$6,290,000. In further discussions with the County, it was determined that 186,000 sq. ft. (size of Alternative B) was the minimum size feasible to meet the Wellness Center's affordability goals and the Office Park's revenue goals.

Response to Comment 205-65

The commenter states that the DEIR dismisses the following alternatives: (1) off-site Wellness Center, and (2) Development of the Office Park and Wellness Center on the northern parcel only.

1. The alternative suggested by the commenter, the donation of the proceeds of the sale of the undeveloped Wellness Center site to the Big Wave non-profit organization for development of the Wellness Center in an off-site location, is similar to the purchase of an off-site property by the Big Wave non-profit organization, which is discussed on page VI-5 of the DEIR. The separation of the properties would not meet a project objective to keep the Office Park and Wellness Center within walking/wheelchair distance of each other, would limit or eliminate employment opportunities at the Wellness Center, and wetland restoration would not occur on the southern parcel. A shuttle option proposed by the commenter would increase the costs of operating the Wellness Center businesses and, therefore, reduce profits gained from the businesses.
2. The other alternative suggested by the commenter, the donation of a portion of the Office Park to the Big Wave non-profit organization alternative, is similar to the purchase of a portion of the Office Park site by the Wellness Center, which was rejected as infeasible (discussion on page VI-5 of the DEIR). The applicant has stated that any portion of the Office Park would have to be purchased by the Big Wave non-profit organization and not donated; therefore, this alternative is considered economically infeasible. For the reasons listed below, this alternative has also been rejected as infeasible as it would reduce affordable housing at the Wellness Center by 37%, reduce or eliminate indoor and outdoor recreation and areas to conduct Big Wave businesses, and wetland restoration would not occur on the southern parcel. The following is an analysis of the commenter suggested alternative:

Under the donation scenario, it is assumed that the Office Park may occupy three-quarters of the current mixed office space proposal. Therefore, the Office Park would be approx. 168,750 sq. ft., leaving 56,250 sq. ft. for the Wellness Center. The size of the Office Park under this scenario would not meet the feasibility threshold of 186,000 sq. ft., as it would cause the project to generate a financial loss and reduce the affordability of housing at the Wellness Center. Under this scenario, the size of the Wellness Center would be significantly reduced by approximately 20% from 70,348 sq. ft. (under the revised proposal to comply with Mitigation Measures CULT-2A described in the FEIR) to 56,250 sq. ft., with an assumed proportionate reduction in affordable housing, from 57 to 46 units. The public storage use and other amenities associated with the Wellness Center, such as indoor areas to conduct Big Wave businesses, would be reduced or eliminated. The reduction of revenues from the Office Park and the elimination of revenues from these businesses would make this alternative financially infeasible.

A scenario where the 70,348 sq. ft. Wellness Center is constructed with the remaining area of 154,694 sq. ft. for Office Park uses is also considered infeasible, as the size of the Office Park would not meet the minimum size and feasibility requirements of 186,000 sq. ft.

The commenter states that low-income housing is not a stated project objective.

The first bullet on page III-63 of the DEIR, under Project Objectives, states the project objective relative to affordable housing (italicized for emphasis).

To provide office space and building energy-efficient solar-powered affordable housing at below market-rate and provide ownership opportunities to create local, clean, secure and monitored community-centric involvement.

Response to Comment 205-66

The commenter states that the range of alternatives analyzed in the DEIR are inadequate under CEQA. The revised DEIR should analyze alternatives as suggested by the commenter.

Refer to Response to Comments 205-64 and 205-65.

Response to Comment 205-67

The commenter concludes the letter, requesting the DEIR be redrafted and recirculated.

This is a closing statement. No response is required by CEQA.* See Topical Response 6, Recirculation of the DEIR.

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*



December 23, 2009

County of San Mateo, Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063
Attn: Camille Leung, Planner

via Fax: 650-363-4849

Subject: Comments on Draft EIR for Big Wave Wellness Center and Office Park

Dear Ms. Leung:

We appreciate the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Big Wave project. Our comments are as follows:

206-1

DEIR employs segmented analysis.

The project description notes that Big Wave may include several associated business ventures that are intended to generate revenue by serving both on-site and off-site customers. The associated business ventures include BW Catering/Food Services, BW Farming, and BW Transportation. The DEIR provides no detailed analysis of the potential environmental impacts that could result from the operation of these business ventures. In so doing, the DEIR fails to disclose the whole project's environmental impacts, thereby depriving the public of the right to understand the true environmental consequences of the entire Big Wave project.

206-2

A "project" as defined in 15378 of the CEQA guidelines is the "whole of an action" such that a project cannot be segmented into smaller pieces and then studied independently of one another. CEQA requires the disclosure and mitigation of environmental impacts that are "cumulatively considerable." Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Big Wave's associated business ventures are reasonably foreseeable future projects that have not been adequately studied for environmental impacts as part of the current DEIR.

DEIR defers identification of potential impacts and mitigation measures to future studies.

In numerous instances, the DEIR proposes to identify potential environmental impacts and/or mitigation measures based on the outcome of some future study, test, plan, or application. These instances include:

- AES-4 (future lighting plan)
- GEO-3, GEO-4, GEO-6 (future geotechnical investigation and future subsurface exploration to identify liquefaction-induced hazards)
- GEO-7 and GEO-8 (future design recommendations to mitigate surface runoff of water).
- HAZ-2 (future assessment for potential release of hazardous substances to soil or ground water)
- HAZ-3 (future recording of navigational easement in lieu of actual mitigation of airport hazards)
- HYDR-3 (future identification of mitigation measures to control erosion and sedimentation)
- TRANS-1 (future traffic study and analysis to determine need for signalized intersection at Cypress Avenue)
- UTIL-2 (future sewage flow analysis of potential discharge to Granada Sanitary District and future hydraulic analysis to determine adequacy of 8-inch sewer line), and
- UTIL-5 (future analysis of toilet flushing flows).

Requiring the project to adopt mitigations measures stemming from a future study, test, plan, or application, is a violation of the guidelines for implementing CEQA, as established in *Sundstrom vs. the County of Mendocino* (1988), which state:¹

“The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. California Administrative Code, title 14, section 15070, subdivision (b)(1) provides that if an applicant proposes measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures before a proposed negative declaration is released for public review....Here, the use permit contemplates that project plans may be revised to incorporate needed mitigation measures after the final adoption of the negative declaration. This procedure, we repeat, is contrary to law. By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process”(underline added)

Along these lines, page IV.N-20 of the DEIR acknowledges:

“Some aspects of the proposed wastewater treatment and disposal system have been found to be in conflict with existing policies and requirements of several agencies that have jurisdiction and permitting authority over various aspects of the wastewater system, including the RWQCB, CDPH, CDFG, San Mateo County, and Granada Sanitary District. The agencies, through the established permitting process, will ensure compliance, or, where appropriate, issue the necessary waiver(emphasis added), to the applicable requirements. Assuming the applicant will resolve these wastewater regulatory issues, impacts would be less than significant.”

¹ See http://ceres.ca.gov/ceqa/cas/1988/sunstrom_062288.html

In the above example on page IV.N-20, the DEIR improperly seeks to shift responsibility for the environmental review of the wastewater treatment and disposal systems onto other agencies as part of a future permitting process, rather than performing the environmental review within the DEIR itself, as required by CEQA, and then identifying the necessary mitigation measures to reduce any impacts to less than significant.

206-3

DEIR understates potential for listed species to occur on project site and fails to identify adequate mitigation measures for impacts to listed species.

Pages IV.D-88 and IV.D-89 of the DEIR claim that there is “moderate potential” for occurrence of the San Francisco Garter Snake (SFGS) and the California Red-Legged Frog (CRLF) on the project site. The DEIR further claims “there is no suitable breeding or foraging habitat onsite” for CRLF. These claims are in direct conflict with the opinion of the U.S. Fish and Wildlife Service (USFWS). In a letter dated February 13, 2009 (Attachment 1) USFWS states:

“...The proposed project area is located adjacent to and within suitable habitat for the red-legged frog and garter snake, and is located adjacent to environmentally sensitive areas, such as the Pillar Point Marsh and the mouth of Denniston Creek, which provides habitat for the garter snake and red-legged frog... Due to the presence of suitable habitat and connectivity between documented sightings, nearby observations of red-legged frogs, garter snakes, and its prey, the Pacific tree frog at or near the site, and the biology and ecology of these two listed species, the Service believes that the garter snake and red-legged frog are reasonably certain to occur at the proposed project area”(underline added)

The DEIR should be revised to show that SFGS and CRLF are “likely to occur” on the project site as opposed to “moderate potential to occur.” Given that the project will therefore result in the take of habitat for the both the SFGS and CRLF, the DEIR must be revised to identify mitigation measures that are sufficient to obtain authorization of incidental take pursuant to sections 7 or 10(a)(1)(B) of the Federal Endangered Species Act of 1973. The DEIR must also be revised to show that the project and any proposed mitigation measures are consistent with applicable sections of the San Mateo County Local Coastal Program (LCP). Specifically:

206-4

- LCP policy 7.3 prohibits any land use or development which would have significant adverse impact on sensitive habitat areas
- LCP policies 7.4 and 7.33 permit only resource dependent uses in sensitive habitat areas and also require that permitted uses comply with USFWS and California Department of Fish and Game (CDFG) regulations
- LCP policy 7.36 prohibits development where there is known to be a riparian or wetland location for the San Francisco garter snake (with certain exceptions)
- LCP policy 7.36 also requires analysis and protection of potential or existing migration routes of the San Francisco garter snake
- LCP policy 7.18 requires a 100-foot buffer zone from the edge of any wetland.

DEIR analysis for adequate water supply does not satisfy CEQA standards.

Page IV.N-30 of the DEIR states: “The project applicant proposes to connect to the CCWD [Coastside County Water District] for emergency water supply and fire flow. This proposed annexation to CCWD would require amendments to the Coastal Development Permits for the El

206-5

Granada Pipeline replacement project...Coastal Development Permits A-1-HMB-99-20 and A-2-SMC-99-63.”

First, we wish to point out that amendments to other Coastal Development Permits (CDPs) for the El Granada Pipeline project would also be required. The permits cited in the DEIR were issued by the California Coastal Commission in 2003 for the first phase of the El Granada Pipeline replacement project. Later phases of the project in 2004 and 2006 included additional CDPs that were issued by the City of Half Moon Bay and the County of San Mateo. Each of these additional CDPs included the same Special Conditions that were imposed on CCWD by the Coastal Commission in 2003. Hence, the CDPs for the later phases of the El Granada Pipeline replacement project would also need to be amended, but this time by application to the local jurisdictions which granted the CDPs, but subject to review by the Coastal Commission on appeal.

Second, the DEIR's analysis for adequate water supply to the project depends crucially on the assumption that the above CDP amendments could be obtained successfully by the project applicant from either the Coastal Commission itself or from the local jurisdictions, but subject to review by the Coastal Commission on appeal. This assumption is not realistic based on a California Coastal Commission staff letter dated April 10, 2006 (Attachment 2) which states:

“...[I]t seems unlikely that the proposed annexation could be authorized consistent with the terms of the El Granada Pipeline permits. Our conclusion is based on the Special Condition 4 of the El Granada Pipeline permits...Specifically, Special Condition 4.A requires that all Phase 1 water service connections shall be distributed only within the CCWD Service District boundaries as those boundaries were defined on January 1, 2003, unless modification to the CCWD Service District boundaries is approved through an amendment or amendments to the related El Granada Pipeline permit(s)...Special Condition 4.D expressly prohibits any increase to CCWD's distribution capacity in excess of the Phase 1 limitations specified in Special Condition 4.A unless the existing or probable future capacity of other related infrastructure, including Highways 1 and 92, is sufficient to adequately serve the level of development that would be supported by the increased distribution capacity. Given the fact that the existing and probable future capacities of Highways 1 and 92 are insufficient to adequately serve even the existing development in the MidCoast region, it is reasonable to infer that the terms of Special Condition 4.D. for approval of the proposed annexation are unlikely to be met” (underline added)

By relying on the unrealistic assumption that the project can be served by CCWD, the analysis for adequate water supply is flawed and does not meet the standards required by CEQA. In the case of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court articulated four principles governing the analysis of the water services portion of an EIR:

“First, CEQA's informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water to a proposed land use project. Decision makers must, under the law, be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the [project] will need...”

“Second, an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years. While proper tiering of environmental review allows an agency to defer

analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval, CEQA's demand for meaningful information is not satisfied by simply stating information will be provided in the future..."

"Third, the future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ("paper water") are insufficient bases for decision making under CEQA. An EIR for a land use project must address the impacts of likely future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability" (underline added)

"Finally, where [even a full discussion leaves some uncertainty regarding actual availability of the] anticipated future water sources, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. The law's informational demands may not be met, in this context, simply by providing that future development will not proceed if the anticipated water supply fails to materialize..."

The DEIR's water supply analysis fails to satisfy the first, third, and fourth principles set forth above. A determination about whether the second principles is satisfied cannot be made at this time because the DEIR fails to provide sufficient information about the planned construction phasing of project. (This failure to provide information about the planned construction phasing is an independent flaw in the informational content of DEIR.)

The DEIR analysis assumes that future actions will somehow permit CCWD to serve the project despite what appears to be direct and insurmountable conflicts with the Special Conditions set forth in the CDPs for the El Granada Pipeline. No measures whatsoever have been proposed in the DEIR as a way to mitigate or avoid these conflicts. The assumed future availability of a CCWD water connection to serve the project represents "paper water" in the language of the Supreme Court decision. The DEIR's water supply analysis must therefore be revised so as to conform to the four principles set forth in Supreme Court decision.

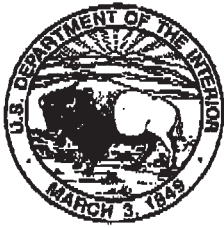
Sincerely,



Dana Kimsey
Co-Chair

Attachments:

1. U.S. Fish and Wildlife Service letter dated February 27, 2009
2. California Coastal Commission letter dated April 10, 2006



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In Reply Refer To:
81420-2009-TA-0452

FEB 27 2009

Ms. Camille Leung
San Mateo County Planning and Building Department
455 County Center, 2nd Floor
Redwood City, California 94063

Subject: Comments on the Big Wave Project near the City of Half Moon Bay, in
San Mateo County, California

Dear Ms. Leung:

This letter contains the U.S. Fish and Wildlife Service's (Service) comments on the Big Wave Project near the City of Half Moon Bay, San Mateo County, California. The Service received the project information and *Facilities Plan: Draft 2, Big Wave Property* on January 21, 2009. Our comments are provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

It is our understanding the proposed project consists of the construction of four three-story buildings and associated parking lots, 70 residential units, a storage building, a swimming pool, and associated infrastructure which includes parking lots, on-site trails and walkways, a water treatment facility, and seawater desalinization facility. The proposed project also includes 75 acres of row-crop agricultural areas, a native plant nursery, and livestock farming and dairy operation. The proposed project includes wetlands restoration, a groundwater infiltration system, and the extension of the coastal trail to the Pillar Point Bluffs. The proposed project is located adjacent to and within the Half Moon Bay Airport property on Airport Street.

The Service is concerned about the potential adverse effects of the project on the threatened California red-legged frog (*Rana aurora draytonii*) (red-legged frog) and the endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) (garter snake). The Service is also concerned that portions of the proposed project may adversely affect the threatened marbled murrelet (*Branchyramphus marmoratus*), threatened pacific Coast population of the western

206-6

TAKE PRIDE
IN AMERICA

snowy plover (*Charadrius alexandrinus nivosus*), threatened Southern sea otter (*Enhydra lutris nereis*), and possibly the endangered Myrtle's silverspot butterfly (*Speyeria zerene myrtilae*).

Section 9 of the Act prohibits the take of any federally listed animal species by any person subject to the jurisdiction of the United States. As defined in the Act, take is defined as "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm has been further defined to include habitat destruction when it injures or kills a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. Thus, not only are the red-legged frog, garter snake, marbled murrelet, and Southern sea otter protected from such activities as collecting and hunting, but also from actions that cause their death or injury through damage or destruction of their habitat. The term "person" is defined as "...an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal government, of any State, municipality, or political subdivision of a State, or any other entity subject to the jurisdiction of the United States."

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species is going to be adversely affected; then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue such a permit upon completion of a satisfactory conservation plan for the listed species that would be taken by the project.

The proposed project area is located adjacent to and within suitable habitat for the red-legged frog and garter snake, and is located adjacent to environmentally sensitive areas, such as the Pillar Point Marsh and the mouth of Denniston Creek, which provides habitat for the garter snake and red-legged frog. Observations of both red-legged frogs and garter snakes have been made upstream within Denniston Creek (CDFG 2009). This waterway provides dispersal and foraging habitat, as well as possible, breeding habitat for both of these listed species. Along with various unnamed drainages, Denniston Creek provides continuity for dispersal of these species to the proposed project area. In 1999, adult and juvenile red-legged frogs were documented just south of the adjacent West Point Road within the drainage that flows through the proposed project area (CDFG 2009). In addition, red-legged frogs and Pacific tree frogs, the prey of the garter snake, have been observed in the Denniston Creek watershed, Pillar Point Marsh, and within former stock ponds near the proposed project area.

Research has shown that agriculturally disturbed lands do not preclude the presence of red-legged frogs. Dispersing frogs in northern Santa Cruz County were recorded traveling distances from 0.25 miles to more than 2 miles without apparent regard to topography, vegetation type, or riparian corridors (Bulger *et al.* 2003). Fellers and Kleeman (2007) and Bulger *et al.* (2003)

206-6

found that California red-legged frog migration corridors can be less “pristine” (e.g., closely grazed fields, plowed agricultural lands) than breeding or non-breeding habitats. Bulger *et al.* (2003) observed that this listed ranid did not avoid or prefer any landscape feature or vegetation type. They tracked individuals that crossed agricultural land, including recently tilled fields and areas with mature crops. Due to the presence of suitable habitat and connectivity between documented sightings, nearby observations of red-legged frogs, garter snakes, and its prey, the Pacific tree frog at or near the site, and the biology and ecology of these two listed species, the Service believes that the garter snake and red-legged frog are reasonably certain to occur at the proposed project area.

The proposed project includes the extension of the existing coastal trail to the Pillar Point Bluffs and the addition of desalination and brine return pipelines from the proposed project area to the ocean. The Service believes that the proposed extension of the coastal trail would increase human presence and recreational activities to the adjacent Pillar Point Harbor Beach, thereby degrading the quality of a known roosting and foraging site for wintering Western snowy plovers through increased human presence, unleashed dogs, kites, and other disturbing activities. Garter snakes and red-legged frogs may be harassed, injured or killed by pedestrian and bicycle traffic on the trail. Garter snakes are often attracted to trails for basking and are likely to be crushed or harassed by pedestrian and bicycle traffic on the trail.

The construction and maintenance of the desalination intake and brine return pipelines and associated infrastructure would also adversely affect garter snakes and red-legged frogs through entrapment in trenches and injury or death through crushing by equipment. The proposed desalination intake and brine return may also adversely affect marbled murrelets and Southern sea otters. Marbled murrelets have been documented utilizing the Pillar Point harbor and surrounding areas for foraging with sightings ranging from 2 birds to 66 (CDFG 2009). Southern sea otters range from Half Moon Bay to Point Conception on the central and southern California coasts, but individuals may wander as far north as Marin County and south into Mexico.

Myrtle's silverspot butterfly was described from specimens collected in coastal San Mateo County. It has not recently been observed in this area, however, no surveys have been conducted for the animal. The larvae feed on the blue violet (*Viola adunca*). Myrtle's silverspot butterfly is known from sand dune and coastal grassland habitats.

We recommend that adequate assessments for the six listed species be completed and provided to us and the California Department of Fish and Game for review and comment. If appropriate, authorization for incidental take via sections 7 or 10(a)(1)(B) of the Act should be obtained for the California red-legged frog, San Francisco garter snake, Pacific Coast population of the western snowy plover, marbled murrelet, southern sea otter, and Myrtle's silverspot butterfly prior to certification of the environmental documents prepared for the California Environmental Quality Act.

206-6

Ms. Camille Leung

4

Please note that this letter does not authorize take for California red-legged frog, San Francisco garter snake, Western snowy plover, marbled murrelet, southern sea otter, and/or Myrtle's silverspot butterfly.

This concludes our comments on the *Facilities Plan: Draft 2, Big Wave Property*. We are interested in working with the County of San Mateo and/or the applicant in the resolution of these issues to listed species and wildlife. If you have any questions regarding our comments, please contact Ryan Olah or me at the letterhead address, telephone 916/414-6625, or via electronic mail (Ryan_Olah@fws.gov; Chris_Nagano@fws.gov).

206-6

Sincerely,



Christopher D. Nagano
Deputy Assistant Field Supervisor
Endangered Species Program

cc:

Scott Wilson, Richard Fitzgerald, Dave Johnston, Suzanne DeLeon, California Department of Fish and Game, Yountville, California
Ruby Pap, California Coastal Commission, San Francisco, California

Literature Cited

- Bulger, J. B., N. J. Scott Jr., and R. B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs *Rana aurora draytonii* in coastal forests and grasslands. *Biological Conservation* 110:85-95.
- California Department of Fish and Game. 2009. RAREFIND. Natural Heritage Division, Sacramento, California.
- Fellers, G. M. and P. M. Kleeman. 2007. California Red-Legged Frog (*Rana draytonii*) Movement and Habitat Use: Implications for Conservation. *Journal of Herpetology* 41(2): 271-281.

Attachment 2

STATE OF CALIFORNIA—THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER GOVERNOR

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400

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COASTSIDE COUNTY
WATER DISTRICT

April 10, 2006

David Byers
McCracken, Byers & Haesloop LLP
1528 South El Camino Real, Suite 306
San Mateo, CA 94402

RE: Big Wave LLC

Dear Mr. Byers:

This letter is in response to your February 8, 2006 letter concerning the Big Wave development site. It seems that you have misunderstood Commission staff's January 5, 2006 letter regarding the proposed annexation of the Big Wave site into the Coastsides County Water District's (CCWD) service area. We would therefore like to offer the following clarifications and responses.

First, we wish to emphasize that the January 5 letter was a comment letter by Commission staff, not by the Commission. The Commission has made no determination on either the merits of development at the Big Wave site or the proposed annexation of the Big Wave site into the CCWD service area.

Next, we would like respond to your contentions that:

[Y]ou state that CCWD would be unable to serve this proposed project because, among other things, it would increase its water supply or distribution capacity and the project would increase traffic on Highways 1 and 92.

And:

[Y]ou have, without studies, logic or common sense, determined that building an office building with a wellness center on the Coastsides for people who live on the Coastsides will increase traffic capacity [sic] on Highways 1 and 92 and therefore, not permit the CCWD to serve the project...

You are correct that our letter concludes that it seems unlikely that the proposed annexation could be authorized consistent with the terms of the El Granada Pipeline permits. Our conclusion is based on the Special Condition 4 of the El Granada Pipeline permits (the text of this condition is provided in the January 5, 2006 letter). Specifically, Special Condition 4.A. requires that all Phase I water service connections shall be distributed only within the CCWD

206-7

Letter to David Byers re Big Wave LLC
April 10, 2006
Page 2 of 5

Service District boundaries as those boundaries were defined on January 1, 2003, unless modification to the CCWD Service District boundaries is approved through an amendment or amendments to the related El Granada Pipeline permit(s).¹ The proposed annexation would expand the CCWD Service District boundaries beyond those defined on January 1, 2003, and would provide for the distribution of Phase I water service connections to an area not presently served by CCWD. Thus, the proposed annexation would increase CCWD's water distribution capacity in excess of the Phase I limitations specified in Special Condition 4.A.

Special Condition 4.D expressly prohibits any increase to CCWD's distribution capacity in excess of the Phase I limitations specified in Special Condition 4.A unless the existing or probable future capacity of other related infrastructure, including Highways 1 and 92, is sufficient to adequately serve the level of development that would be supported by the increased distribution capacity. Given the fact that the existing and probable future capacities of Highways 1 and 92 are insufficient to adequately serve even the existing development in the MidCoast region, it is reasonable to infer that the terms of Special Condition 4.D. for approval of the proposed annexation are unlikely to be met.

However, nowhere in our letter do we state that "the project" would increase traffic on Highways 1 and 92. Whether and to what extent any particular development at the Big Wave site would generate demand for service on Highways 1 and 92 would need to be addressed through a project specific traffic study. Until a specific project is proposed and a project specific traffic study is completed, Commission staff cannot assess the traffic demands and impacts that may result from development of the Big Wave site.

206-7

Next, we would like to respond to your contentions that:

[Y]ou, without reviewing any aspect of the project, have determined that the project will not be approved.

You are correct that Commission staff has not reviewed any proposal to develop an office building and wellness center at the Big Wave site. We have not been afforded the opportunity to review such a development proposal since no plans, studies, reports or any other materials related to such a development at the site have been presented to the Commission staff, and we have received no notice of a permit application or environmental review of such a proposal from the County. We do however have on file four notices from the County of coastal development permit applications submitted by Big Wave LLC to the County for other development proposals at the site.

The first two notices, dated July 23, 2002, and October 17, 2002, concern a coastal development permit application for "infill grading of 50,000 cy on a 10-acre legal parcel in anticipation of future development." In response to the July 23, 2002 notice, Commission staff provided

¹ Our January 5, 2006 letter *incorrectly* states that a change in distribution capacity would also require an amendment or amendments to the affected LCPs. This is not the case. Note, however, that an LCP amendment would be required for any development at the site that is not allowed by the underlying zoning.

Letter to David Byers re Big Wave LLC

April 10, 2006

Page 3 of 5

comments and recommendations to the County concerning a number of issues including the need to identify sensitive habitats and wetlands on the site as required by the County's LCP. A copy of this letter is enclosed. The third and fourth notices, dated October 20, 2003, and April 13, 2004, modify the previous project description to "Grading & CDP to allow placement of 15,000 cy of fill on a 14.15-acre legal parcel in anticipation of future development."

At no time as of the date of this letter have we received a notice from the County, a project description, plans, studies, reports, environmental review documents, or any other materials describing the development of an office building and wellness center at the Big Wave site. In fact, in our August 13, 2002 letter in response to the first notice that we received, we observed that "assessing the impacts and consistency of the proposed grading with the LCP is difficult given the fact that the structural component of the development (i.e., the future commercial development) is not proposed at this time." Although we did express concerns in our August 13, 2002 letter about potential impacts of the proposed grading to wetlands and other sensitive habitat, at no time have we provided an analysis or recommendation concerning the approvability of an office building and wellness center at the Big Wave site. Without a complete description of the proposed development, along with detailed project plans and all supporting studies and documentation as required for a coastal development permit application, neither the Commission nor its staff can fully assess consistency of a proposed development with the LCP.

Next, we would like to address your statement that:

Any condition appended to the CCWD Pipeline regarding annexation are completely illegal. . . . LAFCO has the exclusive authority under the Government Code to determine boundaries of government agencies. . . . The Coastal Commission cannot determine the boundaries of CCWD.

The Coastal Commission is responsible for implementing the California Coastal Act. Contrary to your assertions, the authority to regulate the formation or expansion of special districts to ensure consistency with the requirements of the Coastal Act is expressly granted to the Commission and the County under the Coastal Act and the County's certified Local Coastal Program.

Coastal Act Section 30254 states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. *Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division.* Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or

206-7

Letter to David Byers re Big Wave LLC
April 10, 2006
Page 4 of 5

nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. [Emphasis added.]

In carrying out this provision of the Coastal Act, San Mateo County LCP Policy 2.15 states:

Allow the formation or expansion of special districts only when the new or expanded district would not cause or allow development or uses inconsistent with the Local Coastal Program.

Thus, the Commission is required to prohibit the expansion of CCWD's service district if the expansion would cause or allow development or uses inconsistent with the LCP. Consistent with that mandate, the purpose of Special Condition 4 is not to regulate annexation per se but rather to ensure that water supply and distribution capacity is developed in phase with and does not exceed the existing and probable future capacity of other related infrastructure as required by the County's LCP. Although the Local Government Reorganization Act of 2000 (Government Code Section 56100) provides the sole authority for the initiation, conduct, and completion of changes of organization, it does not supercede the authority of the Coastal Commission or the County from enforcing the requirements of the Coastal Act. Rather, both the Local Government Reorganization Act and the Coastal Act must be effectuated, and a CDP consistent with the LCP is necessary in addition to any approval required under the Local Government Reorganization Act.

You state in your letter:

Moreover, since MWSD has no water to serve this project, the claim that it would be served by MWSD is merely a ruse to prevent development and not be subject to inverse condemnation.

Nowhere in our January 5, 2006, do we state that the Big Wave site would be served by or is within the sphere of influence of the Montara Water and Sanitary District. Please explain the basis for your statement that we claim the project would be served by MWSD.

Per your request, enclosed is the information the Commission requires to undertake a takings analysis. Note that our transmittal of this information in no way represents our agreement with any of your assertions regarding takings or inverse condemnation.

As noted above, neither the Commission nor its staff have made any recommendations or taken actions regarding proposed development at the Big Wave site, including the development you reference in your February 8 letter. As you are aware, all development in the Coastal Zone must comply with the policies of the Coastal Act and applicable local government LCPs. Whenever possible, Commission staff attempts to offer comments on significant development proposals early in the planning and permitting process in an effort to assist local governments and permit applicants in identifying the applicable standards and potential issues that would need to be addressed in the coastal development permit review process. Commission staff would be happy

206-7

Letter to David Byers re Big Wave LLC

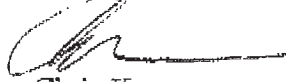
April 10, 2006

Page 5 of 5

to meet with Big Wave LLC to discuss the details of the proposed development, the coastal development permitting process, and applicable policies of the LCP and the Coastal Act.

206-7

Sincerely,



Chris Kern
Coastal Program Manager
North Central Coast District

cc: Lisa Groe, San Mateo County Community Development Director
San Mateo County LAFCO
Ed Schmidt, CCWD
Katherine-Slater Carter, MWSD

enclosures

Response to Comment Letter 206
San Mateo League for Coastsides Protection

Response to Comment 206-1

Commenter provides an introduction only.

This statement is introductory. No response is required by CEQA.*

Response to Comment 206-2

Commenter states that the DEIR employs a segmented analysis. Commenter briefly describes the project, including the associated business ventures of BW Catering/Food Services, BW Farming and BW Transportation. Commenter asserts that the DEIR fails to disclose the environmental impacts of these businesses, and therefore fails to disclose all environmental impacts of the entire project.

The DEIR describes the businesses on pages III-39 to III-41. Section III of the FEIR clarifies that these businesses are small and provide work for the Wellness Center residents and services only for the Big Wave development. The impacts of traffic are summarized in Tables IV.M-10 and IV.M-11 and the traffic impacts of the project, including these businesses, are concluded to be less than significant for the project as mitigated. Also, refer to Response to Comment 205-2.

Response to Comment 206-3

Commenter states that the DEIR contains potential impacts and/or mitigation measures based on the outcome of some future study, test or plan, which violates the guidelines for implementing CEQA.

Please refer to Topical Response 4, Deferral of Mitigation Measures, for an explanation of the deferral of mitigations as covered under the CEQA regulations.

Response to Comment 206-4

Commenter states that the DEIR understates the potential impact for both the San Francisco garter snake and the California red-legged frog. Commenter relies on a USFWS letter to determine that the DEIR should be revised to show both species as “likely to occur” on the project site as opposed to “moderate potential to occur.”

Refer to Response to Comments 205-16 and 213-23.

Commenter states that the DEIR must be revised to identify mitigation measures for CRLF and SFGS sufficient to comply with the Federal Endangered Species Act of 1973 (Section 7 or 10(a)(1)(B)).

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Potential impact of the project to the SFGS and CRLF is discussed as potentially significant, as stated on page IV.D-94. Mitigation Measure BIO-1a, which requires a biological monitor to survey the location for CRLF and SFGS and coordinate with the CDFG and USFWS for the installation of exclusion fencing, would continue to be adequate to reduce potential project impacts to CRLF and SFGS to a less than significant level.

Commenter states that DEIR must be revised to show proposed mitigation measures are consistent with San Mateo County Local Coastal Program (LCP).

Refer to Response to Comments 213-28 and 213-39, as well as Response to Comment 193-42.

Response to Comment 206-5

Commenter states that the DEIR's analysis for adequate water supply does not satisfy CEQA standards; specifically, according to the commenter, the DEIR's proposal to connect to the CCWD for emergency water supply refers only to a single amendment of the Coastal Development Permits for the Granada Pipeline replacement project, when other amendments to other CDPs for the El Granada Pipeline project will also be required. Commenter asserts that the DEIR's analysis for adequate water supply to the project depends on flawed assumption that the foregoing CDP amendments could be obtained either locally or from the California Coastal Commission and then pass appeal before the Commission.

While connection to CCWD for domestic water service and/or fire flow is discussed as an option for water supply, project water supply does not depend on this option. There is no assumption that CDP amendments are required. Pages III-64 and IV.N-30 state "this proposed annexation to CCWD would require review and approval by LAFCo and approval of amendments to the Coastal Development Permits for the El Granada Pipeline replacement project." This covers all Coastal Development Permits for the El Granada Pipeline replacement project for which an amendment is required for connection to CCWD.

As discussed in Sections IV.H (Hydrology and Water Quality) and N.2 of the DEIR, the primary option for water supply is well water from the conversion of an existing agricultural well to a domestic well. As described on page IV.N-27, the Groundwater Management Act provides legal access to the groundwater.

The commenter states that the DEIR fails to provide sufficient information regarding project phasing.

Refer to Topical Response 12, Construction Phasing for the Office Park.

Response to Comment 206-6

Commenter attached this letter from the U.S. Fish and Wildlife Service to the San Mateo Planning and Building Department of February 27, 2009. The commenter states concern that the project may affect six special species listed in the letter and defines "take."

All six species, except for the Southern sea otter, are discussed in Section IV.D (Biological Resources) of the DEIR. The project sites do not contain habitat for the Southern sea otter nor is the otter present at the site.

The commenter states that the CRLF and SFGS are "reasonably certain to occur" in the project area and could be impacted by the desalinization plant and the proposed trails.

Refer to Response to Comment 206-4. The desalinization plant is not part of the proposal. As discussed in Section III of the FEIR, the trail on the Wellness Center site has been removed. The applicant proposes to post signs to require pet owners to pick up pet waste on-site. Per Mitigation Measure BIO-4a, dogs and cats are restricted to the building envelopes.

The commenter states that, if appropriate, authorization for incidental take should be obtained.

Comment is noted. Per Mitigation Measures BIO-1 through 4 in the DEIR, the applicant will continue to involve and coordinate with the USFWS.

Response to Comment 206-7

Commenter attaches this letter from the California Coastal Commission to David Byers, Esq., dated April 10, 2006, stating that it is unlikely that the project's proposed annexation could be authorized consistent with the terms of the El Grenada Pipeline permits.

This 2006 Coastal Commission letter is included as Comment Letter 231-22; please see Response to Comment 231-22. Also, refer to Response to Comment 206-5.

Commenter relies on a portion of the letter referring to Special Condition 4.A requiring that all Phase 1 water service connections be distributed only within CCWD Service District Boundaries.

This 2006 Coastal Commission letter is included as Comment Letter 231-22; please see Response to Comment 231-22. Also, refer to Response to Comment 206-5.

Commenter further relies a on portion of the letter that states that Special Condition 4.D would prohibit the project since existing and probable future capacities of Highways 1 and 92 are insufficient to adequately serve the existing development in the Midcoast region, and thus approval of the proposed annexation is unlikely to be met.

This 2006 Coastal Commission letter is included as Comment Letter 231-22; please see Response to Comment 231-22. Also, refer to Response to Comment 206-5. As stated on page IV.M-46 of the DEIR, "the proposed project would reduce traffic traveling over the hill on Highway 92 for employment by 60 eastbound trips in the AM peak hour and 53 westbound trips in the PM peak hour. Impacts would be less than significant and no mitigation measures are required."

Comment Letter No. 207

"Steve Beardsley" <stevexs29@sbcglobal.net> 12/22/2009 11:45 PM

Camille Leung, Planner
San Mateo County Planning Dept.
455 County Center, 2nd Floor
Redwood City, CA 94063
email: cleung@co.sanmateo.ca.us <<mailto:cleung@co.sanmateo.ca.us>>

Re: **Big Wave Project Draft Environmental Impact Report** (DEIR)

While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings. 207-1
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy. 207-2
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies. 207-3
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies. 207-4
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population. 207-5
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing. 207-6
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow storm water runoff to carry sediment and other pollutants into the Pillar Point Marsh. 207-7
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed. 207-8

As drafted, the DEIR is inadequate, has numerous errors, and is contradictory in some places, and leaves crucial mitigation measures to future studies, which is not permitted under CEQA. 207-9

Sign: 

Print name: Steven M. Beardsley Date: 12/23/09
Address: 140 Precita Ave. Moss Beach

Response to Comment Letter 207
Steve Beardsley

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

"ted kaye" <tedkaye@sbcglobal.net> 12/22/2009 7:29 PM >>>

Dear Ms Leung And Board of Supervisors,

Please be advised that I believe the Big Wave Project proposed for the Princeton area near the Half Moon Bay Harbor is entirely too large for the rural area that surrounds the planned development. I urge you as well as the Board of Supervisors to deny building permits for this project

208-1

**Ted Kaye , 815 Tierra Alta Street, Moss Beach
Ca. 94038**

Response to Comment Letter 208
Ted Kaye - Individual

Response to Comment 208-1

The commenter believes that the project is too big for the surrounding area.

Refer to Response to Comments 21-1a and 213-19.

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

WITTWER & PARKIN, LLP
147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4055
FACSIMILE: (831) 429-4057
E-MAIL: office@wittwerparkin.com

OF COUNSEL
Gary A. Patton

December 22, 2009

VIA FEDERAL EXPRESS AND E-MAIL

Camille Leung, Planner III
Planning and Building Department
County of San Mateo
455 County Center, Second Floor
Redwood City, CA 94063

RECEIVED
2009 DEC 23 P 12: 22
SAN MATEO COUNTY
PLANNING DIVISION

**Re: Granada Sanitary District Responsible Agency Comments on DEIR
and Proposed Wastewater-Related Mitigation Measures for Big Wave
Wellness Center and Office Park**

Dear Ms. Leung:

This comment letter follows and supplements the Granada Sanitary District ("District" or "GSD") October 30, 2009 Initial Comment Letter on the Draft Environmental Impact Report ("DEIR") for the Big Wave Wellness Center and Office Park Project ("Project").¹ The main purpose of that October 30, 2009 letter was to formally object to the DEIR's failure to treat the District as a Responsible Agency under the California Environmental Quality Act ("CEQA" Pub. Res. Code §21000 *et seq.*). That objection is renewed here.

We also note that since our initial comment letter, a recent published appellate court decision by the First District Court of Appeal has reaffirmed the requirement for a lead agency to accord responsible agencies the status to which they are entitled under CEQA during the environmental review process. *Schellinger Brothers v. City of Sebastapol* 2009 Cal. App. LEXIS 1928 (Cal. App. 1st Dist. Dec. 2, 2009); Slip Op. at p. 11; Pub. Res. C. § 21153, subd. (a).

Even more importantly for the processing of the Big Wave application, *Schellinger Brothers* holds that the County (as lead agency) is not precluded from taking longer than one year from the date of filing a project application to finalize and certify an EIR, particularly where, as here, the [lead agency] was facing a project application that

¹ GSD also incorporates by reference all prior comments made on the proposed Project, including its comments on the Notice of Preparation, Facilities Plan and Draft EIR.

may not have been well enough defined 'to provide meaningful information for environmental assessment.' [Citations]." Slip. Op. p. 25. **At least with regard to wastewater matters, the Big Wave project is not well enough defined to provide meaningful information for environmental assessment.** Indeed, the project description does not comply with the CEQA requirement that it be consistent and stable. Thus, in order to comply with CEQA and to enable GSD to address wastewater aspects of the proposed project as a responsible agency, the County should require the Applicant to address the significant issues raised by GSD (and to identify in the DEIR GSD and others (particularly the SFRWQCB) who should have been accorded status as Responsible Agencies. Thereafter, the County should recirculate the DEIR for comments if and when the deficiencies have been addressed and all responsible agencies have been properly identified and accorded their rights under CEQA. *See*, CEQA Guidelines §§ 15120, 15088.5 (a draft EIR shall contain all of the information required by Sections 15122 through 15131 of the CEQA Guidelines, and a draft EIR lacking these requirements can not be cured without recirculating the revised document for public review and comment prior to certification); *see, also*, *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, *Save our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99.

209-1

Notwithstanding the objections outlined above, the District submits the following additional comments on the Big Wave Project DEIR and submits Proposed Wastewater-Related Mitigation Measures to the very limited extent feasible given the lack of necessary information, consistency, and sufficient description of the project contained in the DEIR.

The proposed Project is required to obtain a sewer connection permit to connect to the District's sewer system.

The proposed Project is located within the District's jurisdictional boundary and would therefore be required to connect to the District's sewer system in accordance with District Ordinance. *See*, District Ordinance Code, particularly Sections 500 and 501². The DEIR acknowledges this fact at Page IV.N-16, as follows:

Impact UTIL-3 Granada Sanitary District Regulations

The proposed project lies within the designated Urban Zone of the service area of the Granada Sanitary District, a local wastewater permitting agency. The District Wastewater Ordinance covers the use of private wastewater systems (i.e., onsite septic systems) as well as connections to the public sewers owned and maintained by the District. According to District Ordinance (Section 501) the Big Wave project site, which lies

209-2

² *See, also* Regional Water Quality Control Board Resolution 81-9 IX.(D), providing, in part, "That no disposal facilities shall be permitted where the County, City *or District* has adopted an ordinance compelling sewer connection and the public sewer is available in accordance with the terms of the ordinance

within the Urban Zone of the District, would be required to connect to public sewer and would not be permitted to operate a private onsite wastewater system. Therefore, the wastewater plans for the project are in conflict with the District Ordinance. While to date no efforts have been made to resolve this regulatory conflict, the project would be required to comply with all applicable requirements of local permitting agencies. Therefore, this is a ***less-than-significant*** impact and no mitigation measures are required. (Underline added).

Despite acknowledging that Big Wave would be required to connect to the District public sewer and would not be permitted to operate a private onsite wastewater system under current District regulations, the DEIR proposes the construction and operation of an onsite wastewater system. *See, generally, DEIR p. IV.N-11 – N.13. A project results in a significant impact on the environment where it conflicts with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect*, as stated in the Guidelines for the Implementation of the California Environmental Quality Act, Cal. Code Regs., tit. 14, appen. G, § IX, subd. (b). *See, Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903. **Hence this conflict is a significant impact and cannot be found to be a less-than-significant impact as stated in the DEIR since this regulatory conflict has not been resolved** (indeed, as the DEIR states, the Applicant has made no efforts to resolve such conflict).

The District Ordinance Code is replete with regulations adopted for the purpose of avoiding or mitigating environmental effects. The DEIR fails to provide adequate information or analysis to enable GSD to evaluate whether the Big Wave Project conflicts with a substantial number of these regulations. The District is of the opinion that the Project may conflict with at least some of such regulations and that mitigation measures will be required.

One example of the foregoing is District Ordinance No. 146 (Code Sections 602 and 603) which precludes GSD from issuing a sewer connection permit for: **“any proposed dwelling unit not included in buildout calculations under the County of San Mateo Local Coastal Program,”** unless a variance is obtained.

Page IV.N-14 of the DEIR identifies another example, namely an impediment to the proposed private onsite treatment facility **based on a RWQCB policy adopted to protect the environment**. Since it would be classified as a “community wastewater system,” the DEIR cites to legal authority that a public entity would be required to assume financial and legal responsibility of the facility per Regional Water Quality Control Board Policy on Discreet Sewerage Facilities. Indeed, RWQCB Resolution 78-14 (attached hereto as **Exhibit A**) provides, in pertinent part, that:

- A. That the City and County Government is requested to:

209-2

209-3

2. Prevent the development of any subdivision, trailer park, or similar development that will use its own community system for the disposal of sewage unless:
 - a. The subdivision, trailer park, or similar development is within a pre-existing governmental sewerage entity (city or district) that has authority to and has stated its intent to assume responsibility for the planning, construction, operation, and maintenance of the sewerage system; and
 - b. The governmental sewerage entity (city or district) had developed a master plan for sewerage which includes the subdivision, trailer park, or similar development;

However, the Applicant has not approached the District regarding securing an agreement regarding legal and financial responsibility for the system, nor has GSD been requested by the Applicant to develop a master plan for sewerage which includes the Big Wave project. Furthermore, various provisions in the County LCP require use of a public sewer service (including any recycled water use or service) for this Project. Hence there is a conflict which has not been addressed by an adequate project description and environmental analysis in the DEIR

Finally, it should be noted that the Project is located within GSD's voter-approved Assessment District. Thus, the Project will still be subject to all fees and regulations associated with that Assessment District, including the assessment of a Contingent Assessment for each Equivalent Residential Unit of flow generated by the project and a Noncontingent Assessment for each ERU over and above assessments currently made against the Big Wave property.

The Big Wave Project may or may not need variance(s). It may or may not need additional mitigation measures. It may or may not need changes in the District Ordinance Code. The District cannot make the necessary determinations regarding the above because inadequate information has been provided in the DEIR.

It is the District's position that the issue of how the Project will collect, treat and dispose of its wastewater needs to be resolved prior to the close of the comment period on the DEIR. To defer any analysis of the wastewater impacts of this project until after certification of the final EIR would appear to be putting the cart before the horse. *Stanislaus Natural Heritage Project v. County of Stanislaus*, (1996) 48 Cal. App. 4th 182, 200. The County is obligated to prepare an EIR with sufficient degree of **analysis** to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences (Guidelines § 15151), and the Guidelines authorize the County to require the Applicant to provide such information

209-3

209-4

(§15084, subd.(b)). Having adequate information to analyze wastewater impacts *prior* to the close of the comment period is necessary so that:

- (1) The DEIR can be revised to address a clearly defined project and County decision-makers can know what they are considering and can make an informed decision on this important issue.
- (2) The District can prepare adequate Wastewater-Related Mitigation Measures; and
- (3) The District can comment on the DEIR in a meaningful way.

There are a number of potential wastewater-related environmental impacts which may result from the Big Wave Project, but which the DEIR fails to address at all or addresses inadequately. These include, but are not limited to: (1) wet weather sanitary sewage overflows ("SSOs") the serious health and safety nature of which has been identified by the U.S. EPA in its August 2006 Report on NPDES Compliance (*See*, Exhibit B); and (2) the disposal of wastewater in leachfields near the coast and with high groundwater.

**GSD'S BEST ATTEMPT TO MAKE
COMMENTS AND PROPOSED MITIGATION MEASURES
IN LIGHT OF INADEQUACY OF DEIR**

In the event that the comment period on the DEIR closes on December 24, 2009, and for some reason revision and recirculation of the DEIR is not required³, the District submits the following questions, comments and proposed mitigation measures on the DEIR for this Project as to matters within GSD's jurisdiction:

1. *Will the project description be revised to require that the Project be hooked up to the District's public sewer system? If not, will the resulting conflict with District regulations be identified in the EIR as a significant environmental impact and analyzed as such? If not, why not?*
2. *If the conflict described in item #1 above remains, will the DEIR be revised to provide such information to the public, and, if so revised, will the DEIR be recirculated and a new 45 day comment period provided?*

Will the DEIR be revised to analyze all requirements for obtaining a sewer connection permit from the District (including required findings and any potential impacts from complying with foreseeable conditions of approval and mitigation measures) and necessary amendments to District Ordinances (if any) to enable granting of such sewer connection permit for the Project? If not, why not?

³ Because of the major inadequacies of the DEIR and the failure of the DEIR to accord Responsible Agency status to the District, the District submits its comments and proposed Mitigation Measures under protest and reserves the right to submit additional or revised comments and proposed Mitigation Measures within a reasonable time after the needed information is provided to it and it is accorded Responsible Agency status.

3. ***Proposed Mitigation Measure.*** GSD requests that the EIR include a mitigation measure requiring the Applicant to connect to the District's public sewer system for all wastewater generated by the Project, and to obtain all required permits for connection. Alternatively, the Applicant may request an amendment to the District Ordinance Code authorizing an alternative wastewater collection, transmission, treatment and disposal system and obtain approval of any related permits for such alternative system. No such request has been received by the District and such an amendment would require compliance with CEQA and all applicable clean water laws.

209-7

4. *If the Project still includes a private onsite alternative wastewater collection, transmission, treatment and disposal system, will the DEIR take the position that the Applicant must obtain a permit for same from the District and all other agencies having jurisdiction and will the DEIR be revised to analyze all impacts of the system and all requirements for obtaining a private wastewater disposal system from the District (including required findings and any potential impacts from complying with foreseeable conditions of approval and mitigation measures) and necessary amendments to District Ordinances (if any) to enable granting of such private wastewater disposal system for the Project? If not, why not?*

If the Project still includes such a private onsite alternative system, will the DEIR analyze how the operation would potentially impact water quality in coastal waters and coastal resources in the wetlands and other environmentally sensitive habitat areas (ESHA) on site and nearby? If not, why not?

209-8

If the Project still includes such a private onsite alternative system, will the DEIR consider and analyze any such alternative system in light of the attached scientific paper recently published in the journal Limnology and Oceanography,⁴ which appears to present compelling evidence that septic tanks near coastal waters in Northern California may leak nitrates and phosphates into the ocean triggering unhealthy algal blooms? If not, why not?

5. ***Proposed Mitigation Measure.*** GSD requests that the EIR include a mitigation measure requiring that if the Project still lawfully includes a private onsite alternative wastewater collection, transmission, treatment and disposal system, the Applicant will have to:

209-9

- (a) obtain all required permits for such alternative system (including but not limited to a Private Wastewater Disposal System Permit from the District);

⁴ See, Exhibit C "Submarine Discharge of nutrient-enriched fresh groundwater at Stinson Beach, California is enhanced during neap tides", by Nicholas R. de Sieyes, Kevan M. Yamahara, Blythe A. Layton, Elizabeth H. Joyce, and Alexandria B. Boehm, Environmental Water Studies, Department of Civil and Environmental Engineering, Stanford University, Stanford, California 94305-4020.

- (b) *actually construct and operate such alternative system for that portion of the wastewater generated by the Project shown by the final Project Description to be transmitted to such alternative system;*
- (c) *construct and operate such system in a manner reducing all environmental impacts to a level of less than significant; and*
- (d) *comply with any and all conditions of approval and mitigation measures imposed by every agency having jurisdiction with respect thereto.*

209-9

The Project Description as to Wastewater Collection, Transmission, Treatment and Disposal Violates CEQA because such Description is Not Finite, Consistent, and/or Stable

One of the important requirements of CEQA is that the project description not be confusing, shifting, or open-ended. This is to ensure that project impacts are analyzed properly and accurately. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. CEQA also requires the City to analyze the "whole of an action." 14 C.C.R. § 15378. The DEIR fails to meet CEQA's mandate in this respect.

The *Schellinger Brothers* case cited above speaks directly to this issue stating that because practical realities must be acknowledged, the constantly changing scope and contents of the project meant that the City was facing a project application that may not have been "well enough defined 'to provide meaningful information for environmental assessment.'" (*Save Tara v. City of West Hollywood, supra*, 45 Cal.4th 116, 135, 139, quoting CEQA Guidelines § 15004(b).) *Schellinger Brothers v. City of Sebastopol, supra*, Slip Op. at p. 25.

209-10

In this case, the applicant's analysis of how it will deal with sewer utilities issues is likewise contradictory and inconsistent. One example of inconsistency is the **January 1, 2009 Facilities Plan Draft II** emphatically states that: "During wet period, we will discharge into the sanitary sewer system" yet does not list a GSD sewer connection permit as a required permit in Section 15.0 at page 128. In addition, the **April 2009 Vesting Tentative Parcel Map** lists the Granada Sanitary District as the Sanitary Sewer Utility, but also shows plans for an onsite treatment system. Likewise, the **October 22, 2009 DEIR** acknowledges that the project is required to connect to the sewer under District Ordinance, but elsewhere asserts that the Applicant had not conceded that GSD necessarily possesses all of the regulatory authority that GSD asserts over the project. Finally, a **November 6, 2009 E-mail** from Big Wave Group representative Scott Holmes indicated that "the project will have one owner for the Wellness Center and one to multiple owners for the commercial properties. The commercial properties' 70% of the estimated flow will most likely connect to GSD if connections are available. If not we will pursue onsite treatment." Yet this statement appears to be in direct conflict with the **November 18, 2009 County Staff Report** which states that "[t]he applicant proposes to

use an on-site wastewater treatment plant with disposal through agricultural irrigation, recycling (use in toilet flushing and landscaping), and infiltration. ... As a secondary option, the project, which is within the boundaries of the Granada Sanitary District (GSD), would connect to the GSD for discharge and treatment of sewage and sludge.” (Underline added).

These inconsistencies and contradictions in the DEIR with respect to the wastewater system make lawful and adequate environmental review unachievable at this time. Similar to the *Schellinger Brothers*, a significant portion (indeed in the case of Big Wave the entirety) of the confusing, shifting, open-ended, inaccurate, unstable and nonfinite project description is solely attributable to Big Wave. For more than a year GSD has communicated in writing its request for Big Wave to meet with the District General Manager to discuss the wastewater system and connection to the District’s public sewer system. GSD provided Big Wave with copies of its various communications to the County regarding same, which communications explained GSD’s needs for additional information from Big Wave and much of how the wastewater issues would be analyzed. The only contact made by Big Wave to the General Manager was a 15 minute phone call in early November of 2009 in which Big Wave continued to be unable or unwilling to provide much of the information needed by the District.

Big Wave’s inadequate project description precludes GSD from providing meaningful comments on the DEIR and proposed mitigation measures as a Responsible Agency under CEQA.

Finally, the lack of a finite project also inhibits informed self government.
14 CCR § 15090, subd.(a) provides:

The EIR is also intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” [Citation]. Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citation]. The EIR process protects not only the environment but also informed self-government.

Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392; *see also* 14 CCR § 15003. Because the County, through its Board, must find the DEIR to be adequate and comply with CEQA, and determine that it reflects its independent judgment, the Applicant’s failure to provide a legally adequate project description for the DEIR requires a revised DEIR containing a finite and stable project as required by CEQA, at which time the Revised DEIR should be recirculated for public comment.

209-10

209-11

6. *What is the actual Project that GSD should be commenting on and proposing mitigation measures to? Specifically, does the Applicant propose to connect to the sewer system, or build on onsite system, or both? If the Applicant proposes both, how many gallons per day would be allocated to each? When does the Applicant plan on resolving the "regulatory conflicts" identified in the DEIR with respect to whether the Applicant is required to obtain a sanitary sewer connection and ownership of the proposed onsite treatment system? Will the Project Description be revised to be consistent with the Vesting Tentative Maps filed with the County and clearly define in a consistent and stable manner how and to what extent the wastewater generated will be collected, transmitted, treated and disposed of? If not, why not?*

209-11

There is no new Miramar Pump Station being designed.

At page IV.N-3 the DEIR states:

A new Miramar Pump Station is being designed to pump sewage from Miramar directly to the SAM gravity main that runs to the treatment plant. When implemented, this will reduce the pumping demand on the El Granada Pump Station and provide improved capacity for wet weather flows.

The District is not aware of any plans for a new Miramar Pump Station. Nor is there an "El Granada" Pump Station. Instead, the existing Naples Beach Pump Station will have its forcemain re-routed directly to the Sewer Authority Mid-Coastside ("SAM") Intertie Pipeline which runs to the treatment plant. This will reduce the flow going to the SAM Portola Pump Station.

209-12

7. *Given the erroneous assumption that there will be a new Miramar Pump Station which will reduce demand on the Portola Pump Station, will the DEIR be revised to contain accurate information and analysis of the environmental impacts based thereon and recirculated thereafter? The DEIR should be revised to indicate that there is a Naples Beach Pump Station project planned to direct flow to the Sewer Authority Mid-Coastside Intertie pipeline instead of to the Portola Pump Station.*

The question of GSD and SAM's sewer capacity for flow from the entire development must be determined.

At page IV.N-9, the DEIR states that "[t]his document is not intended to resolve regulatory authority, but if it is ultimately determined that GSD will serve or may serve the project, the applicant will need to secure a determination that the GSD has sufficient capacity to serve the project."

209-13

8. *As previously discussed, the Project will be required to obtain a sewer connection permit from the District, thus the Revised DEIR will need to analyze (with complete input from GSD and SAM) whether the District and SAM have capacity for wastewater flow generated by the Project. Will the foregoing be done and if not, why not?*
9. ***Proposed Mitigation Measure.*** *The Project should include a mitigation measure that Big Wave will obtain all requisite permits to construct any and all necessary infrastructure capacity improvements to the District's and SAM's sewer capacity in order for the District's system to be able to accept wastewater flow from the entire project, including, but not limited to the additional capacity of the 8" sewer main proposed in Stanford Ave and at the Princeton Pump Station. Such improvements must be engineered to be adequate to prevent wet weather sewage overflows being caused in part by the wastewater generated from the Project. Any potential environmental impacts from compliance with this Mitigation Measure shall be identified, analyzed and addressed in a Revised and Recirculated DEIR and such impacts shall be mitigated to a less than significant level.*

209-13

The DEIR fails to address impacts to SAM's flow capacity.

At Page IV.N-15, the DEIR discusses potential impacts to Wastewater Collection System Capacity. However, there is no discussion of the SAM transmission capacity in this section, i.e. the Portola Pump Station and the Intertie Pipeline.

209-14

10. *See Question in #8 and **Proposed Mitigation Measure** identified in #9, above and make applicable to SAM's flow capacity.*

The DEIR contains numerous inconsistent statements regarding wastewater and recycling flow figures and does not provide an adequate basis for the figures used.

At page IV.N-18, the DEIR discusses wastewater and recycling water flow estimates as follows:

As discussed under Water Supply Impact UTIL-8, the projected volume of wastewater recycling for toilet flushing appears to have been overestimated by the project applicant. The applicant estimates that approximately 16,000 gpd of recycled water will be used for toilet flushing at the Office Park and Wellness Center. Per the discussion under UTIL-8, the corrected estimate of water for toilet flushing could be two-thirds this amount. The estimates of toilet flushing flows have been used by the applicant to estimate: (a) the amount of recycled water available for irrigation uses; and (b) the total amount of wastewater flow to be disposed of by other means (i.e., leachfield beds) during the winter non-irrigation

209-15

period. As a consequence of overestimating the toilet flushing flows, further analysis is needed to determine whether or not there are sufficient irrigation areas and necessary capacity in the drain fields for the corrected (larger) amount of wastewater flow. This is a *potentially significant* impact.

This discussion highlights the District's comments about overstated toilet flow. See comments 19, 20 and 21, below. It then states that further analysis is needed to determine whether the Project can actually dispose of the surplus wastewater flow. It is not possible for the District to comment on an analysis and possible mitigation measure or solution to an impact that has not yet been adequately identified.

11. *How can the District provide meaningful comments and mitigation measures when the Project's analysis of wastewater flows appear to lack any basis and are otherwise inconsistent and incomplete? Will a Revised Draft EIR be prepared to include consistent and complete analysis of wastewater flow? If not, why not?*

The DEIR contains inconsistent statements regarding the proposed Project's cumulative impacts to sewer infrastructure.

At page IV.N-20, the DEIR addresses cumulative project impacts as follows:

By providing a self-contained onsite wastewater treatment, recycling and disposal system, the project will not add to the demand for wastewater treatment capacity at the SAM facility, and will, therefore, not contribute to cumulative wastewater treatment impacts. However, since the project will rely on the regional wastewater system for periodic or short-term emergency and surplus wet weather flows, the project will contribute to cumulative impacts on Granada Sanitary District and SAM collection system. This is a potentially significant cumulative impact, since bottlenecks and infiltration and inflow in the sewage collection system has [sic] been a chronic source of wet weather sewage overflow problems in the recent past and is the subject of continuing corrective efforts by SAM and its member agencies. By having to rely on the SAM sewer system as a wet weather contingency, the project has the potential to impact the SAM and GSD collection systems are already fully loaded and strained.

As previously stated, the proposed Project will be required to obtain a permit for sewer hook-up from the District. Nevertheless, assuming an onsite wastewater treatment facility is lawfully constructed and operated, the DEIR's statement that the Project will "not add to the demand for wastewater treatment capacity" contradicts the statement in the last sentence of the paragraph: "...the project has the potential to impact collection system flows during the most vulnerable times."

209-15

209-16

12. See *Proposed Mitigation Measure* identified in #9, above.

209-16

The DEIR does not set forth an adequate basis for its Wastewater flow estimates.

At Page IV.N-5, the DEIR indicates that wastewater flows for the Project are estimated to be approximately 26,000 gpd and that the facilities would be permitted and governed by the requirements of the Regional Water Quality Control Board ("RWQCB"). However, there is no clear, adequate breakdown of the flows generated from the project to allow the District to analyze whether this flow number is correct.

13. *Additional information is needed to adequately analyze the flow estimates in the DEIR. For example, what is the basis for flow figures shown for food service/catering, laundry, fitness center and dog grooming? Will flow estimates and the basis for these estimates be provided for a Revised DEIR quantified as to each use and the proposed intensity thereof? If not, why not?*
14. *Was the RWQCB, also a CEQA Responsible Agency, identified as a Responsible Agency in the DEIR and accorded its legal rights as such (including (without limitation) being provided with a Notice of Availability so that it could comment on the DEIR? If not, why not?*

209-17

Assuming an alternative private onsite wastewater system is lawfully constructed, the recycled water should comply with all federal, state and local recycled water and greywater regulations.

At page IV.N-7, the DEIR indicates that recycled water for toilet flushing and unrestricted landscape irrigation requires "disinfected tertiary recycled water". Among other things, this requires that, following secondary (biological) treatment, the oxidized wastewater must be filtered and disinfected by an approved process.

209-18

15. *Does the Project intend to comply with federal, state and local recycled water and greywater laws and regulations? If so, a Revised DEIR should be prepared to describe applicable laws and regulations and also indicate how the Applicant proposes to ensure that the required standards are to be met. Thereafter the Revised DEIR should be recirculated for public and agency comment, including comment by GSD and RWQCB. Will the foregoing occur and if not, why not?*

The DEIR shows leaching beds closer to buildings than the 10' setback requirement set forth in District regulations.

At page IV.N-18, the DEIR identifies the fact that the cross-section detail of the proposed project does not indicate a set-back between the leaching bed and adjacent buildings in violation of District regulations. In addition the soils analysis performed by the Project's soils consultants, found in Appendix F, recommend that the soils near

209-19

building foundations be kept dry by directing surface and subsurface water away from building foundations.

16. *If the Applicant lawfully constructs and operates an onsite treatment system, does it intend to comply with District setback requirements regarding the proximity of leaching beds and adjacent buildings?*

The DEIR appears to underestimate the amount of biosolids generated by the proposed onsite treatment system.

At page IV.N-43, the DEIR states that the proposed wastewater treatment plant would generate approximately 10 pounds of dry solids per day (50 pounds of wet solids, or about 450 gallons of liquid sludge, 12 percent solids); these biosolids would be composted and recycled agriculturally or hauled to Ox Mountain. It has been the District's consultants experience in designing MBR plants that rather than producing 10 pounds/day of dry solids in 450 gallons of 12% solids sludge, the a facility of similar size would typically produce about 54 pounds/day of dry solids in 650 gallons of liquid sludge, 1% solids.

The DEIR fails to adequately analyze the proposed wastewater recycling

The DEIR provides guidelines for designing a drain field system but does not provide any information as to whether this site meets these guidelines. *See*, DEIR p. IV.N-6. Likewise, an assumed percolation rate (0.6 gpd/sf) was used to size the leachfields without having any percolation tests performed at the site.

17. *Does the Project include recycling of all wastewater in a manner that is legal and does not result in any significant environmental impacts?*
18. ***Proposed Mitigation Measure.*** *The Project should include a mitigation measure requiring that the Project Site meet the minimum guidelines for designing a drainfield system, including an assessment of the actual percolation rate at the site.*

The DEIR identifies the Applicant's wastewater recycling flow estimates as artificially high.

At page IV.N-14, the DEIR states that approximately 16,000 gpd (out of the 26,000 gpd total) will be recycled for toilet flushing in the Office Park and the Wellness Center buildings. This is based on the assumption that the amount of water use for toilet flushing will be 70 percent in the Office Park (14,000 gpd) and 30 percent in the Wellness Center (approximately 2,000 gpd), and that the remaining flow of approximately 10,000 gpd of recycled water would be available for landscape and crop irrigation, or for percolation via the onsite infiltration (drain field) systems.

209-19

209-20

209-21

209-22

The DEIR states later on, at page IV.N-36, that Questa Engineering Corporation's review of the Applicant's flow figures identified inconsistencies in applicant's assumptions that significantly affect the calculated net potable water demand for the project, including:

1. The applicant estimates that 70 percent of the 20,000 gpd water use at the Office Park (i.e., 14,000 gpd) would be for toilet flushing, which can be supplied by recycled water. However, the water demand estimates only indicate that a total flow of approximately 12,500 gpd would be for restroom use (780 employees at 16 gpd per employee). The balance of the water use assigned to the Office Park is for Miscellaneous (showers, light manufacturing uses, water treatment reject). It is possible that up to 70 percent of the restroom use may be for toilet flushing; giving a potential recycled water use rate of 8,750 gpd for the Office Park, rather than 14,000 gpd.

2. The applicant estimates that 30 percent of the 6,000 gpd water use at the Wellness Center (approximately 2,000 gpd) would be for toilet flushing that can be supplied by recycled water. However, there is insufficient information provided by the applicant to evaluate how this was determined, and whether or not it is realistic. The Wellness Center would have far fewer employees and restrooms than the Office Park. Also, it is not clear from the project documents whether or not recycled water is proposed to be supplied for toilet flushing in the residence quarters, and has been counted as part of the water recycling budget.

3. The project plans provide for the operation of a limited commercial laundry at the Wellness Center that would be available for use by residents of the Wellness Center and employees of the Office Park. The water demand estimates do not include any information indicating how or if the laundry use is accounted for in the projected flows.

District staff agrees that 16,000 gpd of toilet flushing seems high. Even at 10,000 gpd (with 2 gal/flush toilets and 800 people) that would still be more than twelve (12) flushes per day per person. Also, it appears that the use of recycled water for toilet flushing causes a closed "loop" system where the water is never actually disposed of.

19. *What is the basis of the Applicant's estimate of 16,000 gpd for toilet flushing?*
20. *Wouldn't the use of recycled water for toilet flushing cause a "loop" system where the water never really goes away and the 16,000 gallons are actually*

209-22

constantly being recirculated? If so, how does the Applicant propose to dispose of surplus water?

21. *How can these inconsistencies be reconciled with the DEIR's statements on Page IV.N-12 that the proposed project would recycle all wastewater, through onsite treatment/water recycling and for use in toilet flushing and agricultural irrigation.*

209-22

The DEIR's discussion of solid waste impacts fails to identify the District as the Responsible Agency for solid waste disposal.

Despite previous comments on this subject, the DEIR's section on solid waste does not discuss the District and fails to identify the fact that the District has a franchise agreement with Seacoast. Nor does it clearly state that Seacoast will be responsible for hauling. Mandatory garbage collection service by the District's Franchisee (Seacoast Disposal) is required under such franchise agreement and the District Ordinance Code.

209-23

22. *The DEIR should be revised to expressly identify the District as the Responsible Agency for solid waste disposal, identify the District's franchise agreement with Seacoast Disposal, and state that the District's Franchisee will be responsible for the Project's solid waste disposal.*

The DEIR is required to analyze future project impacts for identified and anticipated future expansion.

At page IV.N-12, the DEIR states that the applicant proposes to build a treatment plant sized to handle double the required capacity for redundancy "***and to allow potential future expansion.***" Since the Applicant anticipates a future expansion of the Project facilities, the DEIR is required to analyze the Project to include the impacts of such a future expansion to the maximum extent reasonably possible.⁵ This has not been done in the DEIR and may constitute improper segmentation or "piecemealing" under CEQA.

209-24

⁵ CEQA defines the term "project" broadly to encompass the "whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, . . ." (CEQA Guidelines, § 15378, subd. (a).); *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 716-717 (1990). 'Project' is given a broad interpretation in order to maximize protection of the environment. *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143. This ensures "that environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." (Citations)." *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus*, (1994) 27 Cal. App. 4th 713, 730.

23. *Does the DEIR address the Applicant's anticipated future expansion? If not, why not? If so, does the DEIR quantify the wastewater to be generated by such future expansion and the potential impacts of a future expansion on wastewater disposal and solid waste disposal? Also, how would such an expansion impact the DEIR's current findings regarding level of significance for wastewater disposal and solid waste disposal?*

209-24

The DEIR references documents that were not included in the DEIR thereby thwarting meaningful public review.

At page IV.N-17, and in other locations, the DEIR references documents, such as preliminary plans, that have not been provided, making meaningful review unacceptably difficult, if not impossible.

209-25

24. *The DEIR should be revised to include all documents that are referenced and relied on and should then be recirculated for public comment*

Thank you for the opportunity to provide comments on this Project.

Sincerely,
WITTWER & PARKIN, LLP



Jonathan Wittwer
District Counsel
Granada Sanitary District

Exhibit List:

- Exhibit A:** Regional Water Quality Control Board Resolution 78-14: *Policy on Discreet Sewerage Facilities*
- Exhibit B:** U.S. EPA NPDES Compliance Evaluation Report – Sewer Authority Mid-Coastside (August 18, 2006).
- Exhibit C:** *Submarine Discharge of nutrient-enriched fresh groundwater at Stinson Beach, California is enhanced during neap tides*, by Nicholas R. de Sieyes, Kevan M. Yamahara, Blythe A. Layton, Elizabeth H. Joyce, and Alexandria B. Boehm, Environmental Water Studies, Department of Civil and Environmental Engineering, Stanford University, Stanford, California 94305-4020.

cc: Applicant (via E-mail)
 GSD Board of Directors (via E-mail)
 GSD General Manager (via E-mail)
 County of San Mateo Planning Commission (via E-mail)
 Lisa Grote, County of San Mateo Planning Director (via E-mail)
 John Nibbelin, Deputy County Counsel (via E-mail)
 Blair Allen SFRWQCB (via E-mail)

Response to Comment Letter 209
Wittwer & Parkin, LLP – GSD Attorney

Response to Comment 209-1

The commenter states that the letter supplements its October 30, 2009 comment letter and reiterates that the County has not treated the Granada Sanitary District or the SFRWQCB as Responsible Agencies.

The County notes that the project now contemplates a connection to the GSD system and, on that basis, Granada Sanitary District claims to be a Responsible Agency for this project under CEQA. If the applicant requires a discretionary permit action from GSD in order to secure this sewer connection, GSD would meet the definition of a responsible agency under CEQA. Page III-64 of the DEIR identifies the SFRWQCB as a responsible agency under CEQA.

The commenter states that the review of the DEIR may take more than one year if the DEIR does not provide a project description that was well enough defined.

In the DEIR, the proposed options for wastewater systems were: (1) use of an on-site wastewater treatment plant with disposal through irrigation and infiltration through three drain fields, and/or (2) municipal hook-ups. As described in Section III of the FEIR, the wastewater options are clarified as follows: (1) use of an on-site wastewater treatment plant with disposal through a combination of municipal hook-up and on-site recycled water usage, and/or (2) municipal hook-ups.

CEQA allows for multiple options to be considered and analyzed. The wastewater options are described in both Section III (Project Description) and Section IV.N.1 (Sewer) of the DEIR. The wastewater options that are considered in detail include, first, a combination of water recycling and connection to the GSD collection system, and, second, a connection to the GSD collection system for all project. The project description describes the water treatment/recycling plant, the uses for water recycling, and the locations of the infiltration galleries and drip irrigation systems. Section IV.N.1 (Sewer) of the DEIR identifies and analyzes wastewater flows, the locations of connections, and the impacts to the GSD system. This section of the DEIR also addresses the quality of the treated wastewater/recycled water and its potential impacts to the environment. GSD will have additional time to review and comment on the project design and level of service during the final design phase when the project is submitted to GSD for connections and final permits.

Response to Comment 209-2

The DEIR addresses a conflict between GSD requirements, which require a connection to the sewer system, and the project description, which proposes a private on-site wastewater system, and states that the project would result in a less than significant impact regarding project compliance with land use policies and regulations. The commenter states that since the regulatory conflict has not been resolved, the impact should be considered significant.

Figure III-16 shows the location of the planned connection to GSD. As discussed in Section III of the FEIR, GSD has assessed the project for 8 connections and these connections have been included in the proposal. The applicant also plans to recycle a portion of its wastewater. The GSD Ordinance Code does not appear to limit water recycling. Further, the GSD Code appears to restrict private wastewater

treatment systems only in so far as there is a public sewer system that is available to a given site. In the instant case, it is unclear whether there is public sewer capacity adequate to fully serve the site that GSD is willing to make available to the project. In any event, any action taken by the County with respect to this project is without prejudice to GSD's power to assert any interpretation of its own ordinances that it deems appropriate under the circumstances. Therefore, as stated in the FEIR, the project appears consistent with GSD ordinances (or could be brought into consistency with such ordinances through the normal permitting process) and would not result in a significant conflict with land use policies and regulations, as discussed in Impact LU-2 of the DEIR.

Response to Comment 209-3

The commenter states that the project may not comply with a number of the GSD ordinances. The commenter gives two examples: (1) the District cannot issue a sewer connection permit for any proposed dwelling unit not included in build out calculations under the County LCP without a variance, and (2) the RWQCB Resolution 78-14 which states that the City and County is requested to prevent the development of a subdivision that will use its own community system for the disposal of sewage unless (a) the development is within a governmental sewerage entity that has authority and intent to assume responsibility for the construction, operation and maintenance of the system, and (b) the governmental sewerage entity has developed a master plan for sewerage that includes the development.

As stated in the FEIR, Section III, the applicant is not providing a community sewage "disposal" system. According to the DEIR, the estimated wastewater flows from the project are approximately 26,000 gallons per day.¹ The applicant proposes to treat all 26,000 gpd through an on-site membrane bioreactor (MBP) wastewater treatment facility designed to meet Title 22 requirements. The applicant plans to recycle 16,000 gpd through toilet flushing and landscape irrigation uses and use the remaining 10,000 gpd for on-site irrigation of agriculture.² Therefore, under normal conditions, no wastewater will be directed to the Granada Sanitary District (GSD) system. However, the applicant proposes to connect to the GSD sewer system for 8 equivalent dwelling units (EDUs), where 8 EDUs is equivalent to 1,768 gallons per day, for the discharge of unused Title 22 treated water as needed.³ The applicant also proposes an emergency connection to provide for a back-up wastewater management system in the instance that the on-site wastewater treatment systems fails or is over capacity.

California Regional Water Quality Control Board (RWQCB) has authorized the San Mateo County Environmental Health Division, as the certified agency, to approve private wastewater treatment and recycling systems. Therefore, the project is in substantial conformance with the Lead Agency's regulations for a private wastewater treatment system. The County recognizes, however, that no action by the County with respect to this project or the parcels in question would be intended to displace or negate any authority that GSD may have with respect to the project or parcels.

While proposed residential units on the project sites were not included in the build-out numbers included in the County's Local Coastal Program, for urban areas of the Coast, the build-out total is an estimate

¹ Project water demand calculation is provided in Table IV.N-2 on Page IV.N-33 of the DEIR.

² The applicant estimates reuse of 10,000 gpd through irrigation for non-drought years. The applicant estimates reuse of 5,000 gpd through irrigation for drought years, where estimated wastewater generation will drop from 26,000 gpd to 21,000 gpd.

³ EDUs are used to calculate the connection fee charged by the Granada Sanitary District. Taxes for eight (8) EDUs have been assessed by GSD to the property. One (1) EDU is equivalent to 221 gallons per day.

used to evaluate the overall impact of development on public infrastructure. The estimated build-out number does not supersede zoning or the allowed or conditionally allowed uses within zoning districts.

Response to Comment 209-4

The commenter states that the DEIR does not provide adequate information for GSD to make necessary determinations. The DEIR defers analysis of wastewater impacts into the future. The issue of how the project will collect, treat, and dispose of its wastewater needs to be resolved with GSD prior to the close of the comment period for the DEIR.

The project is within the GSD service area boundaries and, as noted, must comply with local regulations and assessed fees. The applicant recognizes that GSD fees are based on EDUs and connections fees will be assessed that include the Contingent and Non-Contingent assessment.

As stated in Response to Comment 209-1, the DEIR contains adequate description and analysis of wastewater options and proposed systems in Section III (Project Description) and Section IV.N.1 (Sewer) of the DEIR. These description and analysis provide an adequate description of wastewater impacts of the project. GSD will have additional time to review and comment on the project design and level of service during the final design phase, when the project is submitted to GSD for connections and final permits.

Response to Comment 209-5

The commenter requests that the project description be revised to require that the project connect to the GSD system.

Response to Comment 209-2 and Section III of the FEIR, the project will hook up to the GSD system at least to the level that has been assessed by GSD and that the first building permit will include a connection permit application.

Response to Comment 209-6

The commenter requests that if there is a conflict as described in Comment 209-5, that the DEIR be corrected and recirculated for 45 days.

As stated in Response to Comment 209-3, the RWQCB has authorized the San Mateo County Environmental Health Division, as the certified agency, to approve private wastewater treatment and recycling systems. Therefore, the project is in substantial conformance with the Lead Agency's regulations for a private wastewater treatment system. The County recognizes, however, that no action by the County with respect to this project or the parcels in question would be intended to displace or negate any authority that GSD may have with respect to the project or parcels.

Response to Comment 209-7

The commenter requests a new mitigation measure requiring that the applicant connects to GSD.

As discussed in Response to Comment 209-2, GSD has assessed the project for 8 connections and these connections have been included in the proposal. The applicant also plans to recycle a portion of its

wastewater. The GSD Ordinance Code does not appear to limit water recycling. Regarding permitting for the private wastewater treatment system, refer to Response to Comment 209-3.

Response to Comment 209-8

The commenter asks if the DEIR will require that a permit for the water recycling and on-site sewer systems from all agencies having jurisdiction.

Regarding permitting for the private wastewater treatment system, refer to Response to Comment 209-3.

The commenter asks if the DEIR will analyze the impacts of the operation of a private on-site wastewater system on water quality in coastal waters and coastal resources in the wetlands and ESHA.

The wastewater treatment and recycling plant is described and analyzed in the DEIR. Project impacts to surface water runoff quality are discussed in section Impact HYDRO-5. The project minimizes water pollution via surface runoff by incorporating pervious surface parking lots, vegetated buffer areas between the wetlands areas and the proposed development, and on-site containment and treatment of stormwater. Use of recycled water on-site would be regulated by the California Department of Public Health. As discussed in Section IV.D (Biological Resources) and Section IV.H (Hydrology and Water Quality) of the DEIR, as proposed and mitigated, the project would result in a less than significant impact to these resources. Also, refer to Response to Comments 90-1 and 185-32.

The commenter references a paper on septic tanks leaking into coastal water and requests that the DEIR review this paper.

It should be noted that the paper is for septic systems. The proposed method of treatment, and the elimination of drainfields removes the need to consider potential impacts related to septic systems.

Response to Comment 209-9

The commenter requests that the EIR include mitigation measures regarding the permitting and operation of an on-site wastewater treatment system.

As stated in Response to Comment 209-3, the RWQCB has authorized the San Mateo County Environmental Health Division, as the certified agency, to approve private wastewater treatment and recycling systems. Therefore, the project is in substantial conformance with the Lead Agency's regulations for a private wastewater treatment system. Therefore, no additional mitigation measures are required. The County recognizes, however, that no action by the County with respect to this project or the parcels in question would be intended to displace or negate any authority that GSD may have with respect to the project or parcels.

Response to Comment 209-10

The commenter states that the DEIR presents a contradictory and inconsistent description of sewage/wastewater services.

Of the asserted examples of contradictory statements provided by the commenter, only two originate in the DEIR. The DEIR reference and the Vesting Tentative Parcel Map both acknowledge GSD as the

appropriate sewage utility provider, should the project implement a connection. Other references include an email from the applicant, a County staff report, and the applicant's Facilities Plan. The DEIR and FEIR contain the actual description of the wastewater proposal for the project. The other documents do not provide a description of the current proposal that has been analyzed. The DEIR does not present a contradictory and inconsistent description of the proposed sewage/wastewater services.

Response to Comment 209-11

The commenter states that a lack of a finite project also inhibits informed self-government and asks questions related to the specifics of the sewer/wastewater treatment proposal.

Regarding the adequacy of the project description with regard to CEQA, please refer to Response to Comments 209-1 and 209-10. Estimated wastewater generation is provided in Topical Response 15, Project Potable and Recycled Water Demand, and in Response to Comment 209-3.

Response to Comment 209-12

The commenter states that there is no Miramar Pump Station and there are no plans for a new pump station, in contrast to the statement on page IV.N-3 of the DEIR.

Comment is noted. While the DEIR's references to GSD infrastructure may not be consistent with GSD's naming protocols, the DEIR content is substantively accurate and consistent with this comment. Therefore, the description of GSD's system in the DEIR is correct and adequate. References to Miramar Pump Station have been changed to Naples Beach Pump Station (which is located on Naples Avenue in Miramar). References have been corrected in the DEIR in Section III of the FEIR.

While the Miramar Pump Station (or Naples Beach Pump Station) is not "new" as described in the DEIR, it is being designed to pump sewage from Miramar directly to the SAM gravity main (referenced by the commenter as the SAM intertie pipeline) that runs to the treatment plant. The correction has been made in Section III of the FEIR. The overall content of the description of the GSD system in the DEIR is accurate and correctly analyzes environmental impacts. Therefore, the description of GSD's system in the DEIR, as corrected, is adequate.

The commenter states that the DEIR should be revised to correct the erroneous assumption that there will be a reduced demand on the Portola Pump Station due to improvements of the Naples Beach Pump Station located in Miramar.

While references to GSD infrastructure may not be consistent with GSD's naming of the infrastructure, the content is accurate and adequate for purposes of analyzing potential environmental impacts. References to El Granada Pump Station have been changed to Portola Pump Station (which is located in El Granada near Portola Avenue). References to Miramar Pump Station have been changed to Naples Beach Pump Station (which is located on Naples Avenue in Miramar). References have been corrected in the DEIR in Section III of the FEIR. As revised, the statement in the DEIR should read: "A Naples Beach Pump Station is being designed to pump sewage from Miramar directly to the SAM gravity main that runs to the treatment plant. When implemented, this will provide improved capacity for wet weather flows."

Response to Comment 209-13

The commenter states that GSD and SAM sewer capacity for wastewater flow generated by the project must be determined. The commenter states that a mitigation measure should be added that requires the applicant to obtain all requisite permits to construct all necessary infrastructure capacity improvements to GSD's and SAM's sewer capacity in order for GSD's system to be able to accept wastewater flow from the entire project, including improvements required by Mitigation Measure UTIL-2 of the DEIR.

As discussed in Section III of the FEIR, the project has been revised to perform wastewater treatment/recycling and connect to GSD, as GSD has and continues to assess the project site for 8 EDU connections. According to Delia Comito, of the Granada Sanitary District⁴, GSD assesses the project parcels over a 25-year period to finance a bond that pays for construction of additional sewer system capacity. GSD assesses the owner of the project parcels, along with other owners of vacant parcels in the district, as they would most likely benefit from the additional sewer capacity. Ms. Comito states that additional capacity exists for conforming development on these parcels. Also, refer to Response to Comment 205-60. The project projects have been assessed to pay for infrastructure improvements to provide for additional capacity for the development of the parcels. As discussed in Section III of the FEIR, no expansion of the sewer line at Stanford Avenue and the Princeton Pump Station is necessary, as described in Mitigation Measure UTIL-2b, because the project incorporates flow equalization and water recycling such that the maximum amount of project sewage flow to the Granada Sanitary District sewer system can be accommodated by the existing 8-inch sewer line. Therefore, it is anticipated that no additional mitigation is necessary to further expand capacity. However, as stated above, GSD will have additional time to review and comment on the project design and level of service during the final design phase when the project is submitted to GSD for connections and final permits.

Response to Comment 209-14

The commenter states that the DEIR fails to discuss the SAM transmission capacity.

The SAM transmission capacity is discussed on Pages IV.N-2 of the DEIR. As discussed in Section III of the FEIR, under normal project conditions, no wastewater will be directed to the Granada Sanitary District (GSD) system.

In the event that excess wastewater is directed to the GSD system, the project will limit peak flow and the total connections to eight (8). Also, the project will provide water recycling during wet weather. Therefore, as stated on page IV.N-15 of the DEIR, the project will have a less than significant impact on wastewater collection system and treatment facility capacity.

Response to Comment 209-15

The commenter highlights the District's comments regarding overstated toilet flow and references the DEIR's conclusion that further analysis is needed to determine whether the project can actually dispose of the surplus wastewater flow.

Topical Response 15, Project Potable and Recycled Water Demand, illustrates that 26,000 gpd is the upper limit of wastewater generation. Wastewater generation would be reduced in drought years to 21,000 gpd, due to water conservation measures. Under a scenario where recycled water is only used for

⁴ Communication between Delia Comito and Camille Leung, County Planning staff, on August 30, 2010.

toilet flushing uses, excess wastewater of up to 16,000 gpd would be used for below-ground landscape irrigation, as shown in Table II-11 of Topical Response 15. Also, with the use of recycled water for additional uses such as solar panel and surface washing at the sites, as proposed by the applicant, excess wastewater would be reduced to zero under average and drought year conditions. However, the applicant proposes to connect to the GSD sewer system for 8 equivalent dwelling units (EDUs), where 8 EDUs is equivalent to 1,768 gallons per day, for the discharge of unused Title 22 treated water as needed.⁵ The applicant also proposes an emergency connection to provide for a back-up wastewater management system in the instance that the on-site wastewater treatment systems fails or is over capacity. Reference Response to Comment 209-13 regarding GSD capacity to provide a level of service accommodating 8 EDUs. The emergency connection would be subject to GSD review, approval, and conditions of approval at the time of GSD permit application.

Refer to Topical Response 15, Project Potable and Recycled Water Demand, for a discussion of the use of recycled water at the project sites (e.g., recycled water used for toilet flow).

The commenter asks how they can comment on the DEIR when the wastewater analysis in the DEIR is inconsistent.

As described in Response to Comment 209-1, wastewater analysis in the DEIR and FEIR are consistent and adequate for the purpose of CEQA.

Response to Comment 209-16

The commenter states that the cumulative analysis in the DEIR of the project's potential impact to SAM's sewer capacity is contradictory and that the impact requires additional mitigation.

Regarding the need for additional project mitigation based on capacity limits, refer to Response to Comments 209-13 and 209-15. Based on the foregoing and required compliance with GSD and SAM requirements at the permit stage as discussed in the DEIR, the project would result in less than significant cumulative impacts to the GSD and SAM systems.

Response to Comment 209-17

The commenter states that DEIR does not set forth an adequate basis for its Wastewater Flow Estimates.

The table entitled "Calculation of Water Demand" of Topical Response 15, Project Potable and Recycled Water Demand, describes how the total water demand for the project is calculated, including estimated flows for non-personal water uses at the Wellness Center.

The commenter asks if the RWQCB was identified as a Responsible Agency.

Page III-64 of the DEIR lists the Regional Water Quality Control Board as Responsible Agency, from which a discretionary approval is required for the project. They are listed in the State Clearing House Distribution as a Responsible Agency and a DEIR was mailed to the agency. The County also mailed a

⁵ EDUs are used to calculate the connection fee charged by the Granada Sanitary District. Taxes for eight (8) EDUs have been assessed by GSD to the property. One (1) EDU is equivalent to 221 gallons per day.

separate copy to the Board staff member responsible for water recycling review. They have been provided with all CEQA noticing.

Response to Comment 209-18

The commenter asks if the project will comply with State and Federal laws and regulations and, if so, the DEIR should be recirculated stating the laws and required standards that are to be met.

The DEIR states the laws and standards that are required on pages IV.N-12 through 18 and pages IV.B-13 through 19 of the DEIR. The project does not include a grey water element. Recirculation and revision of the DEIR are not required.

Response to Comment 209-19

The commenter states that the leaching beds are closer than 10-feet from the building.

As stated previously, the drainfields have been eliminated from this project. Therefore, the setback requirement is no longer relevant to this project.

Response to Comment 209-20

The commenter states that the DEIR states 10 dry pounds of solids will be generated but their District Engineer states it is more like 54 pounds per day.

CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. No data was provided to substantiate the commenter's statement of the District Engineer's estimate of biosolids.

Response to Comment 209-21

The commenter questions the estimated infiltration rate of 0.6 gpd/sf and asks if the project will comply with all laws and regulations and, if not, will the DEIR be re-circulated.

As stated previously, the drainfields have been eliminated from this project. Therefore, the drainfield design guidelines are no longer relevant to this project.

Response to Comment 209-22

The commenter questions the rates of recycling.

Please refer to Response to Comment 209-15.

The commenter references the DEIR which states only 8,750 gpd of recycled water would be used by the office buildings rather than 14,000 gallons, and that the Wellness Center will recycle only 2,000 gallons. The commenter states that these values seem high.

Topical Response 15, Project Potable and Recycled Water Demand, of the FEIR provides a range for recycled water use of 8,750 to 14,000 gpd per day based on proposed use of recycled water for toilet flushing, surface and solar panel washing, and irrigation, as described in Response to Comment 205-15.

The commenter asks what is the basis for estimating 16,000 gallons for toilet flushing.

Page IV.N-14 of the DEIR states: “The applicant estimates that approximately 16,000 gpd (out of the 26,000 gpd total) will be recycled for toilet flushing in the Office Park and the Wellness Center buildings. This is based on the assumption that the amount of water use for toilet flushing will be 70 percent in the Office Park (14,000 gpd) and 30 percent in the Wellness Center (approximately 2,000 gpd). The remaining flow of approximately 10,000 gpd of recycled water would be available for landscape and crop irrigation, or for percolation via the on-site infiltration (drain field) systems.”

The design stated on page IV.N-14 of the DEIR is typical for offices. Typically the majority of the water used in offices ends up in the sewers, 70% is a reasonable majority. This equals 14,000 gallons. In a residential unit, it is typically assumed about 30% enters the sewer. This equals 2,000 equal to 16,000 gallons.

The commenter asks if the recycled water is a closed “loop” system and is constantly just being recirculated and asks if so how is it being disposed of?

As stated in Topical Response 15, Project Potable and Recycled Water Demand, 10,000 gallons of potable water goes into the building system per day and 10,000 gallons goes out of the building system per day for recycling. As stated previously, all excess wastewater that is not recycled will be disposed of into the GSD system. An additional 16,000 gallons per day of recycled water is used to comprise a total water demand of 26,000 gpd. The project demand for irrigation is approximately 16,000 gallons per day so little or nothing will be disposed of into the GSD system under normal conditions. The exact amount of wastewater recycled within the building is not relevant because all of the remaining water not recycled in the buildings will be used for irrigation and surface and solar panel washing.

The commenter asks how the inconsistencies on page IV.N-12 will be reconciled.

It is assumed that the commenter meant to reference page IV.N-36 of the DEIR, not N-12. As stated in Topical Response 15, Project Potable and Recycled Water Demand, inconsistencies in the amount of water to be recycled and used on-site are minor and based upon an assumption by the DEIR preparers of toilet flushing uses only for recycled water. The inconsistencies are clarified in Topical Response 15, Project Potable and Recycled Water Demand, where it is clarified that the recycling amounts stated in the DEIR is offered as a conservative estimate. Therefore, as stated on page IV.N-36, the existing well capacity would also be sufficient to meet an anticipated higher net water demand. This represents a less-than-significant impact.

Response to Comment 209-23

The commenter states that GSD manages the garbage collection with Seacoast Disposal and that the DEIR fails to clearly state that Seacoast will be responsible for hauling and that the DEIR should be revised.

Page IV.N-39 clearly states that Seacoast Disposal provides garbage collection. Therefore, the DEIR does not require revision.

Response to Comment 209-24

The commenter refers to statements on page IV.N-12 of the DEIR that state the treatment plant will be constructed at twice the necessary size in order to allow for redundancy and future expansion.

It should be noted that Title 22 requires minimum one-day redundancy as stated on page IV.N-7 of the DEIR. Water treatment systems will be proposed at the building permit stage for each building and provide capacity for only the project that is being permitted. The DEIR has been revised to clarify that any future expansion of the wastewater treatment plant beyond the proposed capacity of 0.25 Maximum Monthly Flow (MGD) is not analyzed in this CEQA document and would be subject to future CEQA review.

Response to Comment 209-25

The commenter states that the DEIR references source documents have not been provided in the DEIR and that the DEIR should be recirculated with such documents.

The commenter lists “preliminary plans” as an example of a source document that has not been provided. The applicant’s Facilities Plan was available at the Current Planning Section of the Planning and Building Department prior to, during and after the DEIR review period. Also, in a letter dated February 20, 2009, GSD submits its comment to the County regarding its review of the applicant’s Facilities Plan. Therefore, the Facilities Plan was provided to GSD. Recirculation of the DEIR is not required on this basis.

RECEIVED

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

DEC 24 2009

**San Mateo County
Planning Division**

Re: **Big Wave Project Draft Environmental Impact Report (DEIR)**

While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings.
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy.
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

210-1

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Sign:

Arne R. Bytuglin

Print name:

ARNE R. Bytuglin

Date: 12-5-09

Address:

422 Ave. Cabrillo

EL Granada, CA 94018

Response to Comment Letter 210
Arne Byfuglin

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.



December 24, 2009

County of San Mateo, Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063
Attn: Camille Leung, Planner

RE: Big Wave Wellness Center and Office Park Project DEIR

Dear Ms. Leung:

The San Mateo County Planning and Building Department has circulated for review and comments the Draft Environmental Impact Report (DEIR) for the Big Wave Wellness Center and Office Park Project (Project). Montara Water and Sanitary District (MWSD) has requested of Balance Hydrologics (Balance) a review of the DEIR Hydrology Section with emphasis on how the Project may affect District policy and operations. MWSD currently operates three production wells in the same aquifer from which the Project proposes to draw water. These wells have some limits on their use due to water quality. In addition, the Pillar Ridge Manufactured Home Community (PRMHC), located adjacent to the proposed Project location, to the north, also operates production wells as their source water. These wells are insufficient to supply all of their water demand, and MWSD supplies treated potable water to the PRMHC when their water storage runs low.

211-1

DEIR Comments

Page IV.H-23 – *Groundwater levels in the airport aquifer have remained essentially constant since the 1950s with no apparent long-term changes in water level or groundwater storage, although groundwater extraction by the local water utilities has increased from about 250 acre-feet per year (AFY) to a maximum of near 430 AFY and about 340 AFY during the 1987-1992 drought (Woyshner, M., Hedlund, C., and Hecht, B., 2002).* This statement is misquoted and misleading. In fact, we state in the last sentence of the first paragraph of page 13 of the referenced report that “Groundwater levels in unconsolidated material generally fluctuate seasonally about 5 feet during normal years, 10 feet during dry years, and 20 feet during droughts.” And on page 17, “we note, in particular, that many factors affect local and regional ground-water levels.” In support of our estimates, the California Department of Water Resources report “Montara Water Supply Study for Montara Sanitary District (June 1999), summarizes groundwater level trends in the Airport Aquifer, and the data presented shows an annual fluctuation up to 20 feet to meet dry-season demand.

211-2

We do agree with the DEIR statement on page IV.H-25 that, “Overall, water levels in the airport aquifer recover seasonally, except during periods of extended drought.” Along these lines, from

December 24, 2009

Ms. Camille Leung, Planner, County of San Mateo, Planning and Building Department

Page 2

isotopic groundwater dating techniques, the Airport Aquifer is known to have young water that is replenished frequently (personal communications with LLNL).

The DEIR referenced the Luhdorff & Scalmanini Consulting Engineers and Earth Sciences Associates, Half Moon Bay/Pillar Point Marsh Ground-Water Basin Study (1987, 1991, and 1992) and the Lowney-Kaldveer Associates, Groundwater Investigation (1974). These reports are 'landmark' documents for the Airport Aquifer that describe groundwater contours and illustrate how groundwater levels change during droughts. Take special note that large changes were identified in areas of groundwater pumping by production wells.

Page IV.H-42 – Total potable water demand is 10,000 gallons per day (gpd) during normal rainfall years and 5,000 gpd for droughts. No information is given on the proposed water supply well, such as sustainable yield, depth of perforations and total depth of well. Is the well capable of meeting the projected Maximum Daily Demand for the Project? There is also no well-capture zone analysis to assess the zone of impact from pumping the well through the dry season. MWSD would be concerned if Project well pumping were to interfere with the PRMHC water supply wells, particularly during droughts.

Page IV.H-49 – Impact HYDRO-2, Effects of Proposed Withdrawals on Regional Aquifers uses a general approach to assess this impact by comparing the proposed Project demand of 10,000 gpd to an existing irrigation demand for green beans. The proposed Project demand of 10,000 gpd is equivalent to 11 acre-feet per year (AFY); and by comparison, the estimated irrigation demand for green beans was 1.2 AFY. This order-of-magnitude difference demands a more robust water balance and impact analysis.

We do understand that, downgradient groundwater recharge of tertiary treated Project wastewater lowers the overall net impact, but this recharge may not mitigate drawdown impacts to upgradient wells. In addition, increased pumping of the well may also draw known contaminants north of the Project site toward the already impacted PRMHC production wells. Both the drawdown impacts and the potential of impairing water quality of these wells should be assessed. Pumping impacts during multi-year droughts are of particular concern.

Finally, I didn't see discussion of the unique local groundwater conditions imposed by the Seal Cove Fault, which is recognized as a major structural feature.¹ Groundwater levels are known to be higher along the fault zone, supporting upward groundwater flow, shallow groundwater and surface ponding. These conditions were measured with piezometer cluster stations located near the Project site (see report series by Luhdorff & Scalmanini Consulting Engineers and Earth Sciences Associates, Half Moon Bay/Pillar Point Marsh Ground-Water Basin Study, 1987, 1991, and 1992). Given these unique local conditions, it conceivably could be more challenging than otherwise thought to recharge quantities of treated wastewater, even with acceptable surface percolation tests. A detailed recharge analysis is clearly needed.

¹ The Seal Cove fault is segment of a larger fault trace dividing the La Honda and Pigeon Point blocks. It extends northward from Moss Beach and connects with the San Andreas fault near Bolinas Lagoon in Marin County. Southward from Pillar Point, it crosses Half Moon Bay to the mouth of San Gregorio Creek, where it becomes the San Gregorio fault, which extends further southward to Ano Nuevo and across Monterey Bay to the west of the Monterey Peninsula, where there it is called the Pallo Colorado fault southward from Garrapata Creek.

December 24, 2009

Ms. Camille Leung, Planner, County of San Mateo, Planning and Building Department

Page 3

Closure

There are many very interesting and progressive concepts proposed for the Big Wave Wellness Center and Office Park Project. Of special note, we are pleased to see the Project strive for Platinum-level LEED status. On behalf of MWSD we are, however, concerned regarding water supply and impacts to the groundwater source on which the District relies. The Airport Aquifer is the most important groundwater source for MWSD, both in well yield and groundwater storage.

211-7

Sincerely,

BALANCE HYDROLOGICS, INC.



Mark Woyshner, M.Sc.Eng.

Principal Hydrologist/Hydrogeologist

cc. Clemens Heldmaier, General Manager, Montara Water & Sanitary District

Response to Comment Letter 211
Balance Hydrologics

This letter is identical to Comment 231-21. Please refer to Response to Comment 231-21.

San Mateo County Planning Dept
 455 County Center, 2nd Floor
 Redwood City, California 94063
 ATTN: Camille Leung
 RE: Big Wave Wellness Center and Office Park
 24 December 2009

Dear Ms Leung --

Without time enough to read all the documents regarding the Big Wave development proposal, I have chosen to focus on one aspect of the development, though I will briefly comment on a few other issues as well.

My primary concern is that there is a significant environmental impact from development around wetlands that is commonly overlooked: the potential impact to wetland water source due to excavation, grading and soils compaction. County code specifically mandates protection of water resources, and prevention of degradation to habitat. Although the mitigations proposed by the developers include claims about using less groundwater than the current farm operation, and lavish proclamations regarding water reclamation and runoff management, I could find no reference to identifying sources and protecting subsurface flows to the adjacent wetlands. These must be significant, for there are times when one can find standing water in the wetland even if no surface water inflow is evident. Thus, when the applicant describes widespread soil compaction, borings for foundation piers, and other modifications to the soils of the site, analysis should logically be provided to show how such modifications would affect the subsurface water flow to the marsh.

Additional concerns that merit further attention include:

- Impacts of the all-night outdoor lighting -- light pollution is increasingly identified as a significant adverse impact to habitat, not to mention degradation of visibility of the night sky (a highly valued feature of coastside life). The applicant claims the planned lighting would be non-intrusive but no lighting is far less so.
- Traffic impacts at the corner of Cypress & Hwy 1 -- much is made of the additional merges, left turns, etc at the intersection. A signal is mentioned as the default response to the hideous increased traffic load the project would generate, in spite of the fact that our coastal communities are almost universally opposed to more signals. Indeed, a recent community planning charrette made clear that were such traffic calming or measures deemed necessary along Hwy 1, the preferred alternative would be a roundabout, which in similar sorts of conditions has been documented to handle more traffic with less delay than any signal is capable of, and has the additional feature of providing safer access across the road for walkers, cyclists and others not in vehicles.
- Historic maps of the coastside show the entire area of the development site and much more was once wetland similar to the remnant marsh we are trying to protect. Rising global temperatures suggest we are wise to be particularly careful about siting development so close to sea level; does the plan include a detailed

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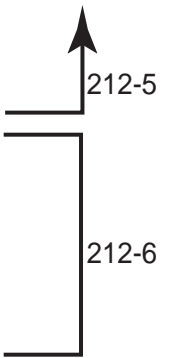
analysis of the theoretical higher mean sea level, and how that might affect the site?

- Finally, the scope of this proposed development is so outsized to the character of the adjacent community, the natural areas, and in particular to the already acknowledged critical habitats that any sensible person would reasonably ask how such a plan could possibly be justified in this location.

Thank you for your consideration of these comments.

Regards --

Bern Smith
PO Box 1583
El Granada 94018



Response to Comment Letter 212
Bern Smith - Individual

Response to Comment 212-1

The commenter provides an introductory statement and states he has not read the entire document on which he is commenting.

This statement is introductory. No response is required by CEQA.*

Response to Comment 212-2

The commenter questions the impact development will have on the surrounding wetlands, specifically in regard to subsurface water flow.

Regarding impacts to wetlands, refer to Section IV.D (Biological Resources) of the DEIR, supporting documentation in Appendix E, Section III of this FEIR and the 90% Basis of Design Report. Regarding subsurface water, refer to analysis in Sections IV.F (Geology and Soils) and IV.H (Hydrology and Water Quality) of the DEIR.

Response to Comment 212-3

The commenter states that the all-night lighting will lead to light pollution and the degradation of nighttime scenic visibility.

Based on the lighting plan description on page III-48 of the DEIR and clarifications to this page in Section III of the FEIR, nighttime light impacts from reflective surfaces and site lighting are less than significant after mitigation, as discussed under Impact AES-4.

Response to Comment 212-4

The commenter states that the project will have traffic impacts at the corner of Cypress and Highway 1. The commenter also suggests installing a roundabout instead of a traffic light.

For information regarding traffic impacts at the corner of Cypress and Highway 1, refer to Topical Response 8, Traffic and Parking Impacts, and Section IV.M of the DEIR. While a roundabout may mitigate traffic impacts better than a signal, CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. No additional data was provided to substantiate the use of a roundabout instead of a signal.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 212-5

The commenter questions whether the project adequately analyzed the theoretical higher mean sea level and the effects it could have on the site.

For information on the impacts of sea level rise, refer to Response to Comment 240-16 and Topical Response 9, Tsunami Hazards.

Response to Comment 212-6

The commenter states that the project is excessively large in comparison to the surrounding community.

For information on the project size in comparison to the surrounding community, please refer to Response to Comments 21-1a and 213-19.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2 219
VOICE AND TDD (415) 904-5 260
FAX (4 15) 904-5 400



December 23, 2009

Camille Leung
County of San Mateo
455 County Center, 2nd Floor
Redwood City, CA 94063

RE: Draft Environmental Impact Report (DEIR) for Big Wave Wellness Center and Office Park

Dear Ms. Leung:

Thank you for the opportunity to comment on the Big Wave DEIR. Staff has performed a preliminary review of the DEIR and offers the following comments. The proposed project is complex and the DEIR is extensive, so we understand that some of our comments may already be addressed. We look forward to working with the County and applicants on our questions throughout the CEQA and coastal development permit (CDP) process. We may have additional comments as we learn more about the project.

213-1

Jurisdiction

The proposed project is located on two parcels that appear to contain historic tidelands that are in the Coastal Commission's original permit jurisdiction. Therefore, the proposed project may require a CDP from the Coastal Commission if there is development in the historic tidelands, in addition to a CDP from the County of San Mateo, which is appealable to the Commission. The standard of review for the County's CDP is the San Mateo County certified Local Coastal Program (LCP) and the public access and recreation policies of the Coastal Act (Coastal Act Section 30604), and the standard of review for a Coastal Commission permit would be the California Coastal Act. We suggest that we meet with the County and the applicants to discuss potential processing of the CDP for those portions of the project that our in our original jurisdiction.

213-2

The following comments focus on evaluating the proposed project's impacts on coastal resources and its conformance with the LCP and the Coastal Act, as relevant. We strongly recommend that these issues be fully addressed either in a revised DEIR, or in the final EIR, and appropriately factored into the County's coastal development review for this project.

Project Description

The DEIR describes the project as affordable housing, but it does not explain in what way the project will be considered affordable or whether restrictions would be used to ensure that the proposed level of affordability is maintained. If the proposal includes affordable housing, the

213-3

EIR should include this information so that it can be evaluated for conformance with the certified LCP.

Land Use

The EIR should provide an analysis of the Wellness Center's consistency with the certified LCP's Waterfront zoning regulations. The DEIR considers the Wellness Center a sanitarium, which may be allowed pursuant to section 6500(d)3 of the zoning regulations. However, this section states that a sanitarium may only be allowed "when found to be necessary for the public health, safety, convenience or welfare." The EIR should provide analysis of the project's consistency with this regulation.

Also, the proposed community center and residential and commercial uses proposed as part of the project do not appear to be consistent with the Waterfront zoning district, which is intended primarily for marine-related industrial uses; commercial uses are not listed as allowed uses in the District, and the only allowed recreational uses are required to be marine-related and/or outdoor facilities. As such, the proposed project may require an amendment to the LCP, if these land uses are to be considered at this location.

Traffic and Public Access

The EIR should provide an analysis of the traffic impacts of the project on roadway segments, in addition to the analysis of impacts to intersections. This should include an analysis of impacts to segments of Highways 1 and 92, which is necessary to determine the project's consistency with policies of the LCP and the Coastal Act. LUP Policy 2.49 describes level of service (LOS) D as acceptable during commuter peak periods and LOS E as acceptable during recreation peak periods. In addition, Coastal Act section 30211 requires that development not interfere with public access. The EIR should address the potential direct and cumulative impacts of new traffic demand on public access and highway capacity in the Midcoast.

Mitigation Measure TRANS-1 may require construction of a signal at the intersection of Highway 1 and Cypress Avenue. The DEIR does not analyze the potential impacts of this signal on the flow of traffic along Highway 1. These impacts should be analyzed in the EIR and this analysis is necessary to determine the project's consistency with applicable Coastal Act and LCP policies.

The EIR should describe how the proposed project conforms to Coastal Act policy 30210 which requires maximum public access to be provided. For example, the EIR should include a map showing how the proposed trails are related to existing and planned pedestrian and bicycle access in the area and trails to and along the shoreline.

The applicant proposes an exception to the County's parking requirements so that it can provide a reduced number of parking spaces. A reduction in parking spaces could result in users of the proposed development without a place to park, which could negatively impact nearby roads and nearby public parking areas. The DEIR provides a variety of options for mitigating the impacts of the reduced spaces, including increasing public transit, extending the trail system, and

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requiring that a portion of the parking spaces be reserved for energy efficient vehicles. The DEIR does not, however, include an analysis of the feasibility or the impacts of these potential mitigation measures. For example, increasing public transit may be economically infeasible, extending the trail system may not be effective at reducing the number of cars needing access to the site, and restricting the parking spaces further may exacerbate the problem of limited parking. The EIR should evaluate the impacts of reduced parking for consistency with the public access and recreation policies of the Coastal Act, and should evaluate the impacts of the proposed mitigation options.

213-9

Water Supply

The DEIR should contain a more thorough analysis of whether public services are adequate to serve the proposed development. LUP policies 1.3, 1.4, 1.16, and 1.18 direct new development to existing urban areas in part to maximize the efficiency of public utilities, and 1.18 specifically requires new development to be concentrated in urban areas by requiring infill development. LUP policy 1.19 goes on to define infill as development of vacant land in urban areas that are served by sewer and water utilities. These policies require development within the urban services area to be served by public utilities. The DEIR should address the public services requirement of the LCP for the project.

213-1

To the extent the proposed well may be used as part of a public water supply to the project, LUP policy 2.32 requires that the amount pumped must be limited to a safe yield factor that will not impact water dependent habitats. The EIR should contain such analysis on the impact of the well on water dependent habitats in order to evaluate conformity with this LCP policy.

213-11

The Facilities Plan: Draft #2 describes a proposal for a desalination facility, but this facility is not discussed in the DEIR. If a desalination facility is proposed as part of the project, it must be addressed in the EIR.

213-12

The DEIR discusses a proposal to use an existing, on-site agricultural well. The EIR should explain the status of the permit authorization for the well and the use for agricultural purposes. Also, the applicant is proposing water treatment to assure the quality of the water in the event that future testing reveals contaminants in the water. The EIR should address the quality of all proposed water sources.

213-13

Impact UTIL-8 identifies inconsistencies and unknowns in the estimated potable and recycled water demands of the project. These estimates should be analyzed further, peer-reviewed and then refined to ensure their accuracy, so that the impacts of the project may be fully evaluated.

213-14

Finally, the DEIR indicates that the applicant proposes that the project be served in part by Coastside County Water District (CCWD). Any changes to the CCWD service boundary and any temporary or permanent extension of water services outside of its service boundary as defined on January 1, 2003 would require amendments to Coastal Development Permits A-1-HMB-99-20 and A-2-SMC-99-63.

213-15

Wastewater

The DEIR states that the Granada Sanitary District's ordinance, which appears to apply to the proposed development, requires properties in the urban area to connect to the public sewer. Although the applicant has not proposed to connect to the public sewer, this alternative may be required by the District. Therefore, the DEIR should evaluate the feasibility of the proposed wastewater disposal system in light of these requirements.

213-16

Please see our comments above regarding the sufficiency of the DEIR in evaluating the availability of public services to serve the proposed development. In addition, the EIR should fully evaluate the environmental impacts of the proposed wastewater facility, including the following:

213-17

Impact UTIL-4 identifies inadequacies in the proposed leachfield. The applicant should conduct the tests and studies identified on Page IV.N-17, which are necessary to ensure proper design of the leachfield, and the leachfield should be redesigned based on the results of these studies and to remedy the inconsistencies identified on page IV.N-18. The EIR should then evaluate the revised leachfield proposal.

Mitigation Measure UTIL-2(b) would require expansion of the capacity of the public sewer system. Any expansion of public works must comply with the policies of the certified LCP, including the policies of the public works component requiring phased expansion of public works. If this mitigation measure is proposed as part of the project, its feasibility should be fully evaluated in the EIR. For example, the public works policies of the certified LCP require that the sewer system can only be expanded if other public works, such as traffic capacity and water supply, have the capacity to accommodate the increased development that would be facilitated by the sewer expansion.

213-18

Aesthetics

The EIR should explain how the project's scale and design are compatible with the surroundings, to evaluate consistency with the visual resources protection policies in the LCP. This analysis should include consideration of nearby development.

213-19

While the computer imagery contained in the DEIR is a helpful first step, we recommend that the visual analysis be supplemented with data references, such as photographs of storey poles, which can be field-checked for accuracy.

213-2

In addition, the EIR should analyze the visual impacts of the proposed development from the harbor and nearby beaches. It should also analyze the impacts of the proposed accessory structures, including wind turbines and solar panels. For example, would the solar panels produce additional glare that could impact views from higher elevations?

213-21

Finally, the DEIR states that no detailed lighting plan has been developed. A detailed lighting plan should be included and evaluated in the EIR, and is necessary to evaluate the consistency of the project with the visual resources policies of the certified LCP and the Coastal Act.

213-22

Biological Resources

The DEIR does not include a map that delineates the extent of the California red-legged frog habitat and potential buffers on or adjacent to the project site in relation to the proposed development. The EIR should include a map, which identifies suitable red-legged frog breeding, aestivation, dispersal, foraging and upland habitat, the proposed development and potential buffers. The report should also include the data upon which the map is based.

213-23

In addition to red-legged frogs, the DEIR lists the western pond turtle and the San Francisco garter snake as two species with potential to occur within the study area. The report states that the potential for occurrence is low due to the lack of suitable perennial aquatic habitat. However, the DEIR does not address the use of upland habitat for the garter snake or the western pond turtle (as well as red-legged frogs), nor does it adequately address the presence of known populations and/or individuals of these two species. The EIR should address upland habitat and known populations of these three species.

213-24

Wetlands

The wetlands delineations should be improved so that they can be used to fully evaluate the impacts of the project on nearby wetlands, and conformity with LCP policies protecting wetlands. The delineations included only OBL and FACW plants as wetland indicators, but these delineations should also include FAC plants as wetland indicators.

213-25

In addition, the appendices posted on the County's web site include three copies of WRA's 2001 delineation, none of which include complete, legible copies of the wetland maps. The EIR should include complete, legible copies of the wetlands maps. The EIR should also overlay the boundaries from the various wetlands delineations to allow a more clear evaluation of the potential impacts to wetlands.

213-26

The wetland delineation done by WSP has too few sample points and although they apparently examined many soil cores, their locations and characteristics are not mapped or described. The EIR should address these issues.

213-27

Wetlands Buffers

The DEIR calls for 100-foot wetland buffers, but due to the project's location adjacent to Pillar Point Marsh, the EIR should consider whether larger buffers may be necessary, depending on the adjacent uses.

213-28

On the north parcel: Building D, Lot 1 is shown in the elevation views to be built at ground level and the site plans show that this building will have a finished floor elevation of +21 feet (NGVD). A portion of Building D, Lot 1 will be located immediately adjacent to the 100-foot wetland buffer. Page 60 of the Project Description states that "Grading within the 100-foot buffers from the drainage swale (...) would only be for wetland restoration and in accordance with the restoration plan." The EIR should explain and provide detailed grading plans to show

213-29

how the building pad will be elevated to provide a finished floor elevation of +21 feet without any disturbance or grading within the 100-foot wetland buffer.

On the south parcel: Buildings 1 North Stack, 1 South Stack, 2, 3, 4, 5 and 7 are close to the 100-foot wetland buffer. As requested above, the EIR should explain and provide cross-sections to show how the finished floor elevation can be achieved without grading in the 100-foot wetland buffer.

In addition, the fire trail will be located within the 100-foot wetland buffer. How can this be constructed in the buffer without any grading?

Flooding

The EIR should include a copy of the Letter of Map Amendment that is assumed to remove the proposed development site from the identified 100-year floodplain. Also, the applicant should provide confirmation from FEMA or the California Department of Water Resources that this letter is intended to extend to the proposed development site.

The FEMA floodplain maps often overlooked or minimized analysis of ocean flooding risks. Also, many of the existing flood maps were prepared over 25 years ago and ocean flooding conditions have changed. The EIR should provide an analysis of the current potential for a 100-year storm combined with high tide, sea level rise, and an eroded shoreline (both seasonally eroded and eroded over the expected project life) to inundate the proposed development site. Since there is uncertainty surrounding the possible future rise in sea level, this analysis should be undertaken with a range of sea level rise rates (5 mm/yr, 10 mm/yr and 15 mm/yr) and if possible, identify the amount of sea level rise that would result in significant flooding of the proposed development site.

Tsunamis

LUP policies 9.2 and 9.3 apply Section 6326.2 of the zoning regulations to the subject parcels, based on their location in a tsunami inundation area. Section 6326.2 restricts the types of development allowed in tsunami inundation areas and includes additional requirements for residential buildings. The EIR should evaluate the project's consistency with these LCP policies.

The Hydrology and Water Quality section provide a history of local and tele-tsunamis that excludes 1993 to 2009. The EIR should cover some of the more recent events.

There is no information in the DEIR about seiching within the Pillar Point Harbor. Since there has been no large tsunamigenic event since completion of the breakwaters, there is little experience with potential harbor seiching during a tsunami. The EIR should address the concerns with seiching, the potential impacts from seiching to the proposed project site and outline a course of analysis for seiching impacts if there are any identified concerns for impacts to the proposed development site from a seiche. The EIR should include direction for the inclusion of sea level rise into this analysis

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The recent tsunami inundation maps for San Mateo, http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SanMateo/Documents/Tsunami_Inundation_MontaraMountain_Quad_SanMateo.pdf, include the entire Big Wave property within the inundation zone. Since none of the finished floor elevations will be above the maximum elevation on site, it would seem that all the proposed buildings would be subject to some inundation and possibly to significant wave impacts during a large tsunami event. Therefore the EIR should include the following:

- The mitigation discussion for tsunami and seiche notes several general measures that can be taken to reduce impacts from these events. The EIR should discuss in detail the mitigation steps that will be taken.
- The EIR should include programs for both tsunami education and tsunami evacuation.
- The EIR should include an analysis of the finished floor elevations that would be necessary to remove the proposed development from tsunami risk.
- If building elevation out of the tsunami risk will not be possible, the EIR should include an analysis of potential currents and wave forces from a tsunami event. This may require detailed modeling of the site for tsunami inundation. The engineer(s) undertaking this analysis should have appropriate experience with tsunami models and analysis of tsunami flows.
- The EIR should identify the engineering efforts that will be taken to insure structural stability during a tsunami event to protect from scour and lateral loads.
- The EIR should also identify the maximum tsunami inundation and flow depths to establish potential vertical evacuation options.

Hydrology

The DEIR acknowledges that the project has the potential to substantially deplete ground water supplies or substantially interfere with ground water recharge. Specifically, by increasing water demand, if that demand is met by groundwater extraction in the Airport aquifer, impacts may occur to the groundwater-fed Pillar Point marsh and/or to other wells drawing on that aquifer. In addition, by reducing the amount of infiltration over the project site, ground water recharge may be reduced.

The calculation of water available for recharge to the aquifer makes several assumptions that are not well constrained or justified. These include the percentage of precipitation that contributes to runoff, and the amount lost to evapotranspiration, for existing and the built-out conditions. In addition, the estimate of the amount used for irrigation under current conditions is poorly justified. These numbers should be better constrained before it is possible to make an assessment of the project's potential impact on the aquifer.

Water budget calculations in the DEIR make the assumption that areas of pervious pavement will allow for 100% infiltration, either directly, or through runoff and "microdetention" in the "rain gardens". Given the clayey surface soils at the site, such an assumption must be evaluated carefully. For example, the following information is not provided: 1) The ability of the proposed gravel sub-bed below the pervious pavement to adequately store the design rainfall event; 2) the infiltration capacity of the soils proposed below the sub-bed; or 3) the capacity of the "rain gardens" and other "microdetention" features.

213-38

The text of the DEIR indicates that only 10% of the project area would be covered by impervious surfaces; however Tables IV.H-4 and -5 would seem to indicate that nearly 14% is impervious (3 acres out of 21.5).

Water Quality

The proposed project would discharge stormwater into Pillar Point marsh. Although the proposed BMP's may help reduce the potential for water quality impacts, these need to be fully evaluated by a Storm Water Pollution Prevention Plan. Further, Mitigation Measures HYDRO-4 and HYDRO-5 require submittal of drainage and water quality plans prior to issuance of the grading and building permits. However, these plans should be developed sooner, so that they can be evaluated in the EIR. Without these plans, it is not possible to evaluate the project's consistency with LCP policy 7.3 protecting sensitive habitats.

213-39

Geology and Soils

The DEIR acknowledges that a final geotechnical investigation will be necessary to evaluate potential impacts and mitigation measures related to a number of geologic and soil-related factors. Commission staff notes, however, that the feasibility of potential mitigation measures and their potential environmental impacts cannot be evaluated until they are identified and proposed, respectively, in such a final geotechnical report. The final geotechnical report should be prepared and evaluated in the EIR. In addition there are some potential impacts that have not been identified in the DEIR. Specifically:

213-4

Slope stability and potential impact from offsite mass movement

The DEIR identifies landslides and slope instabilities as geologic hazards that should be evaluated, but indicates that since the site is located neither in an "area of high landslide susceptibility" on the Natural Hazards Map of the County's General Plan nor in a "seismically-induced landslide hazard area" on maps produced by the California Geological Survey that "the probability of seismically-induced landslides and slope instabilities affecting the project site is considered to be remote." Nevertheless, given the amount of grading that would occur in conjunction with the project, the stability of final as well as temporary slopes and stockpiles should be evaluated. Furthermore, the potential for the site to be impacted by offsite mass movement such as landslides or debris flows should be evaluated for consistency with General Plan sections 15.12, 15.19, and 15.20.

213-41

Shoreline erosion and retreat

The DEIR does not evaluate the susceptibility of the site to shoreline erosion and retreat. Particularly, in light of the likelihood of an acceleration in the rate of sea level rise, and the concomitant expected increase in bluff erosion rates over historic values, such an analysis should be performed. Recent maps released by the Pacific Institute (e.g., http://www.pacinst.org/reports/sea_level_rise/hazmaps/Montara_Mountain_OE_W.pdf) may serve as a starting point, but site-specific evaluations should be made to comply with General Plan sections 15.12, 15.19, and 15.20.

213-42

Seismic hazards

As noted in the DEIR, a portion of the site lies within an Alquist-Priolo Earthquake Fault Zone. Furthermore, all of the site lies very close to the San Gregorio Fault, and is in fact sandwiched between the San Gregorio Fault and an unnamed splay to the northeast. The San Gregorio Fault is mapped as a Type A fault under the California Building Code. The DEIR indicates that since there are no buildings for human habitation planned within the Alquist-Priolo zone, a detailed fault investigation is not required under the Alquist-Priolo Act; the only mitigation measure required is that if any buildings for human habitation are, in the future, planned for this area, then a fault hazard investigation should be performed. Due to the hazard associated with such a setting, however, Commission staff recommends a fault hazard investigation involving trenching, magnetic, or seismic methods before determining that potential fault rupture hazards can be mitigated at the site. This appears to be required by General Plan section 15.20.

The DEIR acknowledges that the subject site is likely to be subject to severe ground shaking over its design life. Siting the CGS estimate of 0.595 g and the ABAG estimates that the site could be subject to a Modified Mercalli Intensity of X (corresponding to "very violent" shaking and "extreme damage") from a major earthquake on the San Gregorio or San Andreas Faults, the DEIR nonetheless concludes that by complying with the 2007 CBC design requirements, project impacts related to ground shaking would be less than significant. However, given the proximity to the Type A San Gregorio Fault, this statement is unsupported if near field effects, including directivity and fling, are considered. It appears that General Plan section 15.20 requires a consideration of near field effects to evaluate the impacts that could be associated with ground shaking at the site.

213-43

The DEIR acknowledges that seismic-related ground failures, including cyclic densification, liquefaction, lateral spreading, liquefaction-induced ground settlement, and liquefaction surface manifestations are potentially significant impacts. The mitigation measures proposed, however, involve conducting a final geotechnical investigation that will detail potential mitigation measures. A study is not a mitigation measure, however, and Commission staff notes that the feasibility of potential mitigation measures and their potential environmental impacts cannot be evaluated until they are identified and proposed, respectively, in such a final geotechnical report.

Foundation Design, Ground Settlement, and Expansive Soils

Similarly, the DEIR acknowledges that total and differential ground settlement and expansive soils are potentially significant impacts. The mitigation measures proposed, however, involve conducting a final geotechnical investigation that will detail potential mitigation measures. A study is not a mitigation measure, however, and Commission staff notes that the feasibility of

213-44

Camille Leung
December 23, 2009

potential mitigation measures and their potential environmental impacts cannot be evaluated until they are identified and proposed, respectively, in such a final geotechnical report.

Conclusion

In summary, the Commission staff requests that the EIR for Big Wave contain the specific environmental information that will be necessary to determine project consistency with applicable LCP and Coastal Act standards. The EIR should provide detailed information regarding impacts on coastal resources, as described above. The EIR should attempt to resolve any potential inconsistencies with these standards by establishing project alternatives which avoid significant adverse environmental impacts and strictly conform to LCP and Coastal Act requirements.

Thank you for the opportunity to comment. If you have any questions, or wish to discuss this project further, please feel free to contact me at (831) 427-4863 or mcavalieri@coastal.ca.gov.

Sincerely,



Madeline Cavalieri
Coastal Planner
North Central Coast District

cc: Scott Holmes

213-44

213-45

213-46

Response to Comment Letter 213
Madeline Cavalieri, California Coastal Commission

Response to Comment 213-1

This statement is introductory. No response is required by CEQA.*

Response to Comment 213-2

The commenter states that the project appears to contain historic tidelands that are in the Coastal Commission's original jurisdiction and suggests a meeting to resolve this issue. The commenter introduces comments to follow and asks that the issues be fully addressed in a revised DEIR or final EIR, and factored into the County's review of this project.

As stated in Section III (Corrections and Additions to the Draft EIR), per the Public Resources Code 30519(a) and (b), the local government has the development review authority for any new development proposed within the area to which a certified local coastal program has been locally approved and certified by the California Coastal Commission (CCC), with the exception of any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone. The CCC has the development review authority for development on the above listed lands, in which development would be subject to the regulations of the Coastal Act.

Over the extent of the project site that is outside of the jurisdictional boundaries of the CCC and within the jurisdictional boundaries of the County of San Mateo, development in that area would be subject to the Local Coastal Program (LCP). Project consistency with individual LCP policies is evaluated in Table IV.I-1 (County of San Mateo General Plan Consistency Analysis) of the DEIR.

The proposed project would be designed and constructed in conformance with all applicable development regulations of the LCP and the Coastal Act. Therefore, impacts would be less than significant and no mitigation measures are required. However, the County has added recommended Mitigation Measure LU-2 to the Land Use and Planning Section of the DEIR/FEIR to require the property owner to work with the Coastal Commission to identify and delineate the CCC's jurisdiction over the project site and obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC jurisdiction.

New Recommended Mitigation Measure LU-2

The property owner to work with the California Coastal Commission (CCC) to identify and delineate the CCC's jurisdiction over the project site, subject to CCC review and approval. The property owner shall obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC jurisdiction.

Comment regarding fully addressing the ensuing comments is noted.*

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Land Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

Response to Comment 213-3

The commenter states that the DEIR does not state how the proposed housing will be affordable or how its affordability will be maintained. The information should be included so that the project can be evaluated for conformance with the LCP.

Page III-18 of the DEIR states that the project is designed to be an economically and environmentally sustainable community that provides housing and employment for low-income developmentally disabled adults. Section III (Corrections and Additions to the Draft EIR) of the FEIR, under Page III-20, adds that it is a goal of the Wellness Center to be affordable to individuals living only on Social Security disability income. Project approvals will only pertain to the project as described in this EIR. As the project is described as “affordable,” the County will place restrictions on the project during the permit review process through conditions of approval that require all residential units to meet the definition of affordable housing as set by US Housing and Urban Development and State of CA Housing and Community Development.

The following discussion summarizes the LCP policies applicable to affordable housing and address the project’s consistency with these requirements:

LCP Policy 3.1 (*Sufficient Housing Opportunities*) calls to protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside, work or can be expected to work in the Coastal Zone, through both public and private efforts. The proposed Big Wave Wellness Center and Office Park project provides 57 affordable housing units and employment opportunities for low-income developmentally disabled (DD) adults at the Wellness Center. Generally, the US Department of Housing and Urban Development sets income limits for eligibility for public housing at 80% of medium income for “low” income, 50% of median income for “very low” income, and 30% of median income for “extremely low” income.¹ The cost of Wellness Center operations are funded by the developer (Big Wave, LLC), revenue generated by the Office Park, other private party donations, and residential housing revenues. A 225,000 square foot Office Park would allow the Wellness Center to be affordable to a disabled person living below the poverty line. The applicant estimates that, if none of the office buildings are built, the Wellness Center would continue to provide housing to disabled adults, but the units would not be affordable to disabled adults in the “extremely low” income category or those living below the poverty line.² However, the Wellness Center would still be affordable to the “low” or “very low” income populations.

LCP Policy 3.2 (*Non-Discrimination*) calls for the County to strive to ensure that decent housing is available for low and moderate income persons regardless of age, race, sex, marital status or other arbitrary factors. Housing opportunities for the disabled are extremely limited in San Mateo County. Based on County Housing Authority data³, only 356 units are currently available for the disabled in unincorporated San Mateo County of which only 194 units (or 54%) are affordable. None of these units

¹ Limits vary by family unit size and by HUD program.

² Secretary of Health and Human Services sets the poverty guidelines annually. For 2010, the guidelines set a rate of \$10,830 for one person (Source: Department of Health and Human Services, <http://aspe.hhs.gov/poverty/09poverty.shtml>).

³ San Mateo County Affordable Rental Housing for Low and Moderate Income Households, San Mateo County Department of Housing, May 1, 2008.

are located in the Coastal Zone. The Wellness Center would provide 57 housing units to house up to 50 disabled adults and 20 aides.

LCP Policy 3.3 (*Balanced Developments*) calls for the County to strive to provide such housing in balanced residential environments that combine access to employment, community facilities and adequate services. The Wellness Center is proposed on a site that is adjacent to an existing residential area (Pillar Ridge Mobile Home Park). The Wellness Center integrates employment opportunities and recreational opportunities on-site as well as connections to off-site community resources for the disabled.

LCP Policy 3.5 (*Regional Fair Share*) defines the regional fair share assisted housing allocation for the San Mateo County Coastal Zone as that which provides housing opportunities for low and moderate income households who reside, work or can be expected to work in the Coastal Zone. The Association of Bay Area Governments (ABAG) determines each municipality's regional housing need for the nine-county Bay Area and does not make a distinction for the Coastal Zone. ABAG's allocation for unincorporated San Mateo County⁴ is provided in the table below⁵:

ABAG's Housing Needs Allocation, 2007-2014 ¹ For Unincorporated San Mateo				
	Very Low Income	Low Income	Moderate Income	Total
Income Limit (2009) ²	\$39,600	\$63,350	\$81,300	Total
Units	343	247	291	881
Existing Affordable Units (2008)				523
Total Proposed Units at the Wellness Center				57 Units
¹ This table does not include the 625 units allocated as "Above Moderate Income," as these units are not considered affordable. Source: San Francisco Bay Area Housing Needs Plan, 2007-2014, Association of Bay Area Governments. ² Income limit is based on a single person family size. Median income is \$67,750. Source: San Mateo County Department of Housing 2009 San Mateo County Income Limits as defined by U.S. Housing and Urban Development and State of California Housing and Community Development.				

The Wellness Center would provide 57 affordable housing units to house up to 50 disabled adults and 20 aides, helping the County of San Mateo to fulfill its affordable housing allocation.

LCP Policy 3.13 (*Maintenance of Community Character*) requires that new development providing significant housing opportunities for low and moderate-income persons contribute to maintaining a sense of community character by being of compatible scale, size and design. The policy calls for the County to limit the height to two stories to mitigate the impact of this development on the surrounding neighborhoods and to assess negative traffic impacts and mitigate as much as possible. As proposed, Buildings A of the Wellness Center is three stories in height. While buildings in the immediate vicinity

⁴ ABAG does not provide an RHNA allocation specific to the unincorporated Coastsides area.

⁵ The County of San Mateo General Plan Housing Element (Housing Element) contains Regional Housing Needs Allocation for a 7-year period from 1999 to 2006. These figures are superseded by the 2007-2014 allocation, which has been adopted by the Board of Supervisors. The County's Housing Element is currently being updated.

are generally one and two stories in height, including the warehouse buildings in Princeton and the homes in the Pillar Ridge Mobile Home Park, several buildings in the project vicinity are three stories in height.⁶ While these buildings do not contain affordable housing, they contribute to the existing visual character of the neighborhood. As a three-story structure, the project could maximize affordable housing resources as directed by LCP Policies 3.1, 3.2, 3.3, and 3.5 and still maintain community character. For the purpose of CEQA, the project is in substantial conformance with this and LCP policies pertaining to affordable housing.

Policy 3.14 (*Location of Affordable Housing*) states that, on the Midcoast, affordable housing intended for sites other than the designated affordable housing sites should be located in the urban boundary, or in the rural area as specified in Policies 3.22 and 3.23. The project sites are designated for urban use.

Response to Comment 213-4

The DEIR should provide an analyses of the project's consistency with Section 6500(d)3 (Use Permits) of the Zoning Regulations.

The southern parcel is located within the Waterfront (W) Zoning District. The primary use of the Wellness Center is housing for disabled adults, which is not listed as a permitted use in the Waterfront "W" Zoning District Regulations. However, the applicant has applied for a Use Permit to operate a modern-day "sanitarium," which is listed as a permitted use in Chapter 24 (*Use Permits*) of the Zoning Regulations. As noted by the commenter, in order to approve the Use Permit for the sanitarium use, the decision making body must make a finding that the use is "found to be necessary for the public health, safety, convenience or welfare." As described above in regard to project compliance with LCP Policy 3.5 (*Regional Fair Share*), the project helps to meet the County unincorporated area's need for affordable housing, as allocated by the Association of Bay Area Governments (ABAG). For 2007 to 2014, ABAG allocates a need for 881 affordable housing units in the unincorporated area of San Mateo County, where 523 units currently exist. For a discussion of affordable housing units in the unincorporated area of San Mateo County which are currently available to disabled adults and the affordable housing units that would be provided by the Wellness Center, please reference the discussion related to LCP Policy 3.2 in Response to Comment 213-3.

In order to approve the Use Permit for the sanitarium use, the decision making body must make a finding that the use is "found to be necessary for the public health, safety, convenience or welfare." As described in Response to Comment 213-3 regarding project compliance with LCP Policy 3.5 (*Regional Fair Share*), the project helps to meet the County unincorporated area's need for affordable housing, as allocated by the Association of Bay Area Governments (ABAG). For additional discussion, please refer to Topical Response 11, Sanitarium Use Permit.

Response to Comment 213-5

The commenter states that the residential, community center and commercial uses of the proposed project do not appear to be consistent with the regulations of the "W" Zoning District and may require an LCP Amendment.

⁶ Staff found at least 3 three story buildings, including two along the Princeton waterfront, as well as a warehouse on Yale Avenue.

The Wellness Center and its accessory uses are permitted, or conditionally permitted, under the current County regulations. Regarding the proposed Sanitarium (residential component), please refer to Response to Comment 213-4, above. The fitness center use that would be available only to residents and Office Park employees an accessory use. Similarly, on-site businesses, such as catering and dog grooming, are not open to the public and would only serve tenants of the Office Park. The uses would utilize office spaces and kitchen areas of the Wellness Center and would also be considered accessory uses to the sanitarium. Regarding the 10,000 sq. ft. public storage facility, Section 6287 (Uses Permitted) the Waterfront “W” Zoning District Regulations states that the “Indoor Storage of Goods, Excluding Extremely Hazardous Materials” is a permitted use in the inland area and does not require a use permit. The project, as proposed, complies with the W Zoning District Regulations and use permit provisions of the County’s LCP.

Response to Comment 213-6

The commenter states that the DEIR should analyze the impacts of the project on roadway segments, not just intersections, including segments of Highway 1 and Highway 92. Direct and cumulative project traffic impacts on public access and highway capacity should be addressed.

Please refer to Impact TRANS-11 (Additional Intersection Analysis) on page IV.M-43 of the DEIR for an analysis of project traffic impacts on Highway 92 at Highway 1 and Highway 92 at Main Street. The section concludes with the following: The proposed project would reduce traffic traveling over the hill on Highway 92 for employment by 60 eastbound trips in the AM peak hour and 53 westbound trips in the PM peak hour. Impacts would be less than significant and no mitigation measures are required.

The commenter requests analysis of LOS standards for roadway segments (which studies flow and speed along roadway segments), the DEIR analysis focuses on project impacts to intersection LOS standards (which studies delay at intersections). Per phone communication on August 11, 2010, with Gary Black, President of Hexagon Transportation Consultants, Inc. (traffic consultant retained by Christopher A. Joseph and Associates for the preparation of the Draft EIR for this project), intersection LOS is the more appropriate measure of the performance of the road system in developed areas, not roadway segment LOS. According to Mr. Black, roadway segment LOS is typically used as a measure for special circumstances, such as studies of additional traffic to local streets (non-arterials and non-collectors) in residential areas to determine project impacts to the livability of these streets and may be studied to determine project traffic impacts to rural streets, characterized by long roadway segments between intersections. The project would result in additional traffic to one designated “local” residential street, Cypress Avenue. However, according to Mr. Black, although Cypress Avenue is designated as such, the street clearly functions as a “collector” street, collecting neighborhood streets and other collector streets to an arterial street/highway, Highway 1. Therefore, no roadway segment analysis is necessary. However, Mitigation Measure TRANS-1 of the FEIR requires the applicant to submit traffic reports studying intersection Level of Service (LOS) at Cypress Avenue and SR 1 to determine whether a signal is warranted at this location. The traffic reports are required to be submitted to the Community Development Director at occupancy of every 60,000 sq. ft. of office space up until full project occupancy and bi-annually after full project occupancy.

As stated in Section IV.M (Transportation/Traffic) of the DEIR, as proposed and mitigated, the potential traffic impact to intersection level of service and capacity would be less than significant. Project traffic impacts under cumulative conditions are also considered to be less than significant. As the project, as

proposed and mitigated, would not result in significant traffic impacts, impacts to vehicular public access to the coast would also be less than significant. Also, refer to Topical Response 8, Traffic and Parking Impacts.

Response to Comment 213-7

The commenter states that the DEIR does not analyze the impacts of the installation of a signal on the flow of traffic on Highway 1.

Hexagon Transportation Consultants, Inc., in its June 2009 report, addresses the impact of the signal on intersection LOS at Cypress Avenue and Highway 1: “With this improvement (signal), the Highway 1/Cypress Avenue intersection would operate at LOS A during both the AM and PM peak hours. Under signalized conditions, the existing roadway geometry would be adequate to handle the anticipated traffic demand.” As stated in Response to Comment 213-6, above, roadway segment LOS (which studies flow along roadway segments) is typically used as a measure for special circumstances, such as studies of additional traffic to local streets (non-arterials and non-collectors) in residential areas to determine project impacts to the livability of these streets and may be studied to determine project traffic impacts to rural streets, characterized by long roadway segments between intersections. Highway 1 is neither a residential local street nor a rural street. Therefore, an analysis of the impact of signal installation on intersection LOS at this location is appropriate and adequate for the purposes of this CEQA document.

Response to Comment 213-8

The commenter states that the DEIR should provide a map showing how the proposed trails relate to existing and planned access ways.

The Office Park site plan in the DEIR and the Wellness Center site plan in the FEIR show the proposed trails. The location of the proposed trails are supported by the San Mateo County Parks and Recreation Department and provide a connection to the Peninsula Open Space Trust trailhead located to the north of the project site. Maps of existing trails in the area are available from the San Mateo County Parks and Recreation Department.

Response to Comment 213-9

The commenter states that the DEIR should evaluate the impacts of reduced parking for consistency with the public access and recreation policies of the Coastal Act, and should evaluate the impacts of the proposed mitigation options.

Table IV.M-9 on page IV.M-39 of the DEIR represents a conservative interpretation of the County parking requirements for the mixed-use Office Park. The table shows that, based on County parking requirements for office use, with 1 parking space for every 200 sq. ft. of office space, a total of 737 parking spaces would be required by the County. The DEIR states that the provision of 640 spaces where 737 are otherwise required would not result in a significant impact to parking in the area. Based on this calculation, the project requests a parking exception for 99 parking spaces. However, as discussed in Topical Response 8, Traffic and Parking Impacts, of this FEIR, the County Parking Regulations makes a distinction between “office” uses and “other uses permitted in the ‘M’ Zoning Districts,” which only requires 1 parking space for every 2,000 sq. ft. Using this calculation and in light of the percentage of

Office Park that will be office space, as opposed to another use, a minimum of 518 parking spaces are required. The demand for parking at the site is likely to be somewhere between 737 and 518 parking spaces. As the applicant proposes 640 spaces, the on-site parking is not anticipated to impact street parking or public access. Based on the foregoing, including the proposed shuttle service that can be expected to remove 50 cars from the parking lot, granting of parking exception to allow 640 spaces where 737 spaces would otherwise be required, would not result in a significant impact to parking in the area.

As required by Mitigation Measure TRANS-3 of the FEIR, the applicant will be required to implement a Traffic Demand Management (TDM) Plan. The TDM will be subject to review and approval by the decision-making body for the project during the permitting process. In addition, as discussed in Section III (Corrections and Additions to the Draft EIR), the applicant proposes to implement an off-site parking agreement and/or shuttle services to the Office Park (to accommodate a minimum of 50 cars and their drivers) for the purpose of reducing project traffic, prior to occupancy of any Office Park building.

The commenter states the EIR should evaluate parking impacts for public access and recreation.

Page III-41 states that the Office Park parking lot will be available for public use on the weekends for such uses as farmers markets and event parking (i.e., dream machines, surf contests, etc.). This arrangement is based on the need for Office Park employee parking during the weekdays and demand for recreational and visitor serving parking during the evenings and weekends. Also, refer to Response to Comments 213-6 and 213-8, above.

Response to Comment 213-10

The commenter requests that the EIR analyze project compliance with LCP policies relating to public services and states that development within urban areas must be served by public utilities.

LCP Policies 1.3 (Definition of Urban Areas), 1.4 (Designation of Urban Areas) and 1.16 (Definition and Establishment of Urban/Rural Boundary) are policies that apply to the process of land use designation. The project sites have already been designated as “urban” by LCP Policy 1.4, as they are within the urban/rural boundary. Therefore, these policies do not apply to this project, which does not propose any change in land use designation.

Applicable portions of LCP Policy 1.18 direct the County to (1) direct new development to existing urban areas by requiring infill of existing residential subdivisions and commercial areas, and (2) to allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered. Policy 1.19 defines infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities. These policies direct development to urban areas, but do not prohibit development that does not meet this definition of infill, nor do these policies require that development within urban areas be served by public utilities.

Response to Comment 213-11

The commenter states that the DEIR should contain an analysis of project compliance with LCP Policy 2.32, which requires that the amount pumped from wells be limited to the safe yield that will not damage the water dependant sensitive habitats, riparian habitats and marshes.

As stated in the Technical Memorandum #1 (TM #1), dated May 15, 2009, prepared by Schaaf & Wheeler (included in Appendix H of the DEIR), the groundwater withdrawals from the well on the project site will be less than existing withdrawals for agricultural production, reducing the amount of net groundwater withdrawals. Also, projected ground water pumpage volumes are expected to fall below the threshold of significance for either normal or drought-year conditions. Therefore, impacts to the local and regional aquifers would be less than significant. In summary, TM#1 states that hydrologic impacts to the Pillar Point Marsh based on conditions in the entire marsh watershed appear to be minor.

Although the project would increase stormwater flows from the site, these flows would still only represent 6% of the total flows to the marsh. TM#1 adds that planned stormwater Best Management Practices should serve several hydrologic and water quality functions, including maximizing groundwater recharge, minimizing quantities of stormwater runoff, and reducing pollutant loadings in stormwater runoff. These recommendations have been added to Mitigation Measure HYDRO-5, as shown in Section III (Corrections and Additions to the Draft EIR).

Response to Comment 213-12

The commenter states that if a desalination plant is part of the project, it must be addressed.

The proposed project does not include a desalination facility.

Response to Comment 213-13

The commenter requests the status of the permit authorization for the current agricultural use of the well and requests that the water quality be analyzed for the proposed domestic use.

As stated in Topical Response 13, County Permit History, while the County is unable to find documentation of the issuance of a Coastal Development Permit or Exemption for the agricultural well on the northern parcel, the County has confirmed that the well was approved by the San Mateo County Public Health Division. In a letter dated February 25, 1987, the San Mateo County Public Health Division approved the well at the property for potable use for agricultural, single family residential and commercial/industrial uses (letter is included in Attachment K of the DEIR). The letter states that additional chemical analysis may be required as deemed necessary by the Public Health Division for well use as a public non-community water supply or public community water supply as defined by the California Safe Drinking Water Act.

The applicant has applied for a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for use of an existing agricultural well for domestic purposes. Therefore, the review and approval of a Coastal Development Permit for the proposed domestic well use will also resolve the permit status of the same well for agricultural use.

The project description proposes additional treatment to improve water quality that includes microfiltration and UV disinfection. The RO treatment discussed in the DEIR is no longer part of the treatment process. As stated on page IV.N-37 of the DEIR, based on the June 2009 testing of the existing well water, the water quality is suitable for domestic-community water supply, without the need for RO treatment. The observed high levels of color, iron and manganese could be addressed with conventional water treatment methods. Therefore, water treatment is a less-than-significant impact and no mitigation measures are needed. Also, refer to Topical Response 13, County Permit History.

Response to Comment 213-14

The commenter states that since the DEIR identifies inconsistencies in project water consumption based on estimated potable and recycled water demands, additional peer reviewing should occur to adequately analyze the impacts of water consumption.

Refer to Topical Response 15, Project Potable and Recycled Water Demand, of this FEIR.

Response to Comment 213-15

The commenter states that project service by CCWD would require amendments to Coastal Development Permits A-1-HMB-99-20 and A-2-SMC-99-63.

The comment is noted and is consistent with the DEIR (Page IV.N-30). It should be noted that the DEIR states that annexation to CCWD is required for fire service. Fire service is not domestic service and this annexation doesn't appear to conflict with CDP A-1-HMB-99-20 and A-2-SMC-99-63.

Response to Comment 213-16

The commenter states the DEIR should analyze connection to GSD as required by their ordinance and evaluate the feasibility of the disposal system based on these requirements.

Section III of the FEIR states that the project will connect to GSD based on the current GSD connection assessment of 8 EDUs. Outside of the proposed wastewater disposal to the GSD system, there will be no on-site disposal of wastewater, as the septic drainfields proposal was eliminated. Instead, the project includes a wastewater treatment and recycling plant, with the use of recycled treated water, to Title 22 Requirements, for irrigation, toilet flushing, surface and solar panel washing uses. GSD's ordinance does not prohibit the on-site recycling of water. The Regional Water Quality Control Board, the State Health Department and the County Environmental Health Department regulate the treatment and use of recycled water.

Response to Comment 213-17

The commenter states that the proposed leachfield capacity should be verified with tests.

Section III (Additions and Corrections to the Draft EIR) of this FEIR clarifies the description of water recycling/wastewater disposal. The proposal for three drainfields has been removed. Instead, the applicant proposes eight Granada Service District (GSD) connections for wastewater disposal and on-site water treatment/recycling for building use and on-site irrigation (as discussed in Figure III-27, pages III-

54 and 55 and IV.N-11 through 14 of the DEIR). As proposed, the applicant would treat and recycle water on-site to maintain the wastewater flow to match the current assessed connections.

Response to Comment 213-18

The commenter states that Util-2b would require an expansion of the public sewer system.

Mitigation Measure UTIL-2 (Wastewater Collection System Capacity) states that the applicant shall either: (a) revise the project design to limit the maximum amount of sewage flow to the Granada Sanitary District sewer system to that which can be accommodated by the existing 8-inch sewer line in Stanford Avenue and the Princeton Pump Station; or (b) provide necessary expansion of the capacity of the sewer system to accommodate the addition of the expected maximum sewage flow of 26,000 gpd from the project. The project as described on page IV.N-12 provides equalization and redundancy to limit flow to GSD. Implementation of Mitigation Measure UTIL-2b is not necessary because the project complies with Mitigation Measure UTIL-2a. Mitigation Measure UTIL-2b has been revised in Section III (Corrections and Additions to the Draft EIR) to state that its implementation would require separate CEQA review and permit review.

Response to Comment 213-19

The commenter states that the DEIR should discuss how the project scale and design are compatible with its surroundings to evaluate consistency with the Visual Resources policies of the LCP.

The following is a summary of LCP policies applicable to the evaluation of project scale and design (from the LCP's Visual Resources Component):

LCP Policy 8.12 (*General Regulations*) requires the County to apply the Design Review (DR) Zoning District standards to urbanized areas of the Coastal Zone and employ the design criteria set forth in the Community Design Manual (CDM) for all new development in urban areas. As proposed and conditioned, the project complies with applicable portions of the County's CDM (as discussed below):

Structural Shapes and Scale: The CDM calls for the use of simple structural shapes that unify building design and relate in size and scale to adjacent buildings and to the neighborhood. The CDM also recommends clustering and screening of stacks, vents, antennas and other equipment and located on the least noticeable side of the roof. As proposed, the project incorporates mechanical equipment within the proposed buildings, such that only rooftop solar panels would be visible. The Wellness Center buildings vary between two and three stories, are well-articulated and are compatible in size and scale with other buildings in Princeton. As stated in Sections IV.A (Aesthetics) of the DEIR, the scale and design of the Office Park would not result in significant impacts to scenic vistas, scenic resources, or visual resources. As stated in Section IV.I (Land Use and Planning) of the DEIR, the proposed project would be generally consistent with applicable land use plans, policies, and regulations, including the County LCP and Community Design Manual. However, as stated in Section III (Corrections and Additions to the Draft EIR) of the FEIR, recommended Mitigation Measure LU-4 has been added to require the applicant to comply with the recommendations of the County's Coastside Design Review Officer to implement changes to the Office Park buildings to improve project conformance with applicable policies of the LCP and the Community Design Manual, prior to the project approval by the Planning Commission. For the purpose of CEQA, project design is in substantial conformance with the Community Design Manual.

LCP Policy 8.13 (*Special Design Guidelines for Coastal Communities*) applies special design guidelines to supplement the design criteria in the Community Design Manual. For the Princeton-by-the-Sea area, the policy calls for commercial development to reflect the nautical character of the harbor setting, utilize wood or shingle siding, employ natural or sea colors, and use pitched roofs. For industrial development, the policy calls for buildings to utilize architectural detailing, subdued colors, textured building materials, and landscaping to add visual interest and soften the harsh lines of standard or stock building forms normally used in industrial districts. Wellness Center buildings comply with this policy by incorporating wood siding elements, use of natural colors, roof line variation and articulation. The Office Park complies with this policy by utilizing architectural detailing, subdued colors and landscaping. As stated in the Draft EIR, the project would be subject to Design Review by the County's Coastside Design Review Officer. As previously noted, recommended Mitigation Measure LU-4 requires the applicant to comply with the recommendations of the County's Coastside Design Review Officer to implement changes to the Office Park buildings to bring the buildings into closer conformance with applicable policies of the LCP and the Community Design Manual, prior to the project approval by the Planning Commission. For the purpose of CEQA, the project design is in substantial conformance with applicable policies of the County LCP.

Response to Comment 213-20

The commenter requests that the visual analysis of the DEIR be supplemented by data references, such as story poles, which can be field checked for accuracy.

The applicant has stated that story poles will be installed and maintained during the public notification period prior to any County Public Hearing considering the project and the certification of the FEIR. The public notification period is 10 days prior to a public hearing date. Also, refer to Topical Response 1, Story Poles, Topical Response 7, Visual Simulations of the Proposed Project, and Comment Letter Response 53-3.

Response to Comment 213-21

The commenter states that the DEIR should analyze the visual impacts of the proposed development from the harbor and nearby beaches. The DEIR should also analyze the impacts of accessory structures (i.e., glare), such as solar panels and wind turbines.

The views that most specifically depict how the development would appear from the harbor are Views 3.A and 3.B (Figure IV.A-6, West Point Avenue) in the DEIR. As stated on page IV.A-21 in the DEIR, while the project would be visible from this viewpoint, the project would not significantly affect the overall value of the views from West Point Avenue. Implementation of the project would not obstruct views of the Pillar Point Marsh and the Montara Mountains from this vantage and, therefore, project impact would be less than significant.

Regarding visual impacts of the proposed solar panels, they may be visible from the North Trail (View 4.B in Section IV.A, Aesthetics, of the DEIR). As discussed in Section III.A of the FEIR, the applicant proposes to use anti-glare, anti-reflective surfaces on all solar panels.

Regarding visual impacts of wind turbines, as described on page III-58 of the DEIR, the wind turbines would be located in a screened-in box that rotates to face the prevailing wind direction. The box and the

screen would be designed to keep birds from being hit by the rotating blades. Wind turbine boxes would be consistent with the color and materials of the supporting building.

Response to Comment 213-22

The commenter requests that a detailed lighting plan be analyzed in the EIR.

All outdoor lighting would comply with Mitigation Measure AES-4. As described on page III-48 of the DEIR, outdoor lighting will be limited to walkways and provided by three-foot tall bollards with 100-watt lights directed downward spaced at 20-foot intervals. Building surface materials would also comply with Mitigation Measure AES-4. As described in the Final EIR, under a revision to page III-48 of the DEIR, all buildings will have low-emittance windows. The business park will have tinted windows to reduce light impacts from nighttime use of the buildings.

Response to Comment 213-23

The commenter states that the DEIR does not delineate the extent of the California Red Legged Frog habitat on or adjacent to the project site and requests that the EIR include a map showing CRLF habitat and buffers.

As the DEIR states on page IV.D-89, the project site occurs outside of the designated critical habitat areas for CRLF, the designation of which were recently approved by the USFWS. Critical Habitat for CRLF in San Mateo County occurs within the Pilarcitos Lake and Lower Crystal Springs drainage basins. Two occurrences of CRLF are recorded within 1 mile of the project site. The nearest occurrence is within Pillar Point Marsh, south of West Point Rd. (May 1999). The other occurrence is along Denniston Creek (June 1989). These occurrences are shown in the Draft Sensitive Habitats Map prepared as a part of the LCP update process included as an attachment to this response.⁷

As noted above, CRLF require both permanent water and complex vegetation structure to complete their life cycle. The project site does not contain any areas of permanent water. In addition, due to continual ongoing agricultural practices on the site, suitable vegetation is limited to the wetland interface and pockets of exotics near power pole lines where plowing and disking are not practicable (WSP 2009). Although there is no suitable breeding or foraging habitat onsite, CRLF have a moderate potential to occur onsite due to known occurrences in the immediate vicinity of the site and potential breeding habitat within Pillar Point Marsh and Denniston Creek. Mitigation Measure BIO-1a (Special-Status Species) of the DEIR requires a qualified biologist to survey the location for the installation of exclusion fencing for the presence of California red-legged frogs (CRLF), among other special status species, prior to and within 3 days of installation of exclusion fencing (type to be determined through consultation with CDFG and USFWS).

Response to Comment 213-24

The commenter states that the DEIR does not address the use of upland habitat by individuals or populations of the CRLF, Western Pond Turtle and the San Francisco Garter Snake.

⁷ The map is a draft prepared by the County and has not been certified by the Coastal Commission.

Regarding the Western Pond Turtle (WPTs), page IV.D-86 of the DEIR states that the project site does not support suitable aquatic habitat for WPTs. All occurrences of WPT in San Mateo County have been recorded at sites with an elevation above 250 ft. None of the project site is at an elevation of above 250 feet. Because the majority of the site is in agricultural production, the extent of any possible usage would most likely be limited to the drainage separating the project parcels and suitable habitats along the parcels' western boundary. WPT might also cross the site during overland movements to and from nesting sites and aquatic habitats, such as Denniston Creek located less than a half of a mile east of the site. Although current use of the site by turtles is limited due to ongoing agricultural activities, WPTs have a moderate potential to occur on the project site due to the presence of suitable aquatic (e.g., Pillar Point Marsh and Denniston Creek) and terrestrial habitat (undisturbed upland communities) in the immediate vicinity of the project site. Mitigation Measure BIO-1a (Special-Status Species) of the DEIR requires a qualified biologist to survey the location for the installation of exclusion fencing for the presence of WPTs, among other special status species, prior to and within 3 days of installation of exclusion fencing (type to be determined through consultation with CDFG and USFWS).

Regarding San Francisco Garter Snakes (SFGS), page IV.D-88 of the DEIR states that SFGS were not found during extensive searches of Pillar Point Marsh during the 1970s. There is one known occurrence of SFGS recorded along Denniston Creek as extirpated in 1977, and has remained so. Because the majority of the site is in agricultural production, the extent of any possible usage would most likely be limited to the drainage separating the project parcels and suitable habitats along the parcels' western boundary. Like WPT, SFGS might also use the site during overland movements to and from nesting sites and aquatic habitats, such as Denniston Creek located less than a half of a mile east of the site. Although current use of the site is limited due to ongoing agricultural activities, SFGSs have a moderate potential to occur on the project site due to the presence of suitable aquatic (e.g., Pillar Point Marsh and Denniston Creek) and terrestrial habitat (undisturbed upland communities) in the immediate vicinity of the project site. Mitigation Measure BIO-1a (Special-Status Species) of the DEIR requires a qualified biologist to survey the location for the installation of exclusion fencing for the presence of SFGS, among other special status species, prior to and within 3 days of installation of exclusion fencing (type to be determined through consultation with CDFG and USFWS).

In summary, the surveys and exclusion fencing required prior to construction by Mitigation Measure BIO-1a address the use of the upland habitat by individuals or populations of the CRLF, WPT and the SFGS. In the event that any individual CRLF, WPT and the SFGS is found before or during construction, Mitigation Measure BIO-1a establishes a protocol involving monitoring and necessary activities by the Department of Fish and Game and the US Fish and Wildlife Service. A biological monitor will be present during wetland restoration activities. In addition, per Mitigation Measure BIO-1C of the DEIR, the applicant will continue to coordinate all project activities potentially regulated by State, Federal, and local agencies and shall obtain all necessary permits from CDFG, Corps, USFWS, and the RWQCB as required by federal and State law to avoid, minimize or offset impacts to any species listed under either the State or Federal Endangered Species Acts or protected under any other State or federal law.

Response to Comment 213-25

The commenter requests an improved wetlands delineation to include FAC plants.

The Federal Wetlands determination as described in the data sheets is based on the presence of the three indicators (soil, water, plants). The wetlands delineation by WSP is adequate for the Federal

Determination (as illustrated in the Corps certification letter). The State Wetlands delineation in the DEIR was also prepared by WSP and is based on the presence of OBL, FACW and FAC plants. As stated in “Letter Addendum to the Report: *Geographic Extent of Waters of the U.S., Including Wetlands, at the Big Wave Project Site, Half Moon Bay, California*, Submitted March 14, 2008,” dated April 24, 2008, and included in the Technical Appendices of the DEIR, WSP scientists observed wetland vegetation growing beyond the geographic extent of federal waters/wetlands delineated on November 20, 2007. Plant species observed include the following:

- Dominant plant species observed included *Conium maculatum* (FACW), *Juncus bufonius* (FACW*), *Limnanthes macounii* (Not listed), *Mimulus guttatus* (OBL), *Picris echioides* (FAC*), *Spergula arvensis* (Not listed), and *Vulpia bromoides* (FACW).
- Native species (i.e., *M. guttatus*, *J. bufonius*) were more common closer to the wetter portions of the site, that is, nearer to the Nov 2007 delineation boundary.
- Non-native species (including radish (*Raphanus sativus*) [NI*], black mustard (*Brassica nigra*) [NL], and curly dock (*Rumex crispus*) [FACW-]) were more commonly observed toward the drier margins of the field.

Based on these observations, WSP scientists informed the Big Wave Group that the California Coastal Commission’s (CCC) hydrophytic vegetation parameter likely would be met beyond the bounds of the November 2007 delineated federal and state waters/wetlands line. Further, WSP scientists advised that a new CCC line in the southwestern field should be delineated based upon the current vegetation. A preliminary CCC wetland line was mapped based upon the March 27th field observations. The line represents the approximate extent of CCC wetlands using the hydrophytic vegetation parameter where (native) wetland plant species were dominant. Wetland plant species, primarily non-native Eurasian weedy taxa were observed beyond (upgradient of) this coastal wetland line. The wetland delineation of the southern parcel presented in the DEIR is consistent with this delineation.

Response to Comment 213-26

The commenter requests more legible copies of WRA’s 2001 Wetlands delineation. The commenter suggests that the DEIR should overlay the boundaries from the various wetland delineations to allow a more clear evaluation of potential impacts to wetlands.

The only wetlands delineation that is active (not expired) and certified by the Army Corps of Engineers is the delineation prepared by WSP in 2007. This delineation provides a current and accurate map of wetland boundaries and provides an appropriate basis to evaluate environmental impacts of the project. Therefore, the conclusion of other, expired delineations may be misleading or inaccurate.

Response to Comment 213-27

The commenter suggests that the wetlands delineation report by WSP does not contain enough points and the points were not mapped.

The WSP Delineation Report was prepared in accordance with accepted professional practices. As described in the report entitled “An Analysis of the Geographic Extent of Waters of the United States, Including Wetlands, on the Big Wave Property,” Revised and Updated March 9, 2009 (included in the

DEIR Technical appendices), vegetation, soils, and hydrology data were collected to characterize the Project Site. Nine soil pits were excavated and five vegetation plots sampled (Exhibit 1 of report). Three soil pits (SP1-3) and two vegetation plots (VP4 and VP5) were located in the southeastern agricultural field. Six soil pits (SP4-9) and three vegetation plots (VP1, VP2 and VP3) were located in the larger northwestern agricultural field (Exhibit 1). Regarding the delineation approach, the extent of waters/wetlands were delineated using both the California Public Code (14 CCR §13577) single parameter approach and federal (1987 Manual) multi-parameter approach. Federal field indicator criteria (1987 Manual) were used for all wetland parameters.

Response to Comment 213-28

The commenter questions whether a larger buffer should be included due to the project being adjacent to the Pillar Point Marsh.

LCP Policy 7.18 (Establishment of Buffer Zones) requires buffer zones to extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem. The DEIR states on page IV.D-100 that the potential impacts to special-status species, sensitive natural communities, wetlands, and wildlife habitat and movement opportunities would be less than significant with implementation recommended mitigation measures. As proposed and mitigated, the project would not significantly affect the functional capacity of the wetland ecosystem. Based on the foregoing, extension of the 100-foot wetland buffer would not be necessary.

Response to Comment 213-29

The commenter questions how Building D can have a 21-foot floor elevation without grading within wetland buffer zone.

As shown in the project grading plans (Figures III-25 and 26 of the DEIR), Building D (as with all of the buildings) has a continuous footing consisting of a 3- to 4-foot concrete wall that elevates the finished grade above the proposed wetlands restoration. This continuous foundation acts as a barrier wall that separates the wetlands habitat from the human habitat. There are still approximately 50 feet between the edge of Building D and the wetlands buffer.

Response to Comment 213-30

The commenter asks the same question as in Comment 231-29 but for the south parcel.

The grading plan shows the 3-foot wall continuous footing between the finished grade and the first floor. This will avoid any grading within the wetland buffer.

Response to Comment 213-31

The commenter asks how can the fire trail be constructed within the buffer without grading.

The trail surrounding the buildings is described as a fire trail and a wetlands access and maintenance trail. The trail will be available for public use. It is helpful for fire access, but not required. It is designed to allow fire access but the primary purpose of the trail is for wetlands observation and maintenance. The trail surface will be designed to be ADA accessible. LCP Policy 7.19 (*Permitted Uses in Buffer Zones*) limits uses within buffer zones to uses allowed within wetlands, as well as public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands. No significant grading is required to construct this trail.

Response to Comment 213-32

The commenter asks for verification that the FEMA LOMA is intended to apply to the project site.

The 2005 FEMA Letter of Map Amendment Determination Document (cited in the DEIR) is included as an addition to Appendix H of the DEIR, as described in Section III.B of the FEIR. The project sites are referenced specifically in the letter.

Response to Comment 213-33

The commenter states that the FEMA maps are outdated and often overlook or minimize ocean flooding risks. She suggests that the EIR should provide a current analysis of potential for flooding associated with a 100-year storm, high tide, sea level rise (based on varying rates of rise), and eroded shoreline conditions.

The FEMA designation for the project site was analyzed and updated in 2005, per the FEMA LOMA. As discussed in Section III (Corrections and Additions to the Draft EIR), first floor elevations of Wellness Center Buildings were raised from 18 feet to 20 feet NGVD, which is above the estimated maximum

elevations of a 100-year flood event, sea level rise and the peak tsunami inundation level.⁸ First Floor elevations for the Office Park are proposed at 21 and 22 feet NGVD. Regarding shoreline erosion, refer to Response to Comment 213-42 above.

Response to Comment 213-34

The commenter states that, per LUP Policies 9.2 and 9.3, Section 6326.2 TSUNAMI INUNDATION AREA CRITERIA of the Zoning Regulations applies to the project and the EIR should evaluate project consistency with these policies.

Refer to Topical Response 9, Tsunami Hazards, of this FEIR.

Response to Comment 213-35

The commenter states the recent tsunami events since 1993 should be included.

⁸ Project elevations are based on a Base Flood Elevation (BFE) of 8.5 feet NGVD, (refer to pages IV.H-17 and 18 and Figure IV.H-6 of the DEIR), a maximum recorded wave run-up elevation of 14.35 feet NGVD in 273 years, and a highest projected sea level rise over the next century of 5 feet from the current mean high tide. (Currently, mean high tide is at 3.49 feet NGVD.) Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD).

As stated on page IV.H-19 of the DEIR, tsunami events between 1806 to 1992 were identified based on the source document, which only covers from 1806 to 1992 (Source: Lander, James F., Lockridge, Patricia A., and Michael J. Kozuch, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, 1993, Tsunamis Affecting the West Coast of the United States 1806-1992, NGDC Key to Geophysical Records Documentation No. 29, December 1993, 254 p.).

Based on a search of the years 1992 to 2010 on the NOAA's National Geophysical Data Center⁹, the following tsunami events caused run-up in areas in California (includes northern and southern areas).

<p style="text-align: center;">Table Tsunami Events With Run-Up in California (includes northern and southern areas)</p>				
Date	Validity Rating	Source		Maximum water height above sea level (meters)
		Location	Earthquake Magnitude	
04/25/1992	4	Humboldt County	7.2	.90
09/01/1994	4	California	7.0	.07
10/04/1994	4	Russia/Japan	8.3	.50
07/30/1995	4	Chile	8.0	.13
12/03/1995	4	Russia	7.9	.14
02/17/1996	4	Indonesia	8.2	.18
06/10/1996	4	Alaska	7.9	.14
11/26/1999	4	Vanuatu Islands	7.5	.05
06/23/2001	4	Peru	8.4	.14
09/25/2003	4	Japan	8.3	.18
11/17/2003	4	Alaska	7.8	.05
12/26/2004	4	Indonesia	9.0	.31
06/15/2005	4	California	7.2	.10
05/03/2006	4	Tonga Islands	8.0	.27
11/15/2006	4	Russia	8.3	.56
01/13/2007	4	Russia	8.1	.25
04/01/2007	4	Solomon Islands	8.1	.11
08/15/2007	4	Peru	8.0	.16
01/03/2009	4	Papua New Guinea	7.6	.08
01/15/2009	4	Russia	7.4	.04
09/29/2009	4	Samoa Islands	8.0	.44
10/07/2009	4	Vanuatu Islands	7.6	.15
02/27/2010	4	Chile	8.8	.66
<p>Source: NOAA's National Geophysical Data Center http://www.ngdc.noaa.gov/nndc/struts/form?t=101650&s=167&d=166 Notes: Based on database search performed on 07/29/10. 1 meter = 3.280 839 895 feet</p>				

⁹ <http://www.ngdc.noaa.gov/nndc>

The highest wave run-up on the above table occurred in Trinidad, CA, in Humboldt County, with a maximum water height of 0.90 meters, or almost 3 feet, above sea level. This wave height is much lower than the wave heights from tsunamis listed in the DEIR (i.e., the 1946 tsunami in the Aleutian Islands had a maximum wave height of 3.96 meters, or almost 13 feet above sea level in Princeton, CA). According to the database, there are only 2 tsunamis from 1806 to 2010 with recorded wave run-ups in Princeton, CA, the 1946 tsunami and the 1960 tsunami. The 1960 tsunami is also described in the DEIR, with a maximum wave height of 2.21 meters, or 7.25 feet above sea level.

Response to Comment 213-36

The commenter states that the potential for seiche within Pillar Point Harbor should be included in the EIR. The DEIR should also include a direction for the inclusion of sea level rise into this analysis.

The requested analysis, included on pages IV.H-61 and 62 of the DEIR, states that the Pillar Point Harbor near the project site is mostly enclosed by engineered and constructed jetties. While these jetties tend to protect the harbor from the day-to-day effects of currents and tides, they could lead to seiche effects, especially if a tsunami were to affect the harbor. There are no other lakes or other enclosed bodies of water in the general vicinity of the project that would produce seiche events and affect the project site. The proximity of the project to the partially enclosed Pillar Point Harbor and the potential for tsunami events could expose people to inundation by seiche, which represents a potentially significant impact. The mitigations for such an occurrence would track the mitigations for tsunami events. Mitigation measure HYDRO-9 is required by the DEIR to reduce impacts from exposure to tsunami and seiche to less-than-significant levels:

Mitigation Measure HYDRO-9 (Exposure to Tsunami and Seiche):

In areas subject to tsunami and seiche effects, implementing agencies shall, where appropriate, ensure that the project incorporates features designed to minimize damage from a tsunami or seiche. Structures should either be placed at elevations above those likely to be adversely affected during a tsunami or seiche event or be designed to allow swift water to flow around, through, or underneath without causing collapse. Other features to be considered in designing projects within areas subject to tsunami or seiche may include using structures as buffer zones, providing front-line defenses, and securing foundations of expendable structures so as not to add to debris in the flowing waters.

Regarding sea-level rise, see Response to Comment 213-33, above.

Response to Comment 213-37

The commenter states the EIR should include the following: (1) detailed mitigation steps to reduce tsunami impacts, (2) education and evacuation programs, (3) necessary finished floor elevations to reduce tsunami risk, (4) an analysis of potential currents and wave forces from a tsunami event, (5) structural engineering considerations, and (6) identification of the maximum tsunami inundation and flow depths to establish potential vertical evacuation options.

As stated in Response to Comment 213-34, a report estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the project parcels is required for project

approval. The report would address items 1, 3, and 4 of the items requested above. Also see Topical Response 9, Tsunami Hazards.

Regarding requiring items 2, education and evacuation programs, and 6, vertical evacuation options, please refer to Topical Response 9, Tsunami Hazards and Response to Comment Letter 162.

Regarding item 5, structural engineering considerations, please refer to Mitigation Measure HYDRO-9 (Exposure to Tsunami and Seiche) of the DEIR and Response to Comment 213-34.

Response to Comment 213-38

The commenter states that the project, by increasing demand on the ground water aquifer and by reducing the area for ground water infiltration, has the potential to substantially deplete the ground water supplies or substantially interfere with ground water supplies, which may impact Pillar Point Marsh or other wells drawing from the aquifer.

For a discussion of potential project impacts to Pillar Point Marsh, refer to Response to Comment 213-11, above. Regarding the potential of the project to deplete the ground water supplies or substantially interfere with groundwater supplies, refer to Impact HYDRO-2 in the DEIR (page IV.H-48).

Also, the commenter questions the assumptions used for the calculation of water available for recharge to the aquifer, including the percent of precipitation that contributes to runoff, amount lost to evapotranspiration, and amount used for existing agricultural irrigation.

The following is a discussion of the assumptions used for the calculation of water available for recharge to the aquifer, as requested by the commenter (Source: Technical Memorandum #1 (TM #1), dated May 15, 2009, prepared by Schaaf & Wheeler, included in Appendix H of the DEIR):

The percent of precipitation that contributes to runoff: Rainwater infiltration is not particularly relevant in the water balance for our analysis. The existing site receives the same rainfall that the project site would receive. Both existing and project conditions allow for infiltration of received stormwater with some runoff. Given the design of the porous pavements onsite, there may be additional storage capacity, thus reducing stormwater runoff for a given storm event and even increasing site percolation for certain areas of the site. Overall, however, net runoff is estimated to increase.

Amount lost to evapotranspiration: Most of the water planned for agricultural irrigation will be lost through evapotranspiration. Only 5% of the applied irrigation will be utilized for groundwater recharge. Given the small contribution of this source, the irrigation demands can essentially be ignored in the present analysis.

Amount used for existing agricultural irrigation: The project site currently has an operating well that may be used for irrigation. It is possible to estimate existing irrigation (i.e., well water) demands from some knowledge of the crops being irrigated. Based on site visits and available aerial photography, the entire area of both parcels (i.e., 19.5 acres) is essentially being irrigated. To avoid crop water stress, rainfall and irrigation must be sufficient to meet the crops' water needs, accounting for evapotranspiration (ET). At a minimum, the calculated annual ET needs to be delivered via rainfall or irrigation. As detailed in Table IV.G-1 of this memorandum, the total average evaporation for the project area is 40.81 inches versus a total average rainfall of 26.40 inches, leaving an average annual deficit of 14.41 inches or 1.2 feet. An

approximation of irrigation needs for coastal parts of the Bay Area is 2.5 acre-feet per year (AFY) per acre (acre-feet per acre is equivalent to feet). For the entire project area, a range from 1.2 to 2.5 AFY per acre would equal 23 to 49 AFY or 21,000 to 44,000 gpd. If the on-site well is used to meet these demands, then 21,000 to 44,000 gpd is a rough estimate of the amount currently pumped. The applicant has estimated the proposed water demand as 10,000 gpd or 11 AFY, which is about equal to the mean annual on-site recharge. This is less water than is currently used on-site. Some of the existing water used will recharge the aquifer, but most of it is lost to evapotranspiration. Still, the project demands would still be less than the net demands from the existing site.

The commenter states that information regarding the design of the pervious paving and under drains has not been provided to substantiate the assumption of the DEIR of 100% infiltration.

It is assumed that the commenter requests design details of the pervious paving and under drains in order to ensure permeability and prevent ponding. These concerns are addressed by Mitigation Measure GEO-7 of the DEIR, included below for reference:

Mitigation Measure GEO-7 (Pervious Pavements and Other Water/Wastewater Infiltration Systems):

Considering the near-surface soil may consist of moderately to highly expansive clay, special subgrade preparation, and foundation and pavement design recommendations shall be required to prevent the near surface clayey soil from ponding water, and becoming saturated and weak under the proposed site loading conditions, such as foundation and traffic loads. Final design recommendations for a pervious pavement system shall allow surface water to percolate through the pavement without causing adverse impacts to new pavements and building foundations due to moisture fluctuations in the near-surface expansive clay. Potential mitigation measures may include: (1) collecting and redirecting surface and subsurface water away from the proposed building foundations; (2) using permeable base material within pavement areas; and (3) installing subdrains to collect and redirect water from areas that could adversely impact building foundations and vehicular pavement to a suitable outlet.

Also, the commenter states that the DEIR presents inconsistent information regarding the percent of impervious surface resulting from the project.

The narrative impervious surface estimate on pages III-58 and IV.H-46 of the DEIR have been revised in Section III (Corrections and Additions to the Draft EIR) to state that approximately 15% (not 10%) of total site coverage is impervious surface, to be consistent with Table IV.H-4 and H-5 of the DEIR.

Response to Comment 213-39

The commenter states that the proposed project will discharge storm water into Pillar Point Marsh. The commenter states that the BMPs that are part of the SWPPP required under Mitigation Measure HYDRO-3 should be fully evaluated. The commenter also states that the drainage and water quality plans required by Mitigation Measure HYDRO-5 should be submitted now to determine compliance with LCP Policy 7.3.

LCP Policy 7.3 (*Protection of Sensitive Habitats*) prohibits any land use or development which would have significant adverse impact on sensitive habitat areas and requires development in areas adjacent to

sensitive habitats to be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

Section 15126.4.a.1 (Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects) of the CEQA Guidelines state that an EIR shall describe feasible measures which could minimize significant adverse impacts. Sub-section (B) states that the formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

Mitigation Measure HYDRO-3 minimizes impacts to drainage patterns by requiring the preparation of a Storm Water Pollution Prevention Plan (SWPPP), subject to the requirements of the State's General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), prior to County Final Map approval.¹⁰ The mitigation measure applies specific performance standards (i.e., requirements of Construction General Permit for the SWPPP), thereby mitigating any potential significant effect of the project. In addition, as discussed in Response to Comment 213-11 above, the project, as mitigated, would not result in hydrologic impacts to the Pillar Point Marsh.

Response to Comment 213-40

The commenter states that the Final Geotechnical Report should be included in the EIR, so that the feasibility and potential impacts from mitigation measures can be evaluated.

Mitigation Measures GEO-3 through 8 of the DEIR require the preparation of the Final Geotechnical Report for the final design of the mitigated project and requires specific information for the final design sizing of the foundation. As discussed in Section III of the FEIR, the project will utilize a system of pier-supported interlocking grade beams designed to address hazards identified in the mitigation measures. Specifically, the Final Geotechnical Report will determine the size, depth and number of piers. Variation in the number, depth and size of piers may result in some variation in grading operations and depth of ground disturbance, which may result in some variation in the local, temporary effects to groundwater and soils conditions (within and immediately adjacent to the footprint of the foundation), but would not impact the wetlands or other areas not proposed for development. Impacts to groundwater and soil conditions are as discussed in the DEIR. Although the size, depth and number of piers may vary depending on the Final Geotechnical Report, grading limited to the footprint of development shown in the DEIR should not result in any new significant environmental impacts. Also, refer to Topical Response 10, Final Geotechnical Report.

¹⁰ Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Application for coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity is subject to RWQCB approval.

Response to Comment 213-41

The commenter states that the EIR should include an analysis of the stability of both final and temporary slopes created by proposed grading and impact from off-site mass movement (including landslides and debris flows).

General Plan Sections cited relate to the location of development in geotechnical and natural hazard areas. Project grading plans, included in the DEIR as Figures III-25 and III-26, show a flat site after grading (sloping approximately 1%). A flat site has minimal potential for slope instability. Regarding the potential for off-site mass movement, as stated in Section V-5.2 (Impacts Found to be Less Than Significant), the probability of seismically-induced landslides and slope instabilities affecting the project site is considered to be remote, due to the relatively flat nature of the site and surrounding area. Impact HYDRO-9 (Expose People or Structures to Inundation by Seiche, Tsunami, or Mudflow) on page IV.H-60 of the DEIR states that, given the relative flatness of the area and the mapping results, the potential for impacts from mudflow are considered less than significant within the project area and site.

Response to Comment 213-42

The commenter states that the DEIR does not evaluate shoreline erosion and retreat.

Figure III-3 shows that the project is located approximately 1,000 feet from the ocean shoreline and the shore of the harbor. Comparison of the 1943 photograph to the 1998 photograph (Page 65 of Appendix G) shows the same point of Airport Street as 1,068 feet from the base of the ocean bluff in 1943 and 1,064 feet from the base of the bluff in 1998. Based on these photos, the ocean bluff west of the project appears to be relatively stable due to protection from the marine reef. The same photos show the shoreline increasing in the harbor due to the impacts associated with the seawall. From the data provided in the DEIR, it can be demonstrated that the impacts of shoreline retreat are less than significant.

Response to Comment 213-43

The commenter states that a detailed fault hazard investigation should be undertaken per General Plan Policy 15.20 and requests an evaluation of near field effects and potential seismic related ground failures.

General Plan Policy 15.20 (Review Criteria for Locating Development in Geotechnical Hazard Areas) establishes the following review criteria:

- a. Avoid the siting of structures in areas where they are jeopardized by geotechnical hazards, where their location could potentially increase the geotechnical hazard, or where they could increase the geotechnical hazard to neighboring properties.
- b. Wherever possible, avoid construction in steeply sloping areas (generally above 30%).
- c. Avoid unnecessary construction of roads, trails, and other means of public access into or through geotechnical hazard areas.
- d. In extraordinary circumstances when there are no alternative building sites available, allow development in geotechnically hazardous and/or steeply sloping areas when appropriate structural

design measures to ensure safety and reduce hazardous conditions to an acceptable level are incorporated into the project.

As stated in Section IV.F (Geology & Soils) of the DEIR, the northwestern portion of the northern parcel of the project site is located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act. However, only a portion of the Office Park parking lot is proposed within the Earthquake Fault Zone and no habitable structures or public access roads are proposed within the Earthquake Fault Zone. Therefore, project impacts related to fault rupture on the Office Park property would be less than significant.

Per communication with Dean Iwasa, Treadwell & Rollo, on August 17, 2010, the general effect of ground shaking on the proposed structures is addressed by the 2007 CBC, which requires buildings to be designed to address seismic accelerations based on their proximity to known active or potentially active faults. The current version of the CBC does not require an assessment of directivity and fling effects on the seismic design of structures. However, Mr. Iwasa's states that, based on his firm's experience, directivity and fling tend to affect the long period response of structures within 5 kilometers of the fault trace. Additional analyses are typically performed to assess directivity and fling effects on high-rise and mid-rise structures within 5 kilometers of an active fault. According to Mr. Iwasa, for low-rise, short-period structures, such as those planned for the Big Wave site, compliance with the 2007 CBC would be adequate to address the general effects of ground-shaking, as the effects of directivity and fling on the proposed structures is considered less than significant.

The southern parcel of the project site is not within an Earthquake Fault Zone and no known or potentially active faults exist on the parcel. Since the project site is located in a seismically active region, the remote possibility exists for future faulting in areas where no faults previously existed; however, based on the proximity of the known fault traces, their orientation and trend, and their degree of activity, the risk of surface faulting and consequent secondary ground failure at the Wellness Center property is considered low. As such, project impacts related to fault rupture on the Wellness Center property would be less than significant and no mitigation measures are required.

Response to Comment 213-44

The commenter implies that the Final Geotechnical Report is a study and a study is not a mitigation measure. The commenter also states, once again, that Final Geotechnical Report should be included in the EIR, so that the feasibility and potential impacts from mitigation measures can be evaluated.

As stated in Section IV.F (Geology & Soils) of the DEIR, Treadwell & Rollo reviewed available subsurface data and concluded that the proposed project, as proposed and mitigated, is feasible from a geotechnical standpoint. With potential geologic hazards identified and the feasibility of mitigation determined, the role of the Final Geotechnical Report is to determine the specific design of the mitigation features. Requiring the implementation of the recommendations of the Final Geotechnical Report and compliance with applicable regulations would reduce project impacts related to geology and soils to a less than significant level. Regarding the potential impacts from the final foundation design, refer to Response to Comment 213-40. Also, reference Topical Response 10, Final Geotechnical Report.

Response to Comment 213-45

The commenter states that the EIR should contain the specific environmental information that will be necessary to determine the project compliance with the LCP and Coastal Act standards, as requested in the comments above, and develop alternatives to resolve any inconsistencies.

As stated in the responses above, the project, as proposed and mitigated, would be in compliance with the standards discussed above. The development of additional alternatives was not necessary to achieve compliance.

Response to Comment 213-46

Closing statement is noted. No response is required by CEQA.

RECEIVED

San Mateo Co. Planning Dept.
 Attn: Camille Leung, Planner
 455 County Center, 2nd Floor
 Redwood City, CA 94063
cleung@co.sanmateo.ca.us

DEC 24 2009

**San Mateo County
 Planning Division**

Re: **Big Wave Project Draft Environmental Impact Report (DEIR)**

While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings.
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy.
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

214-1

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Sign:

Carol Kaminski

Print name:

Carol Kaminski

Date:

12/5/09

Address:

315 San Carlos Ave,
El Dorado, CA 94018

Response to Comment Letter 214
Carol Kaminski

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

<darin@darinboville.com> 12/24/2009 9:23 AM

Hi Camille,

I would like to submit some of the reporting I have done on Big Wave to the Planning Commission better understand our local perspective. There are eleven articles which I will be submitting in pdf format.

To avoid getting bounced by e-mail attachment limits I'm sending each on in its own e-mail, numbered 1 through 14.

If you have any questions please let me know.

--Darin

Darin Boville
Montara Fog

215-1

<darin@darinboville.com> 12/24/2009 9:25 AM

Hi Camille,

Attached is the pdf of the article "A Big Wave (and I don't mean Mavericks)."

I'll be submitting the video itself as a separate e-mail.

--Darin

215-2

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A Big Wave (and I don't mean Mavericks)

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WRITTEN BY DARIN BOVILLE

TUESDAY, 03 FEBRUARY 2009 16:37

Note: The MCC will be having a second meeting on Big Wave on February 11th at Seton Hospital, 7:30 pm.

Big Wave is a proposed development on land adjacent to Airport Road and Princeton harbor. Developer Jeff Peck envisions building a set of residences there for developmentally disabled individuals and to support these individuals financially by building an office park next door.

As you might imagine, the proposal has generated its share of controversy on the coast.

In this new video, Neil Merrilees has a look at the Big Wave project and takes us on a visit to the site, helping us to visualize the structures.

San Mateo County's Planning Department is looking to hear feedback on the Big Wave project by February 20th and toward that end the Midcoast Community Council, under new Chair Deborah Lardie, will be holding a discussion on Big Wave February 11th at the regular meeting of the MCC. The meeting will take place at 7:30 at Seton Hospital in Moss Beach (please park in the upper lot).

[Click here for the e-mails of the MCC members.](#)

And you can share your thoughts with [Camille Leung, the Planning Manager at the San Mateo County Planning Department by clicking here](#). Your comments need to be in by February 20th.

Note that an earlier version of this story erred in saying that Big Wave was coming before the San Mateo County Board of Supervisors on February 20th. That is not the case. If you have already e-mailed the Supervisors you will need to send a new e-mail to Planning Manager Camille Leung. My apologies to readers and Supervisors alike.

Experimental (hi-def) version of the video. For those of you with faster computers (less than five years old, say) try clicking on this version. In theory it will automatically detect your computer's capabilities and give you the biggest image possible. Very cool.



Copyright 2009 Darin Boville/Montara Fog

<darin@darinboville.com> 12/24/2009 9:28 AM

Hi Camille,

Attached is the pdf of the article "A history of development at Big Wave,
in pictures."

--Darin

215-3

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A history of the Big Wave parcel, in pictures

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WRITTEN BY DARIN BOVILLE

MONDAY, 30 MARCH 2009 13:36

Has the site for the proposed Big Wave project always been farmed?

Jeff Peck, the project's developer and most vocal proponent, claims that it has been farmed since the 1930's. This claim gives the impression that the land presents no environmental concerns in terms of habitat destruction--where tractors routinely plow the Earth a natural habitat certainly cannot form.

The evidence, from the efforts of prior owners to build on the property and from aerial and satellite imagery, does not appear to support the claim that the Big Wave property is established farmland. Instead the photographic evidence indicates that farming only began on the property to any significant degree within the past five years. Peck and Barber purchased the property in 1999.

According to local residents, in the 1980's a former owner of the Big Wave property, J.L. Johnson, also had plans for a commercial development on the site. He took to farming in an apparent effort to eliminate environmental concerns. In 1988 he sued San Mateo County and won a ruling stating that "routine agricultural activity" on the property was exempt from both Coastal District Regulations and County Grading Regulations. Johnson farmed for a year or two before letting the land fall fallow.

Later Johnson was jailed after defrauding investors in his development projects on the coast.

After Jeff Peck and Steve Barber purchased the property they too proposed a large commercial project (Big Wave) and commenced farming the lots and reaping controversy. Neither owner is a farmer in his own right. Local farmers are hired to farm on the property.

The attorney who worked for J.L. Johnson, Mike McCracken, is also on the Big Wave leadership team.

In 2006 the owners had at least seven commercial trucks bring in dirt to fill and grade the property, bringing a legal challenge from local residents concerned that [the importation of dirt had little to do with actual farming](#) and was instead an attempt to destroy habitat in preparation for the Big Wave office complex. The County allowed the filling and grading to continue after citing the 1988 Johnson case, saying that this was routine agricultural activity. Pumpkins were said to be planted on the site for Half Moon Bay's Pumpkin Festival but it does not appear that any crops have been harvested at the site. There have been reports that some crops that did grow were left on the ground, unharvested, and later plowed under.

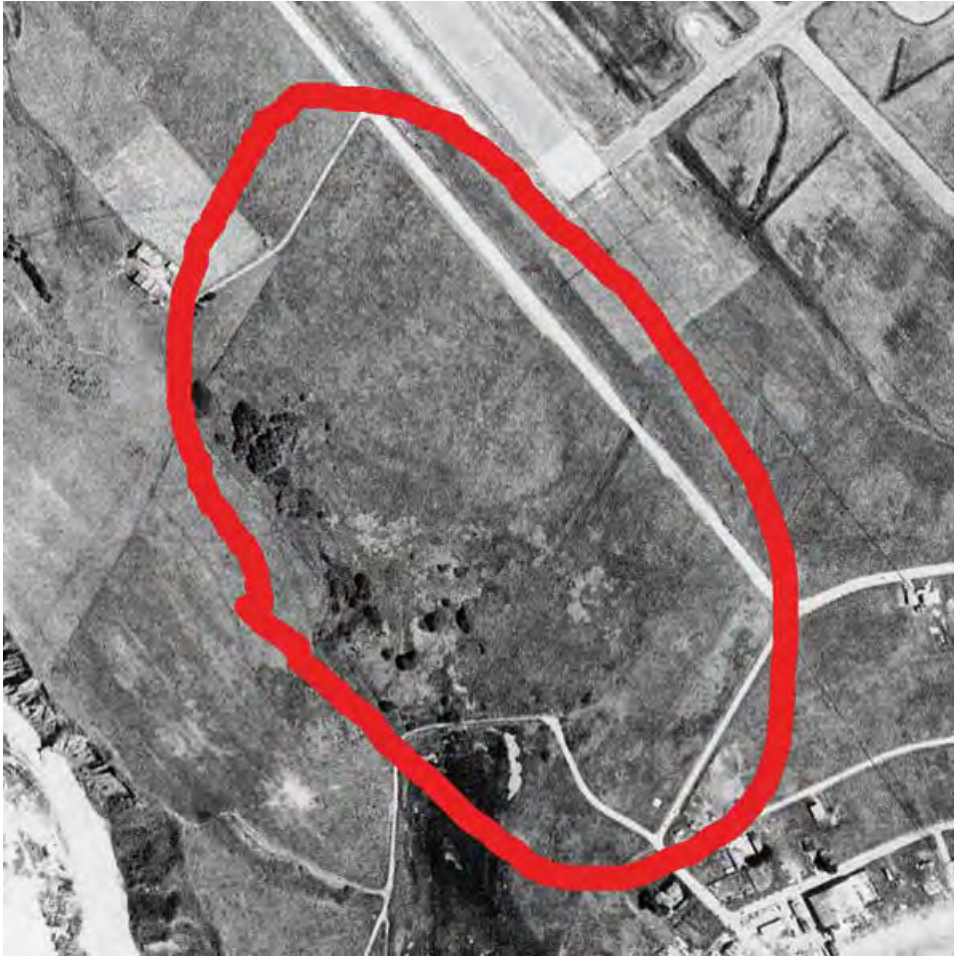
Historical imagery does not show any obvious signs of farming on the property (such as plow lines) until after it was purchased by Peck and Barber.

This first image is from 1956 (all images in this article [are available in hi-res versions](#)). It shows the area of Big Wave property (circled in red) and the surrounding land. Immediately north of the circled area is the airport. The harbor is at the bottom right, the site of the future Pillar Ridge Mobile Home Park is just to the northwest of the circled area.

Note the farmed land north of the airport.



This is a close up of the same image. The property does not appear to have any plow lines or other visual indications of farming activity.



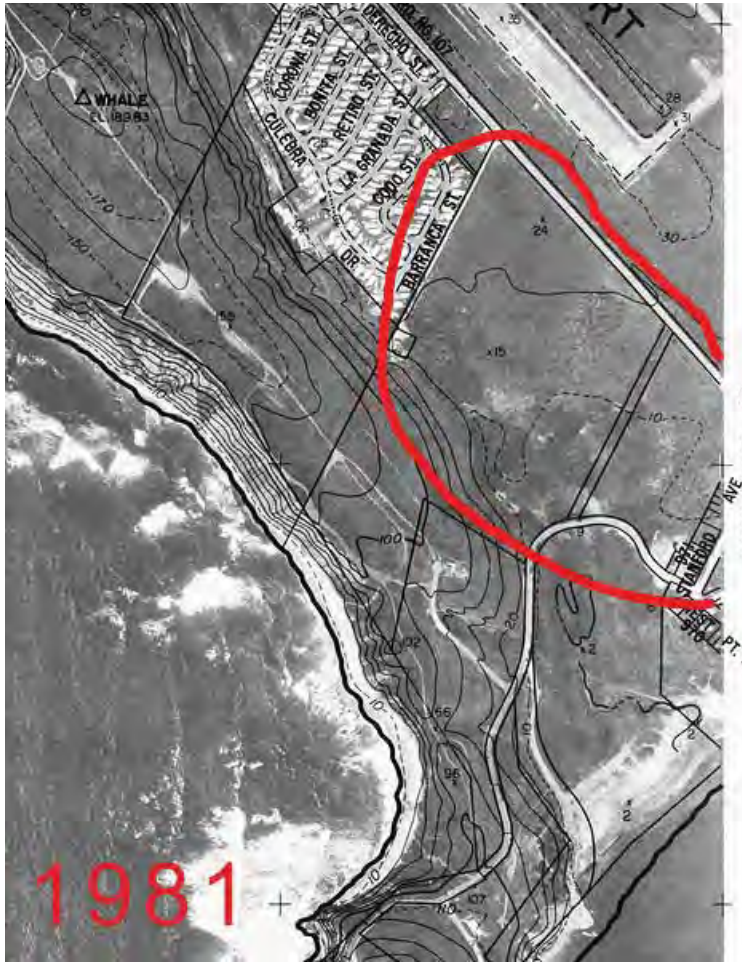
This image is from 1970. Again, you can see the airport and surrounding area. The Pillar Ridge community is now in place. The land that will become the Big Wave property looks essentially unchanged.



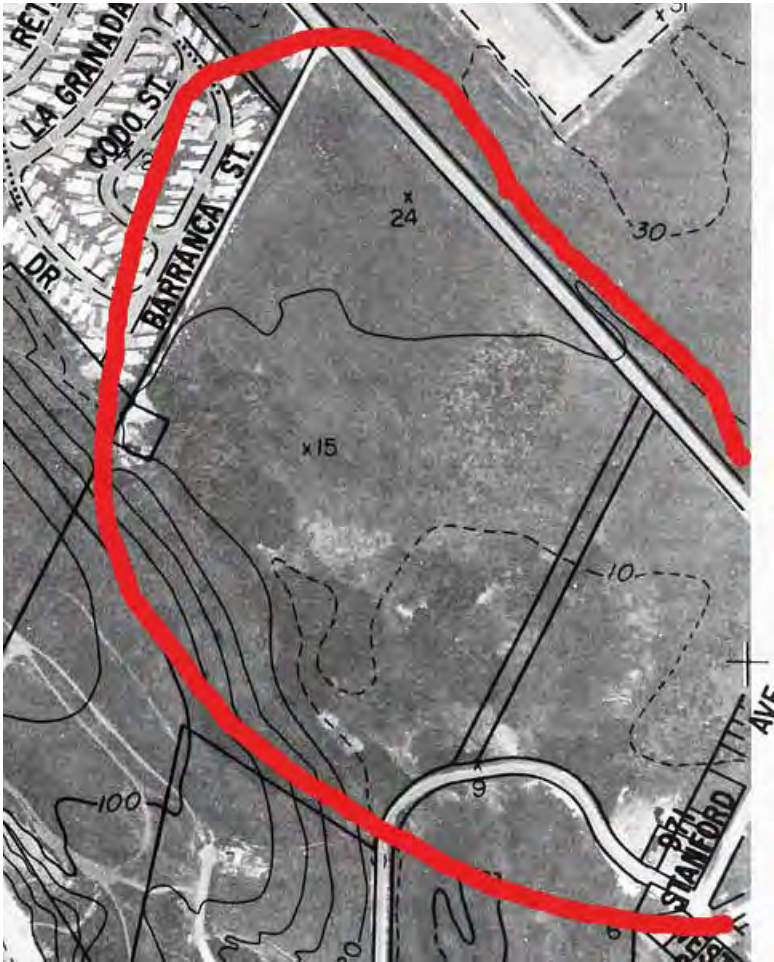
A close up shot of that same image appears to show established trails through the property.



In this 1981 image the property again appears unchanged:



Here is the detail from the 1981 image:



The next series of images are taken from Google Earth's archive of historical satellite imagery. The first image is from 1993, then from 2002 to 2008 we have yearly updates. Note that in the 2002 and later images the plot of airport property just above Airport Road is being farmed which gives us an informative comparison to see what a farmed field looks like from space.

From this series it appears that the Big Wave site was farmed in a significant way only in the past five years, after the property was obtained by Peck and Barber.

Editor's note: I will likely be making minor adjustments to the date of these images. You'll note that the date at the top, on the slider control, is different than the date in small type at the bottom left of the image. I believe that the small print date is the correct one and will be making the changes to the red text later tonight. These changes are minor in nature and do not change the order of the images or their interpretation.



(Imagery date July 2002)



(Imagery date Oct 2002)



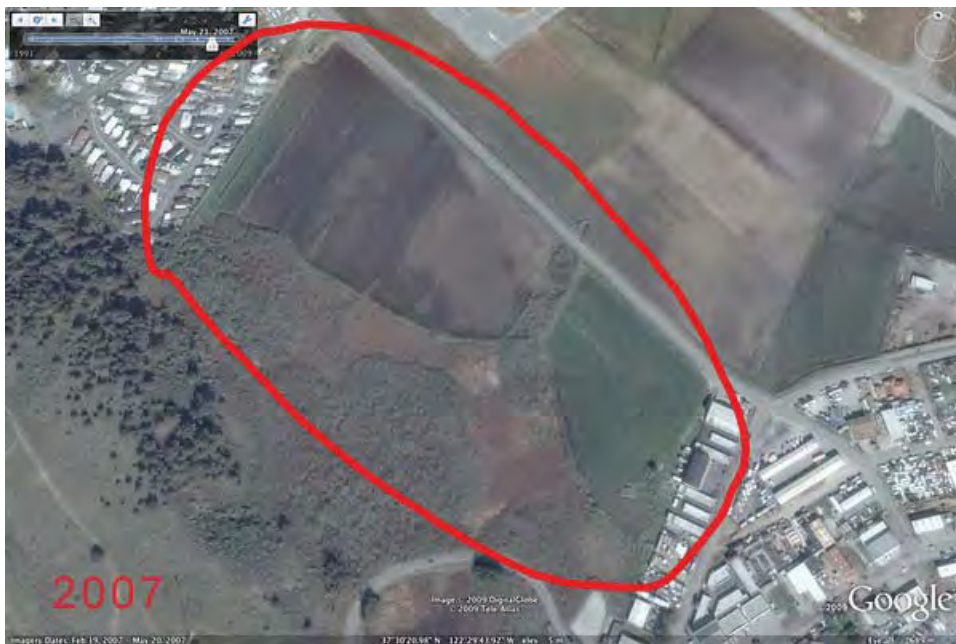
(Imagery date Feb 2004)



(Imagery date October 2004)



(Imagery date October 2004, 2005)



(Imagery date Feb-May 2007)



(Imagery date June 2007)

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<darin@darinboville.com> 12/24/2009 9:29 AM

Hi Camille,

Attached is the pdf of the article "Bg Wave attorney warns of
Beachwood-style law suit."

--Darin

215-4

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Big Wave attorney warns of Beachwood-style lawsuit if property is not developed

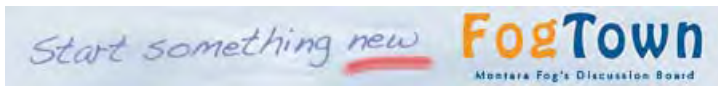
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WRITTEN BY DARIN BOVILLE

TUESDAY, 10 NOVEMBER 2009 17:01



David Byers, in a November 5th letter to Lisa Grote, the Director of Planning and Building, warns the County that it may be subject to an “inverse condemnation” lawsuit if the Big Wave property is not allowed to be developed.

David Byers is a partner in the law firm McCracken, Byers & Richardson who represent the Big Wave developers.

The warning takes issue with the environmental report prepared by Christopher A. Joseph and Associates and now in a public comment period. Byers writes that the consultant made an “inappropriate determination of certain restrictions on development” and that “any development restrictions on the site are caused by the County’s failure to maintain its own drainage channel and, of course, would subject the County to inverse condemnation if that land is subsequently not permitted to be developed.”

Byers’ warning sounds nearly identical to the Beachwood case where the City of Half Moon Bay eventually lost an inverse condemnation suit to developer Charles “Chop” Keenan over the development of wetland on the property and was subject to a \$41 million judgment, later settled at \$18 million.

Photo by Darin Boville

Copyright 2009 Darin Boville/Montara Fog

<darin@darinboville.com> 12/24/2009 9:31 AM

Hi Camille,

Attached is the pdf of the article "Big Wave is bigger than health care, bigger than Moby Dick."

--Darin

215-5

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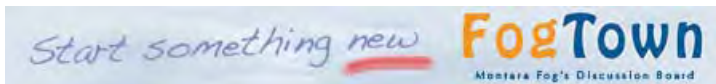
Big Wave is bigger than health care, bigger than Moby Dick

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WRITTEN BY DARIN BOVILLE

MONDAY, 02 NOVEMBER 2009 10:33

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UPDATED: The County, responding to public pressure, [has extended the comment period to December 22.](#)

The Environmental Impact Report (EIR) for the controversial Big Wave project has been released for public scrutiny and comment--and its size is staggering.

You can download the [entire report in a single pdf file here.](#) (Warning: It is a big download. Very big.)

Big Wave is the project designed to add a quarter million or more square feet of office and R&D space--essentially doubling that of the entire San Mateo Coast--in a difficult-to-access lot in back of the airport. The project's proponents boast that they will also support a small number of developmentally disabled people with the proceeds from the business complex, the largest development ever in the region.

The report sprawls well over two thousand pages, many of them dense charts and maps.

The public is supposed to read all of this material, digest it, and make their comments to the County by December 7th, just six weeks after the report was released. And if you want to offer your thoughts directly to Rich Gordon and the other Supervisors you had better be ready by their November 12th meeting in Redwood City.

Citizens better get busy. At the average adult reading speed it would take a full-time worker two and a half weeks straight to read through the document. At this speed they would not be able to pause long to study any of the complex tables or photographs included as evidence.

If staring at your computer screen for two and a half weeks makes you dizzy just to think about it why not have a look at a printed copy? Unfortunately there are only two copies on the entire midcoast--one at the Half Moon Bay library and the other in the custody of the Midcoast Community Council.

Given the commitment required to read this massive tome there will only be time before the end of the comment period for four citizens, two on the Midcoast Council and two in the general public, to read the printed versions through.

Perhaps we should print out more copies at home?

Not at my home. My HP Laserjet 1200 would take three and a half hours running non-stop to print it, assuming all of the pages are text, which they are not. (Graphics, like maps, charts and photos are much slower to print.) If I upgraded to Amazon.com's top selling laser printer I could cut that time to two hours (again, text only), using four and a half reams of printer paper for each copy.

The Big Wave EIR is big. Bigger than the bill to overhaul the entire health care system of the United States. Bigger than *Moby Dick*. The Big Wave EIR is bigger than the Bible.

TITLE	NUMBER OF PAGES
	<i>including all introductory material and appendices</i>
Big Wave EIR	2,266
American Heritage Dictionary <small>Full 4th Edition</small>	2,112
Pelosi health care bill <small>HR 3962</small>	1,990
The Bible <small>King James version</small>	1,824
The Complete Pelican Shakespeare	1,754
The Lord of the Rings <small>including The Hobbit</small>	1,536
War and Peace <small>Leo Tolstoy</small>	1,400
The Iliad & The Odyssey <small>Combined</small>	1,224
San Mateo County phone book <small>SMC Central, myYP.com</small>	788
Wealth of Nations <small>Adams Smith's seminal work on capitalism</small>	688
Mastering the Art of French Cooking <small>Julia Child</small>	684
San Mateo County Zoning Regulations	663
Moby Dick	656
San Mateo Local Coastal Program <small>(LCP)</small>	231

Montarafog.com

Illustration by Darin Boville

Copyright 2009 Darin Boville/Montara Fog

<darin@darinboville.com> 12/24/2009 9:32 AM

Hi Camille,

Attached is the pdf of the article "Big Wave won't show size of project during comment period."

--Darin

215-6

Text Size

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Big Wave won't show size of project during comment period, only afterward

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WRITTEN BY DARIN BOVILLE

WEDNESDAY, 04 NOVEMBER 2009 11:52

UPDATED: Click here for [text of Big Wave's refusal to build story poles](#).

The Big Wave developers want to show you how big their project is--but only after it is too late for you to do much about it.

Opponents of Big Wave, the large commercial development under the bluffs behind the airport, have been waiting to see the story poles--the wooden frame and oranges mesh "buildings"--for this project, convinced that once the general public sees the Big Wave story poles towering over all of the other structures in the area they would realize how far the developer was over-reaching. They expected an outcry from the public when it was plainly obvious that the project would have large, negative impacts on the community.

Negotiations with the County over the story poles ended today with the developer refusing to build the story poles until after the public comment period is over. Instead, they will build them just prior to the County decision-making hearings in early 2010.

The developer cites four reasons for their refusal:

- 1) The cost of building the poles (which they estimate at \$80,000) is too high.
- 2) Building the poles will disrupt the planting of the winter crop.
- 3) There is no legal mandate requiring the story poles.
- 4) The computer renderings in the environmental impact report are a good substitute.

The developer did not indicate how or why any of these factors would be any different two months later, in February of 2010, when they have offered to build the story poles. The only difference appears to be that by building them then versus now they avoid revealing the size of the structures during the public comment period of the environmental impact report. The comment period ends December 7th.

Image by

<http://www.flickr.com/photos/gastev/> / CC BY 2.0

Copyright 2009 Darin Boville/Montara Fog

<darin@darinboville.com> 12/24/2009 9:36 AM

Hi Camille,

Attached is the pdf of the article "Big Wave is not LEED certified after all."

--Darin

215-7

Text Size

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Big Wave: Not LEED Certified after all

WRITTEN BY DARIN BOVILLE

TUESDAY, 10 MARCH 2009 09:42

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At last month's MCC meeting developer Jeff Peck presented his plans to build a 300,000 square foot business park and associated Wellness Center on land behind the airport, adjacent to Princeton Harbor.

Peck claimed that the project was Platinum LEED certified. LEED certification is a mark of high environmental distinction in construction and the platinum level is its highest rank.

However, the US Green Building Council, the steward of the LEED certification program, does not list the Big Wave project in its certification database. The project is also not "pre-certified"--a distinction that applies to projects whose plans have been reviewed and approved by the US Green Building Council, subject to a final review of the finished structure.

Big Waves' plans, in early draft form and subject to change, are not considered ready by the Council for application for LEED certification.

Stephen St. Marie, a member of the Big Wave leadership team acknowledged the issue in an e-mail but pointed out that the project does intend to meet the LEED certification standards and eventually receive certification. He wrote, "...at this stage nothing is certified. It is intended that the project will be LEED Platinum Certified, and every design criterion to meet that certification will be met. But, you are right, there is no certification yet, nor could there be."

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<darin@darinboville.com> 12/24/2009 9:38 AM

Hi Camille,

Attached is the pdf of the article "Fire Chief: Big Wave report mischaracterizes impacts upon fire services."

--Darin

215-8

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Fire Chief: Big Wave report mischaracterizes impacts upon fire services

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WRITTEN BY DARIN BOVILLE

MONDAY, 14 DECEMBER 2009 15:41

The Fire Chief of the Coastsides Fire Protection District says that his answers to a survey sent to him by the consultant writing the environmental report on Big Wave were mischaracterized in the final report.

In his answers to a short series of questions Cole indicated on each question dealing with potential impacts that he lacked enough information to make a proper evaluation and suggested the potential for major impacts upon the fire department.

The Big Wave draft environmental report is supposed to detail impacts upon the community, including additional costs to the fire department, so that the community can evaluate the project's effects upon the community. The draft report is now in its public review period, which ends December 24th.

The consultant, paid for by Big Wave but contracted via the County, is Christopher A. Joseph and Associates of Petaluma. The draft report was approved by the Big Wave developer prior to release to the public.

In the report the impact upon fire services is listed as "no significant impact," a categorical term that indicates that the fire department will not need to hire additional staff or purchase any significant new equipment as a result of the construction of the 300,000 square foot facility, allowing the developer to avoid mitigation measures to compensate for impacts that are significant.

However, Chief Paul Cole draws a line between his answers to the questions and the rosy interpretation of his answers printed in the report. "I said what I said. Period." says Cole. (The report, over two thousand pages in length, has been heavily criticized for finding "no significant impact" in every category despite the project's record-breaking size and environmental controversies.)

One key question asked whether Big Wave would result in a need for new facilities. Chief Cole wrote in his answer that a new company of firemen might be required in the area and that, since the existing station could not support the additional company, the station would need to be expanded or a new station would need to be built.

Yet the report, though it mentions these concerns, dismisses them in its analysis. When asked if the consultant had made contact with Cole or the fire department in addition to the questionnaire Cole responded, "No. They sent the questions in, out of the blue, and that was the last I heard from them."

In the same set of answers given to the consultant, Cole suggests the potential need for purchasing a new ladder truck, in addition to hiring a new company and building a new fire station, citing the height of the Big Wave buildings and the layout of the complex as factors. "A new ladder truck would run about a million dollars," he said.

The letter to Cole from the consultant failed to offer key information such as the number of employees that would be expected to be at the site. Other documents suggest that well over 700 people would be expected on the site at any one time during the day.

A nearly identical letter from Christopher A. Joseph and Associates was sent to the Sheriff's department asking similar questions about Big Wave's potential impact. The answers, like those from the fire department, declared a need for more information. In the draft environmental report the consultant

concluded that Big Wave would have “no significant impact” upon police services.

Click on this link to download a [copy of the consultant's questionnaire and Chief Cole's response](#).

Click on this link for a [copy of the questionnaire to the Sheriff's Office and the response](#).

Finally, click on this link to read [the chapter on Police and Fire Services](#) in the Big Wave draft environmental report.

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<darin@darinboville.com> 12/24/2009 9:39 AM

Hi Camille,

Attached is the pdf of the article "The Planning Board."

I'll be sending the video in a separate e-mail

--Darin

215-9

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Neil Merrilees: The Planning Board

WRITTEN BY DARIN BOVILLE

MONDAY, 06 APRIL 2009 15:04

[Print](#) [E-mail](#)

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Big Wave, the housing project for the disabled cum 332,000 square foot office mega-plex, is the biggest development the coast has ever seen.

But if you think that is big Neil Merrilees has a surprise for you.

Join Neil in his newest video as he takes you where few dare to go--into our coastal zoning regulations--and see why we often find ourselves fighting against projects that are too big or otherwise inappropriate for the coast.

This Wednesday, April 8th, Neil will be leading a discussion on zoning issues at the Midcoast Community Council meeting. The meeting begins at 7:30 at Seton Coastside Medical Center in Moss Beach and the zoning issue will be the first item on the agenda.

Video by Darin Boville

Copyright 2009 Darin Boville/Montara Fog

<darin@darinboville.com> 12/24/2009 9:41 AM

Hi Camille,

Attached is the pdf of the article "New Big Wave aerial photos."

--Darin

215-10

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New Big Wave aerial photos

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WRITTEN BY DARIN BOVILLE

WEDNESDAY, 08 APRIL 2009 13:48

A reader and a neighbor of the Big Wave site sends in these additional photos of the parcels.

Lisa Ketcham, a twelve-year resident of next-door Pillar Ridge, took three images of the area on August 6th, 2002 from the air.

None of the images show any sign of agricultural activity on the parcels.

Ketcham writes, "In the 2002 photo the spots in the center of the north parcel near Pillar Ridge are a bunch of junk to hide behind like for paint-balling. Then they briefly had something more elaborate (the rectangle seen in 2003). From when I moved here in 1997 till all that junk in the north parcel was removed, there was no cultivation or farming."

For each of the three images the Big Wave site is outlined in red. A detail image of just the Big Wave parcel is also provided. Full resolution versions [are available by clicking here](#).



8/6/02 Pillar Point, the harbor & Half Moon Bay. Rosso' Cove in foreground



SV002: the bluff, Rose Cove, & Pillar Point





Big Wave is the proposed mega-332,000 square foot business park proposed for two parcels of land behind the airport. The large scale of the business park is justified, according to proponents, in order to support up to forty disabled residents of the on-site Wellness Center.

In [a prior report here on Montara Fog](#) we published satellite and aerial photos of the site going back to the 1950's we found that developer Jeff Peck's claim that the land has been farmed "since the 1930s" to be overstated. None of the photographs prior to Peck and local businessman Steve Barber's purchase of the property seemed to show any agricultural activity. (We are investigating the possibility that the land was farmed in the 1930s and early 1940s but has lain essentially fallow for the past sixty to seventy years.)

The status of the land, agricultural land versus wetland, will have a large impact on the environmental laws which will apply during the development process--indeed, they will largely determine whether the land can be developed at all.

Photos by Lisa Ketcham

Copyright 2009 Darin Boville/Montara Fog

<darin@darinboville.com> 12/24/2009 9:42 AM

Hi Camille,

Attached is the pdf of the article "Were you notified about Big Wave?"

--Darin

215-11

Text Size

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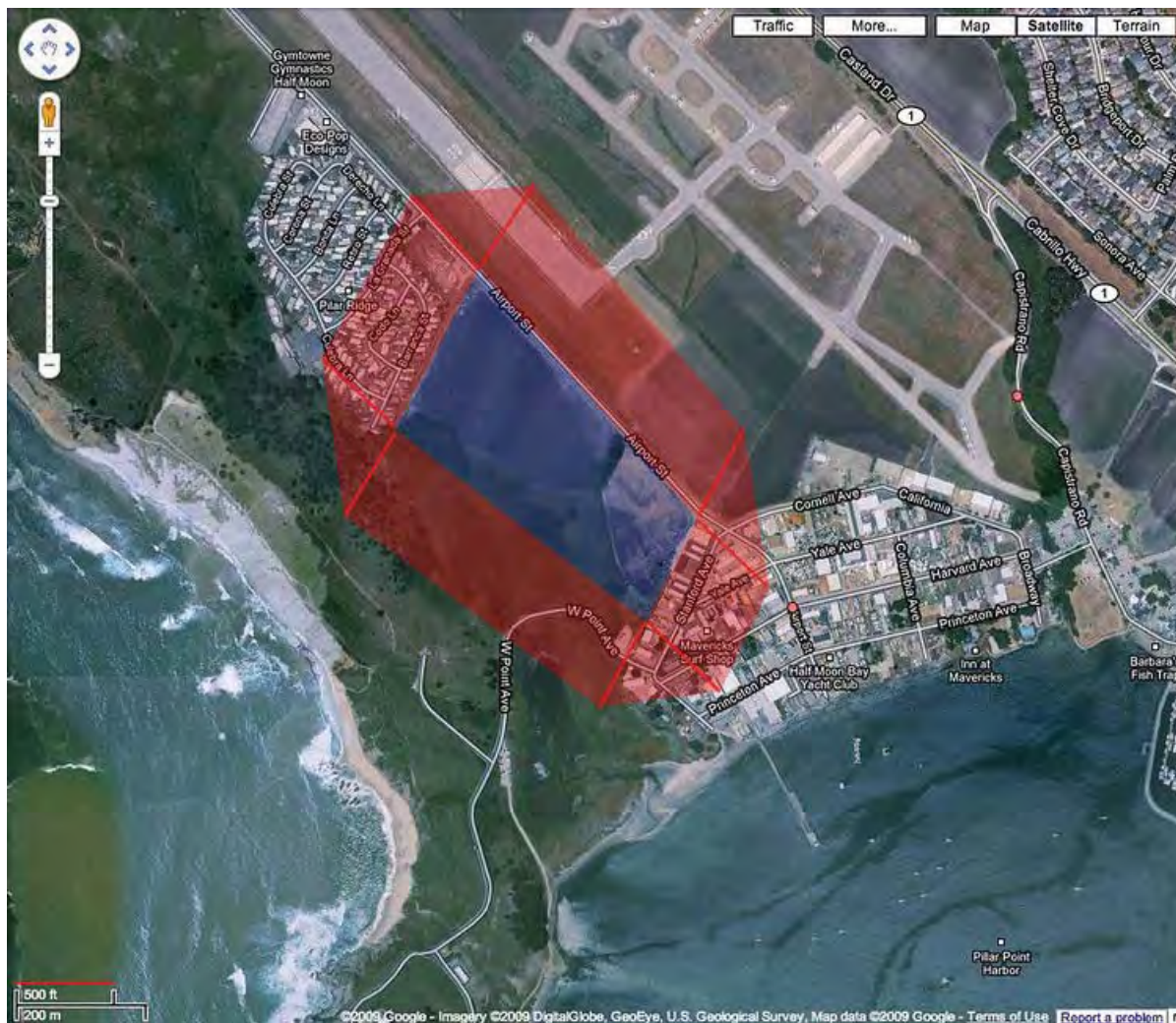
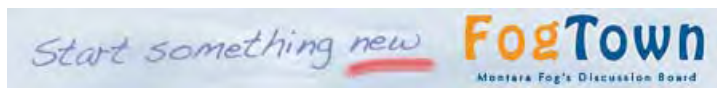
Were you notified about Big Wave?

WRITTEN BY DARIN BOVILLE

SUNDAY, 08 NOVEMBER 2009 01:57

[I Print I](#) [E-mail](#)

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Map of the Big Wave notification area. The red ring indicates the five hundred foot radius notification area, the blue area inside the ring is the Big Wave development site. The Pillar Ridge mobile home park is in the upper left quadrant of the image, Princeton Harbor is right of center.

Were you notified?

The red-tailed hawk just stared when he was notified. He didn't blink.

The vole seemed nervous at the news, twitched its nose as if it couldn't decide if these tidings were good or bad.

Across the fence at the airport the bobcat seemed especially skittish, eyeing the undeveloped land with a cynical gaze.

The Big Wave project notification area includes mostly uninhabited fields and bluffs.

The County is required to notify neighbors of any development project. If a neighbor is building a house, for example, everyone within three hundred feet is alerted by a mailing from county staff detailing the project and inviting them to comment.

These same rules apply to Big Wave, the [large commercial business part/sanitarium proposal](#), sited under the bluffs adjacent to Ross' Cove, next to the airport in Moss Beach. In fact, given the size of the project the notification radius was extended to five hundred feet--which in this case includes half of the Pillar Ridge mobile home park, part of the Princeton Harbor area, and swaths of bluff and fields.

Given that [the developer has refused to put up story poles](#) on the site (those wooden frame mock-ups with orange netting) which would have alerted residents not in the limited notification area that something was going on at the site, it is no surprise that most coastsiders seems completely unaware of the proposal, even though it is well on it way in the approval process.

Graphic by Darin Boville, based on a photo from Google Maps

Copyright 2009 Darin Boville/Montara Fog

<darin@darinboville.com> 12/24/2009 9:44 AM

Hi Camille,

Attached is the pdf of the article "Will Bg Wave be built over three years--or fifteen?"

--Darin

215-12

Text Size

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Will Big Wave be built over three years--or fifteen?

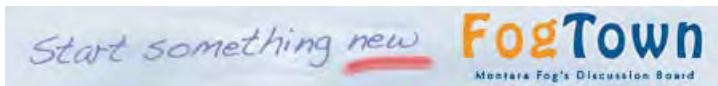
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WRITTEN BY DARIN BOVILLE

FRIDAY, 20 NOVEMBER 2009 17:26



Adding further doubt and confusion over the proposed Big Wave project, the controversial 315,000 square foot office park/sanitarium near the airport, an appraisal of the project released today by the county indicates that the Big Wave developer plans to build the project over fifteen years.

This schedule contradicts the 30-month to 3-year construction timeline given in the project's environmental report, currently in its public comment phase.

A change in the project phase-in from three years to fifteen years may have drastic effects on its environmental impact.

The appraisal, performed by Enright & Company of San Mateo, was contracted by Big Wave to assess employment levels over the course of the project's development.

Critics of the project as proposed in the environmental report have raised doubts about the three-year timeline, pointing out what they say are unrealistic assumptions about the demand for office space on the coast. Critics have estimated that it would take several decades for the coastside office market to absorb so much new floor space--which approximately doubles the existing total inventory.

The Big Wave developer has pointed to the short, three-year timeline as a major factor in achieving the "no significant impact" ratings given in the environmental report.

A project phased in over fifteen years, however, may have far larger impacts on noise, stormwater abatement, construction traffic, traffic lights, aesthetics, and wetland mitigation than is described in the environmental report.

For example, the environmental report calls for wetland mitigation measures to begin "after the completion of the Wellness Center and Office Park construction." If construction on the project began in 2010 the environmental report suggests the mitigation measures would be performed in 2013 or 2014. The schedule given to the appraiser by Big Wave, by contrast, suggests the mitigation measures would not be performed until after 2025, at least fifteen years after construction commences.

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<darin@darinboville.com> 12/24/2009 9:53 AM

Hi Camille,

Lisa Grote said we could submit videos so...

Here is the video of "A big wave (and I don't mean Mavericks)"

Please click on this link or type it in to see the video:

<http://tinyurl.com/bigwave2>

--Darin

215-13

<darin@darinboville.com> 12/24/2009 9:56 AM

Hi Camille,

Here is the URL for the second video, "The Planning Board."
<http://tinyurl.com/bigwave3>

--Darin

215-14

Response to Comment Letter 215
Darin Boville - Montara Fog

Response to Comment 215-1

The commenter states that, in order to better understand the “local perspective,” he is submitting to the County some of the reporting he has done on Big Wave, and includes 11 articles.

This statement is informational. No response is required by CEQA.*

Response to Comment 215-2

The commenter gives a brief description of the Big Wave Project, and discusses Neil Merrilees’ video filmed at the Big Wave site, to be presented at the Midcoast Community Council meeting on February 20, 2009.

Neil Merrilees’ video discusses visual impacts of the project. Refer to Response to Comment 213-19 and Section IV.A (Aesthetics) of the DEIR.

Response to Comment 215-3

The commenter talks about the history of the property and disputes the claim that the parcel has been historically farmed. He accuses the owners of bringing in truckloads of dirt to destroy habitat in preparation for development, and provides 13 images.

The discussion is outside of the purview of this CEQA document. Refer to Section IV.B (Agricultural Resources) and Topical Response 13, County Permit History.

Response to Comment 215-4

In an article written by the commenter, he states that BW attorney Dave Byers warned the County that it may be subject to an “inverse condemnation” lawsuit if the BW property is not allowed to be developed, similar to the case brought against the City of Half Moon Bay by developer Charles “Chop” Keenan (Beachwood).

The discussion is outside of the purview of this CEQA document.

Response to Comment 215-5

The commenter discusses the size of the Draft EIR, and that very few people will actually have the time to read it before the public comment period ends.

This comment is an expression of personal opinion.*

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 215-6

The commenter accuses the Big Wave developer of delaying putting up story poles in order to avoid revealing the size of the structures during the public comment period of the EIR.

Please refer to Topical Response 1, Story Poles, of the FEIR.

Response to Comment 215-7

The commenter quotes Stephen St. Marie, who states that it is too early in the process for any certification, but that the intent is for Platinum LEED certification.

Page III-60 of the DEIR states that the project is planned and designed to be a LEED Platinum certified. The project has yet to be constructed.

Response to Comment 215-8

The commenter claims that the Fire Chief of the Coastsides Fire Protection District claims his answers to a survey were mischaracterized in the Draft EIR, specifically the impact BW will have upon fire services and equipment needed.

Refer to the comments of the Coastsides Fire Protection District in Comment Letter 191, as well as corresponding response to comments.

Response to Comment 215-9

The commenter invites his readers to attend a presentation by Neil Merrilees on zoning issues on the Coastsides, specifically projects that are “too big or otherwise inappropriate for the coast.”

Refer to Response to Comment 215-2.

Response to Comment 215-10

The commenter again accuses the owners of the Big Wave parcel of being dishonest about how long the land has been farmed; he includes aerial photos taken by Lisa Ketcham in 2002 and 2003. He says he will investigate whether any farming was done during the 1930s and early 1940s.

The discussion is outside of the purview of this CEQA document. Refer to Section IV.B (Agricultural Resources) and Topical Response 13, County Permit History.

Response to Comment 215-11

The commenter claims that the project notification area does not include enough people, and therefore that story poles are all the more necessary. He again comments that “the developer has refused to put up story poles.”

Please refer to Topical Responses 1, Story Poles, and 2, Public Review Period for the DEIR.

Response to Comment 215-12

The commenter claims that the intent is to build the BW project over 15 years, which contradicts the 30-month to 3-year timeline given in the EIR. Specific concerns are the “unrealistic assumptions about the demand for office space on the coast,” and the potential delay for environmental mitigations that would result from the lengthy building process.

Please refer to Topical Response 12, Construction Phasing for the Office Park.

Response to Comment 215-13

Commenter submits video “A Big Wave (and I don’t mean Mavericks).”

Refer to Response to Comment 215-2.

Response to Comment 215-14

Commenter submits video “The Planning Board.”

Refer to Response to Comment 215-2.

"Deirdre Meola" <deirdre.meola@gmail.com> 12/24/2009 1:52 PM

I wanted to voice my objections to the Big Wave project. This project is too big for the coast, has not been well thought-out and would cause terrible traffic conditions if indeed it attracted the number of tenants envisioned. Why in the world would a business locate to the coast when there is no mass transit system and it is so expensive to live here? This is pie in the sky. I would like to see what type of reliable data there is to support this. Not only would the structures be completely out of character with the coast but you would cause years of irreparable harm to this area with the ensuing traffic congestion.

216-1

--

Deirdre Meola
151 Medio Ave
Half Moon Bay, CA 94019

Response to Comment Letter 216
Deirdre Meola - Individual

Response to Comment 216-1

The commenter states that the project is too big for the coast.

Refer to Response to Comment 213-19.

The commenter states that the project would lead to traffic congestion.

Refer to Topical Response 8, Traffic and Parking Impacts, and Section IV.M (Transportation/Traffic) of the DEIR.

Camille Leung, Planner
 San Mateo County Planning Dept.
 455 County Center, 2nd Floor
 Redwood City, CA 94063
 email: cleung@co.sanmateo.ca.us

Re: Big Wave Project Draft Environmental Impact Report (DEIR)

We have lived in this area for nearly 25 years now and adapted to all the changes. We embrace those changes when they are positive, endure them when they are neutral and stand up to be counted when they are negative. We adamantly oppose Big Wave. While all compassionate citizens support real opportunities for the disabled to participate more meaningfully in our society, it is our feeling that in this case the "Wellness Center" is actually a ploy to make more palatable the construction of what would otherwise be rejected out of hand. Below are some of our most serious concerns:

217-1

The building is being deceptively represented as only 3 stories when its height is actually equivalent to most 5 story buildings. The developer has gone out of his way to avoid erecting story poles to disguise the potential visual impacts of the project. Without these, it is impossible to gauge the project's impact on views and whether it would be in keeping with the surrounding natural setting and nearby buildings. Why?

217-2

The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy. Shouldn't there be a proposal for mitigation starting day 1, or at the very least as soon as daily trip equal a 25% (or other threshold) increase in the current flow.

217-3

It doesn't appear that a dedicated source of water or means of guaranteed disposal of sewage have been identified, even though the site is served by public water and sewer agencies.

217-4

There is no analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.

214-5

It seems grossly inappropriate to develop additional housing in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.

217-6

The project provides the sketchiest of financial assumptions to support its claim of "affordable" housing. There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos.

217-7

The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.

217-8

Most current wisdom acknowledges that integration into existing communities (mainstreaming) is key to minimizing the isolation of the developmentally disabled. Wellness Center residents would be located far from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.

217-9

The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

217-10

We're disappointed to see a developer hide behind the skirts of the developmentally disabled population to further his own financial goals.

217-11

As drafted, the DEIR is inadequate, has numerous errors, is contradictory in some places, and leaves crucial mitigation measures to future studies, which is not permitted under CEQA.

217-12

_Diane L. Brosin and Tim Machold
65 Bernal Avenue, Moss Beach, CA 94038

Response to Comment Letter 217
Diane Brosin and Tim Machold - Individual

Response to Comment 217-1

The commenter provides an introduction.

This statement is introductory. No response is required by CEQA.*

Response to Comment 217-2

The commenter states that the buildings are too large for the surrounding setting and that the developer needs to set up story poles in order to allow the public to gauge the visual impact.

Refer to Response to Comment 213-19 and Topical Response 1, Story Poles. Section IV.A (Aesthetics) in the DEIR concludes the projects aesthetic impacts will be less than significant.

Response to Comment 217-3

The commenter states that the project defers traffic mitigation until after full occupancy and requests that implementation of mitigation should occur earlier.

Refer to Topical Response 8, Traffic and Parking Impacts, for revised traffic mitigations and Section IV.M (Transportation/Traffic) of the DEIR.

Response to Comment 217-4

The commenter states that a source of water and sewage has not been identified.

Refer to Response to Comment 103-4.

Response to Comment 217-5

The commenter states that there is no analysis of impacts caused by violent shaking, liquefaction, and differential settlement under buildings.

Refer to Response to Comment 103-5.

Response to Comment 217-6

The commenter states that it is inappropriate to develop housing in a Marine Industrial Zone with chemical, tsunami, and adjacent airport operation hazards.

Refer to Response to Comment 103-6.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 217-7

The commenter states that there are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos.

Refer to Response to Comment 103-7.

Response to Comment 217-8

The commenter states an opinion regarding the estimated construction period for the proposed Office Park and asserts that since wetlands restoration would not be done until all construction is complete, stormwater runoff would carry sediment and other pollutants into the Pillar Point Marsh.

Refer to Response to Comment 103-8.

Response to Comment 217-9

The commenter states that the Wellness Center will isolate the DD residents.

Refer to Response to Comment 103-9.

Response to Comment 217-10

This comment asserts that the property owners have destroyed wetlands on the property site, provides general information regarding the loss of State wetlands, and expresses an opinion regarding the restoration of wetlands on the project site.

Refer to Response to Comment 103-10.

Response to Comment 217-11

The commenter states her personal opinion of the developer.

This comment is an expression of personal opinion.*

Response to Comment 217-12

The commenter states that the DEIR is inadequate.

This comment is an expression of personal opinion. CEQA encourages reviewers to submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence. Regarding deferred mitigation, refer to Topical Response 4, Deferral of Mitigation Measures.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

December 24, 2009

San Mateo Co. Planning Dept.

Attn: Camille Leung, Planner

455 County Center, 2nd Floor

Redwood City, CA 94063

Post-it® Fax Note 7671		Date 12/24/09	# of pages 3
To Camilla Leung		From D Norris	
Co./Dept. SM Planning		Co.	
Phone # 650 363 9849		Phone # 650 208 6498	
Fax #		Fax #	

Re: Big Wave Project DEIR, Biological Resource, Flooding and Noise Pollution

FR: Dorothy Norris, Marine Biologist, Resident of Pillar Ridge Manufactured Home Park

I have the following issues with the Draft Environmental Impact Report for the Big Wave Project

California Red-legged Frog (CRLF) issues to the DEIR:

1. Is there suitable habitat impact to the nearby wetlands caused by the construction of Big Wave?

The DEIR does not adequately address this question. There is a need of a professional survey of the surrounding wetlands to determine their suitability as a CRLF reproductive habitat. There are protocols that are outlined to ensure these surveys are done properly to get accurate results and assist with the land management decisions (<http://www.fws.gov/sacramento/es/protocol.htm>). Since the project is within 1 mile of the wetlands, this type of survey is necessary. If it is found suitable, it does not matter if the frogs are currently using it or not, it is still a protected habitat.

According to the DEIR: "As noted above, CRLF require both permanent water and complex vegetation structure to complete their life cycle." This assertion seems to be in conflict with current literature on the life history of the CRLF (Bulger 2003), which has been recently found to be capable of overwintering tadpoles (Fellers, 2001).

2. Will the project obstruct migration of the frogs to the reproductive habitat?

It is well known that during the winter months the red-legged frog adult may migrate long distances to find suitable breeding ponds in wetland areas. These animals may use stream corridors as the one that bisects the Big Wave Projects, however, according to Bulger (2003):

218-1

218-2

"Attempts to mitigate adverse impacts to red-legged frog habitat through the designation or creation of movement corridors in areas scheduled for development are problematical. The tendency of frogs to move in more or less straight lines to target sites indicates that it would be difficult to attempt to channel movements through provisional corridors "

218-2

3. *Is the wetlands buffer of sufficient size to ensure continued migration of the CRLF?*

According to Bulger again:

"Conservation and resource management planning for activities that alter the local environment should strive to retain a well-distributed array of natural habitat elements that provide protective cover for red-legged frogs to a distance of at least 100 m from occupied aquatic sites."

218-3

This is 3 times the size of the buffer in the Big Wave plan, which provides only a 100 foot buffer zone.

4. *How does the fencing effect the migration of the CRLF during construction?*

The CRLF does not respond well to fencing in its migratory path and in many times it causes mortality (Rathbun, 1997). Unless there is monitoring 24 hours a day during the migration period (late October to mid-May), to ensure the frogs do not get impinged or impeded by the obstructions, the fencing would interfere with the normal migration of the CRLF.

218-4

5. *How does the development effect the ability of CRLF to compete with invasives (ie. American Bullfrog)?*

Development in the range of the endangered frog also favors the invasive competition, the American Bullfrog. I quote from D'Amore recent paper in Biological Invasions journal:

"The invader (Bullfrog) appears to be favored over the native (CRLF) in sites with hydrological alteration, landscape-level habitat fragmentation and degradation of habitat."

218-5

The Big Wave Project will do all of this within the region.

In all respects, the Project, as it is now, is likely to have a **significant** effect on the ability of CRLF to populate and use a possible suitable habitat. For these reasons, I don't think the DEIR has addressed these impacts adequately.

DSN

Noise pollution effects on wildlife

The section on Noise pollution in the DEIR addresses effects on the human residents in the area and mitigates most of the hazards to increased distance from the Pillar Ridge Manufactured Home Park (referred to as El Granada Mobile Home Park in DEIR). It does not investigate the effects on wildlife natural resources including fish and birds. The biological resources section refers to significant wildlife inhabiting and migrating through the region around the project site. There are many scientific surveys that document the effects of vibrational noise on fish physiology (Scholik 2001) and bird communication and breeding (Mead 2009). The authors could have addressed this possible impact in the biological resources section or the noise section, but it seems to have been overlooked.

218-6

Flooding of surrounding neighborhood

The DEIR addresses the prevention of flooding of the project site, but what will the alteration of the landscape and increased non-permeable surfaces affect the water flow in the surrounding residential areas (ie. Pillar Ridge Manufactured Home Community)? There has been a problem in the past caused by mismanagement of agricultural waste and abuse of water drainage areas on the project site. The consequences of a flood on our community could be disastrous, especially to our residents who live near the creek.

218-7

Bulger, J. et al 2003. Terrestrial activity and conservation of adult California red-legged frogs *Rana aurora draytonii* in coastal forests and grasslands. *Biological Conservation*, V110 (1) : 85-95

D'Amore, A. et al. 2009. Do a threatened native amphibian and its invasive congener differ in response to human alteration of the landscape? *Biological Invasions* v12(1):145-154.

Fellers, G et al 2001. Overwintering Tadpoles in the California Red-legged Frog (*Rana aurora draytonii*). *Herpetological Review* 32(3) 156-157.

Mead, C. 2009. Briefing document on road noise and breeding birds.
<http://www.nonoise.org/resource/wildlife/wildlife.htm>.

Rathbun et al 1997. *Rana aurora draytonii* (California Red-legged Frog) behavior. *Herpetological Review* 28(2).

Scholik, A. et al. 2001. Effects of underwater noise on auditory sensitivity of a cyprinid fish. *Hearing Research* v152(-2): 17-24.



Response to Comment Letter 218
Dorothy Norris

Response to Comment 218-1

Commenter states that the DEIR does not adequately address the impact to the California Red-legged Frog's (CRLF's) habitat (the nearby wetlands). Commenter asserts that a professional study needs to be conducted to accurately determine this question, particularly since the project site is within one mile of the wetlands.

A Biological Impact Report of the project sites was prepared by WSP (wetlands scientists) and is provided in Appendix E of the DEIR. The report addresses the impact to the CRLF and its habitat. The contents of this report are discussed on page IV.D-89; the DEIR concludes based on this report and the mitigations, the project has less than a significant impact to special status species including the CRLF.

Response to Comment 218-2

Commenter questions whether the project will obstruct migration of the CRLF to their reproductive habitat. Commenter asserts that the CRLF migrates long distances in winter months to find suitable breeding ponds, and may use stream corridors, such as the one that bisects the project site.

The Biological Resources Report states that the lack of presence of the CRLF is due to the lack of their reproductive habitat. Figure III-25 and 26 show a 250-foot wide migration corridor to the airport uplands. Migration across Airport Street is considered a barrier. The 90% Basis of Design Report provided in Section III.B of the FEIR shows CRLF breeding habitat in the restoration plan. Migration from the marsh to this habitat will not be obstructed.

Response to Comment 218-3

Commenter questions whether the wetlands buffer is of sufficient size to ensure continued migration of the CRLF.

The wetlands buffer is the size required by the LCP. It should be noted that the drainage that exists between the parcels along with buffer zones for both parcels would serve as the wildlife corridor. Buffer areas and wetlands would be restored as described in the 90% Basis of Design Report. A goal of the restoration is to mitigate the impacts of development by providing an increase in hydrologic functions, landscape hydrologic connections, improvements in biochemical functions, plant function and faunal support habitat function.

Response to Comment 218-4

Commenter questions how the project's fencing will affect the migration of the CRLF during construction. Commenter asserts that fencing in the CRLF's migratory path can cause mortality, and that fencing in the project would interfere with the CRLF's migratory path in this instance.

Construction fencing and monitoring is described in Mitigation Measure BIO-1a of the DEIR.

Response to Comment 218-5

Commenter expresses concern over the project's affect on the CRLF's ability to compete with invasives (i.e. the American Bullfrog). Pursuant to the commenter's sources (footnoted therein), the development has the effect of favoring the invading species (such as the bullfrog) over the CRLF, where there is hydrological alteration, landscape-level habitat fragmentation and degradation of habitat, all of which commenter asserts would be caused by the project.

As described in the 90% Design Report, the project provides microtopography designed for CRLF breeding. However, topographical depressions are intended to dry-up seasonally, thereby minimizing bullfrog breeding. Restoration versus just unrestored buffers is a critical component in protecting existing wetlands from invasives.

Commenter asserts that the project will have a significant effect on the ability of the CRLF to populate their habitat, a fact not sufficiently addressed in the DEIR.

As discussed in the 90% Design Report, the project will have a positive impact in providing breeding habitat and the functional improvements as described in Response to Comment 218-3.

Response to Comment 218-6

Commenter asserts that the DEIR fails to address the effects of noise pollution on wildlife, including fish and birds. Commenter relies on articles for the propositions that vibrational noise has an effect on fish physiology as well as bird communication and breeding.

Mitigation Measure NOISE-1 requires that the vibrational noise of pile driving (associated with impacts to fish) be avoided. Section III of the FEIR states that all piers will be drilled. Mitigation Measure NOISE-1 also lists seven other noise and vibration control requirements.

Response to Comment 218-7

Commenter is concerned about the possibility of the project causing flooding in surrounding residential areas, such as the Pillar Ridge Manufactured Home Community. Commenter asserts that there has been a problem in the past caused by mismanagement of agricultural waste and abuse of water drainage.

Refer to Response to Comment 185-34.

RECEIVED

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

DEC 24 2009

**San Mateo County
Planning Division**

Re: **Big Wave Project Draft Environmental Impact Report (DEIR)**

While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings.
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy.
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

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Sign:

Print name:

Address:

[Signature]

EDWARD L DAVIS

Date:

12/5/09

400 Casa Del Mar Dr
Half Moon Bay Ca 94019

Response to Comment Letter 219
Edward Davis

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

RECEIVED

DEC 24 2009

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

**San Mateo County
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Sign: _____

Print name: _____

Date: _____

Address: _____

Eileen Silva
PO Box 2673
La Grana, CA 94048

Response to Comment Letter 220
Glen Silva

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

<[DUFF JOHN@comcast.net](mailto:DUFF_JOHN@comcast.net)> 12/24/2009 12:18 PM

Camille Leung and all Planning Commissioners

San Mateo County Planning Commission
555 County Center
Redwood City, CA 94063

December 24, 2009

RE: Traffic impacts of the Big Wave Project

I would like to address potential traffic impacts of the Big Wave Project to the residential neighborhood on Airport Road between Marine Blvd. and Cypress Ave. in Moss Beach. The potential impacts of multiple speeding cars in this rural residential neighborhood WILL result in traffic accidents, property damage, and degradation of the residential setting and quality of life.

Airport Road is a rural road adjacent to the airport runway that extends about 2 miles north of the proposed building site before it passes through the low-key residential neighborhood. In the time it takes to cover 2 miles, automobile speeds WILL often and easily reach 50-60 mph by the time Airport Road crosses Los Banos and Marine Blvd. There are NO traffic stops or calming barriers between the proposed building site and Cypress Road at the north end of the residential area, and the left jog in Airport Road between Los Banos and Marine Blvd WILL regularly cause traffic accidents by motorists unaware of it. It should not be lost on County planners that drag races were one time conducted at Half Moon Bay airport, and Airport Road WILL be a perfect analog for the drag strip with the consequences of the unsafe road alignment and driving practices severely impacting residents safety in this neighborhood.

I believe that traffic mitigation alone based on the scale of the project is one key reason to disallow it. Regardless of my feelings, I request that county planners closely scrutinize the impact of hugely-increased traffic flow and the unsafe driving conditions on this residential neighborhood, and not allow it to become a throughway for commercial development.

Sincerely,

John Duff (Sent via email)

John H. Duff
464 Third Ave
Half Moon Bay, CA 94019
650-726-6424

221-1

Response to Comment Letter 221
John Duff - Individual

Response to Comment 221-1

The commenter states his opinion that the project will have significant traffic impacts on Airport Street and neighboring residential streets.

Refer to Topical Response 8, Traffic and Parking Impacts, of the FEIR. Also, refer to Section III.C of the FEIR for a description of Modified Alternative C, which prohibits project traffic on Airport Street (north of the project site) and on Cypress Avenue.

Comment Letter No. 222

"Judy Macias" <judymacias@comcast.net> 12/24/2009 12:21 PM
Camille Leung, Planner
San Mateo Co.Planning Dept.
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

Re: Big Wave Project Draft Environmental Impact Report (DEIR)

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· **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.

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· **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.

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· **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.

· **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

Thank you for your consideration.

Judith and Mois Macias
871 San Ramon Ave.
Moss Beach, CA 94038

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Response to Comment Letter 222
Judith and Mois Macias

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

RECEIVED

San Mateo Co.Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

DEC 24 2009

**San Mateo County
Planning Division**

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Sign:

Kathryn Burke

Print name:

Kathryn Burke

Date: 12-5-09

Address:

P.O. Box 868
El Granada, Ca.

94018

please do not share my info

Response to Comment Letter 223
Kathryn Burke

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

RECEIVED

Comment Letter No. 224

DEC 24 2009

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

San Mateo County
Planning Division

Re: **Big Wave Project Draft Environmental Impact Report** (DEIR)

While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings.
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy.
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

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Sign: KENT ROBERTS

Print name: KENT ROBERTS

Date: 12.5.09

Address: 180 SAN LUCAS

MOSS BEACH CA 94038

Response to Comment Letter 224
Kent Roberts

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

December 24, 2009

San Mateo Co. Planning Department
 Attn: Camille Leung, BIG WAVE Project Planner
 455 County Center, 2nd Floor
 Redwood City, CA 94063
cleung@co.sanmateo.ca.us

Re: Big Wave Project DEIR, Land Use & Planning

Impact LU-2 Conflict with Land Use Plans, Policies, Regulations

We question the proposed land use of the parcel which is being proposed for the Big Wave Wellness Center portion of the Development. As the parcel falls within the "W" Zoning designated for Marine or Light Industrial, we do not believe the County Planning Commission, in good conscience, should allow a "Sanitarium" of privately owned "wellness condos" for Developmentally Disabled (DD) individuals to be constructed in this Zone. It is irresponsible of the developer to suggest such a structure be built in a Seismic Hazard Zone and Tsunami Inundation Zone. The Wellness Center is a wonderful vision, but the location could endanger a community of people who may not be able to promptly nor easily evacuate with alacrity should a sudden Tsunami Warning Siren be sounded.

Should the Planning Commission "bend the zoning requirements" to allow such a use, it will also jeopardize evacuation of neighboring communities such as Seal Cove residents and businesses, Pillar Ridge Manufactured home residents, and the various Harbor Business owners and workers, by creating extra traffic in an area with already insufficient ingress and egress. In my opinion, by adding an office park and a wellness center to this congested area with inadequate infrastructure will be tempting fate. The Princeton Harbor area has already experienced a previous Tsunami on April 1st, 1946. With the accelerated rate of global warming and the recent seismic activity in the Pacific region, prudence must prevail. An undersea volcanic eruption recently appeared off the coast of Samoa. Terrestrial eruptions are occurring now in the Philippines, and let us not forget the tragic event which occurred in the day after Christmas. *"Caused by an undersea mega thrust earthquake, that occurred on December 26, 2004, with an epicenter off the west coast of Sumatra, Indonesia. The quake itself is known by the scientific community as the Sumatra-Andaman earthquake."*^{[3][4]} *The resulting tsunami itself is given various names, including the 2004 Indian Ocean tsunami, Asian Tsunami, Indonesian Tsunami, and Boxing Day Tsunami. The earthquake was caused by subduction and triggered a series of devastating tsunami along the coasts of most landmasses bordering the Indian Ocean, killing nearly 230,000 people in eleven countries, and inundating coastal communities with waves up to 30 meters (100 feet) high. It was one of the deadliest natural disasters in recorded history. Indonesia, Sri Lanka, India, and Thailand were the hardest hit."* (From Wikipedia) By allowing this use in this location, the County will be alarmingly negligent as guardians for public safety, and the parents of the Big Wave project may find the name to be prophetic, if not tragically so.

225-1

We furthermore question the developer's claim that the Wellness Center is "affordable housing". How can the Planning Commission even CONSIDER allowing a residential use in a marine-related industrial zone, let alone allow the developer claim it to be designated "low income". The residents may eventually be considered low income however the purchasers of these units will not be. One developer has a "DD" offspring and it is evident from the hearings that the parents will be the purchasers of these units, not the residents themselves. This is also not going to be Public Housing for DD adults, because the condominium scheme calls for Association fees for maintenance & upkeep, to be paid for by ...the owners. As such, this project cannot, in good conscience, be classified as a Sanitarium or Affordable Housing. To us, this represents very transparent "good spinning" on behalf of the developer, BIG WAVE LLC, no doubt served up by the slick land use attorneys (Byers –McCracken) who possibly have a financial interest in the development. They have also referred to the wetlands that separate the two parcels as "a drainage ditch" instead of what it is- a riparian area (***Which they do not own***) that filters water and run-off into the Pillar Point Marsh - which is Designated ABS - an area of biological significance, as part of the Fitzgerald Marine Reserve.

We feel that it is also questionable planning regarding the future residents' safety to locate the "sanatorium" project in an **Airport Influence area** adjacent to the 3-0 runway of the Half Moon Bay Airport. Although this airport is not generally used by commercial aircraft, there is a steady volume of planes flown by aviation enthusiasts and rescue operations by the Coast guard helicopters. In the past there has been an annual air show called ***Dream Machines***, which attracts pilots who may not be familiar with the local geography and air traffic procedures. The developer has stated to the ALUC that the occupants will grant an aviation easement/noise release to San Mateo Co. ***How will this be accomplished? Yet another deed restriction?***

Per agenda item 7 of the C/CAG Airport Land Use Committee (ALUC) Action Minutes for Special Meeting on April 30,2009 (as posted on the internet) the ALUC Chairperson Richard Newman noted several airport-related concerns regarding the proposed project:

Aircraft noise impacts

Safety impacts

Wind impacts

He expressed his concern about the placement of the proposed buildings opposite the approach area to Runway 12/30 at Half Moon Bay Airport, in reference to wind impacts. He described a similar existing situation at San Carlos Airport where wind blows between two buildings that are located opposite of the approach area to the runway and the increased wind velocity created by the proximity of the buildings makes for an unsafe condition for a light aircraft at slow speed for landing. (Big Wave Project spokesperson) Ms. (Nicole de)Martini explained Pillar Point Ridge is located directly behind the property and the

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proposed buildings will be located below the ridgeline, She indicated the Big Wave staff would research the wind issue related to aircraft operations.

George Auld, Half Moon Bay Airport Pilots Association Representative, noted the biggest concern is aircraft noise impacts and the frequency of aircraft operations. Camille Leung, County Project Planner, noted the potential airport impacts would be addressed in the DEIR. *Our question is... "Has it?"*

The Aircraft Owners and Pilots Association (AOPA) is opposed to this development because such a project would be an incompatible land use adjacent to an Airport. The EIR must look at the impact of this project on the airport's current and future operations and mitigation should not penalize the airport. Rather, a more compatible use should be sought for the property, **As the airport sponsor, the County has the obligation to ensure compatible land uses around the airport under both the quit claim deed from the Federal government and the receipt of Federal Aviation Administration (FAA) '**

Airport improvement funds.

The proposed site location is located within several airport safety zones for runway 30 that should preclude residential development. The first safety zone that impacts the project area is comprised of the FAA mandated Runway protection zone which is a trapezoid shape extending from 200 feet east of the displaced threshold on Runway 30 out 1000 feet with a base width of 500 feet widening to a width of 1000 feet, *The 2002 California Airport Land Use Planning Handbook* prohibits any dwelling units within that zone.

In addition, the approach Protection Zone overlies a portion of the property, and the State of California recommends limiting development to one dwelling unit per 10 to 20 acres. This precludes placing any of the proposed 45 residential units in this area.

The majority of the property is within the traffic pattern zone, which allows residential uses but discourages schools, day care centers and nursing homes.

Despite the allowance for residential use within this zone, AOPA contends residential uses adjacent to the airport are incompatible and should not be permitted. The County should identify a more compatible land use for this property. (This from John Collins' (Manager Airport Policy - AIRCRAFT OWNERS AND PILOTS ASSOCIATION) letter to Camille Leung, dated December 4, 2008)

Per Jim Porter's letter dated Dec. 8th, 2008: The proposed Project is located approximately 300-feet from the Half Moon Bay Airport

(Airport) runway. The Airport is open year-round 24-hours a day and has approximately 40,000 to 60,000 aircraft take-offs and landings per year. The proposed Project area is subject to single event aircraft noise impacts from aircraft take-offs, departures, over-flights, arrivals and pre-flight run-ups at the Airport. The Project is located directly across from the beginning of Runway 30. Prevailing wind

Conditions at the Airport dictate that Runway 30 be used for take-offs and landings approximately 80 percent of the time. Due to its proximity to the

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beginning of the runway, the project area is also subject to extended single-event propeller, jet and engine noise impacts as aircraft apply full take-off power and begin to accelerate for take-off.

The requirements, guidelines and recommendations in the California Airport Land Use Planning Handbook from the State Department of Transportation should also be considered as they relate to specific land uses in the vicinity of airports as well as aircraft noise impacts and the safety of aircraft occupants and people and property on the ground.

So, again our question is: Have they been considered?

The Big Wave scheme as proposed by the entrepreneurs, economically link the Wellness Center which is supposed to be supported by various agricultural, retail & commercial projects, which calls into question if such uses are allowed in the "W" zone. The community center, pool, fitness center and unspecified retail commercial component such as nursery operations and dog grooming will be open for business to the public. They propose charging for "event" parking (and office parking). Experience dictates that retail use attracts more traffic to the narrow, inadequate local streets and charging for "event" (***Maverick's Surf Contest or Dream Machines***) parking in Big Wave lots, will encourage alternate "free" parking along neighboring streets which will burden the existing businesses and residential neighborhoods.

At various public meetings, members of the public have brought up the undeniable facts that the harbor and surrounding residential communities lack the infrastructure of well-designed or well-lit public roadways to access an expanded commercial district served by insufficient **(NO DIRECT ROUTE)** thoroughfares and thus, it is our opinion that any retail businesses in this difficult-to-access area will have a limited draw. There has been at least one pedestrian fatality on the un-lit Airport Street. Drivers often speed on Airport St. and there are no sidewalks or street lighting to protect pedestrians from these scoff-laws. In the unincorporated San Mateo County Coastside, the main traffic enforcement is done by the CHP patrol cars, and not the SM Sheriff's Dept. units. Therefore, unless enforcement is "beefed up" residents will likely be subjected to speeding construction trucks while the development is under way and upon completion, speeding condominium office park business owners, with little expectation for mitigation. Because there are no street lights on Airport St. (except near the Pillar Ridge Community) and only a few along Cypress (where bulbs often remain burned out for months at a time) **We implore the Planning Commission and would expect that at the minimum, the Developer be REQUIRED to mitigate this dangerous situation if they be allowed to build out their enormous proposed "Dream Project" BEFORE construction commences.**

There are no guarantees, requirements or assurances that the BIG WAVE PROJECT will open or continue as currently proposed or succeed financially. Without such a mandate, the project could be later "re-invented" as a hotel/condo/ conference center with shops in a visitor-serving coastal area conveniently near the harbor and airport. It is our hope that there will be **mandatory deed restrictions** that will prohibit other uses, such as conversion

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of the "sanatorium" to a hotel or residences. The proposed subdivision of the adjacent Big Wave "office park" should also include a **non-residential use deed restriction** in the DRE Subdivision Final Public Report. If not, it is clear that the main purpose of the Planning Commission is to assist developers in finding zoning loopholes and recklessly driving a Hummer through them. That is how the nearby residents and harbor business owners will feel should this project be approved as proposed. **PLEASE PROTECT** the working waterfront uses of the "W" district and deny the BIG WAVE project as proposed, otherwise **how is this not a complete disregard for zoning ordinances and not a significant impact?**

Even the office park is not compatible to mixed use light manufacturing. The design shows office park style units to be marketed as "commercial condos" lacking any ground floor roll-up doors, loading docks or spaces compatible with **M-1 Zoning** light manufacturing. I would prefer to see a Mixed Use style project. The current building trend is to locate residential above commercial, using "smart growth" building design with a public transportation hub (Such as the re-designed San Francisco Trans Bay Terminal) and fewer parking spaces. Furthermore, the run-off generated by 640 parking spaces alone will require the developer to build on-site catch-basins and "holding ponds" for the significant run-off generated by various hard surfaces. **DEIR RED FLAGS:** Storm water run-off created by hard surfaces to be handled by??? Per Draft EIR: "evaporation ponds, percolation ponds, or combined sewer systems" (**IE: Septic?**) "Due to project size and type, the project would also be required to construct permanent on-site storm water treatment systems and maintain these systems in perpetuity." Big Wave LLC, in grading the area prior to the DEIR hearing, have demonstrated to be callous to the sensitive existing wetland habitat, and slides shown at the hearing prove the flooding that was the result of all their earth movement. Calls from Pillar Ridge were "ignored" after the flood caused by the grading caused damage and hardship on the residents.

Allowing BIG WAVE to be built as designed defeats the whole purpose of zoning ordinances.

We do not believe that there is a certain water supply for the development, except for an existing Ag well. Why there isn't a mention of Sanitary District estimated out-flows? Can the developer be suggesting that they dispose of all that waste via septic systems?

Regarding Traffic, a noted deficiency in the DEIR which glosses over the impact on the residents of Pillar Ridge and Seal Cove, **is in our opinion highly under estimated.** Traffic congestion as mentioned in the DEIR **Impact HAZ-4 incorrectly states:** Major roadways near the project site include: State Route (SR) 1 (Cabrillo Highway) and Airport Street. The project site can be directly accessed from the surrounding streets, including: Cypress Avenue,

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Marine Boulevard; Capistrano Road, Prospect Way; and California and Cornell Avenues, located to the west, east and south of the site, respectively." **It should be noted that Marine Blvd. is a dead-end street at Airport Street and does NOT connect to Hwy One.**

Traffic delays entering Hwy One from Cypress to Northbound Hwy 1.

Table IV.M-2

Unsignalized Intersection LOS Criteria

Level of Service Description

Average Control

**Delay Per Vehicle
(Seconds)**

A Operations with very low delay occurring with favorable progression. 10.0 or less

B Operations with low delay occurring with good progression. 10.1 to 15.0

C Operations with average delays resulting from fair progression. 15.1 to 25.0

D Operations with longer delays due to a combination of unfavorable progression or high V/C ratios. 25.1 to 35.0

E Operations with high delay values indicating poor progression and high

V/C ratios. This is considered to be the limit of acceptable delay. 35.1 to 50.0

oversaturation and poor progression. greater than 50.0 F Operation with delays unacceptable to most drivers occurring due to

*Source: Transportation Research Board, Highway Capacity Manual 2000.
Hexagon Transportation Consultants, 2009.*

The Traffic study in the Big Wave Draft Environmental Report makes light of the HUGE impact the commute congestion will cause for the existing residents of the Harbor area (dwellers and businesses) at the only traffic signal at HWY One and Capistrano Rd. or on the residential owners in the Pillar Ridge community or the Seal Cove community who habitually use the only other intersection for ingress or egress, that is the intersection of Hwy One and Cypress. **This intersection has no night-time illumination**, no traffic signal, and is often backed up on sunny beach days when the person at the front of the line wishes to turn left, causing a delay for everyone else behind them. **At the very minimum, the Developer should be forced, as KN Properties was as developer for Harbor Village, to improve the intersection with extra turn-out lanes or a traffic signal needs to be installed prior to commencement of construction.**

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Per their own Traffic survey, the proposed project's approximately 2,123 peak-hour trips added to roadways in the vicinity of the project site are burdensome to say the least. The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates to the size of the development. However, the eastbound left turn movement at the intersection of Hwy 1 and Cypress Avenue is shown to operate at LOS F with a delay of 59.8 seconds PER VEHICLE under worst-case project conditions (the LOS calculation sheets are included in Appendix J of this DEIR). The traffic analysis found that there are no improvements possible at this intersection to improve this LOS F other than signalization; therefore, with the project, the peak-hour signal warrant would be met at the intersection of SR 1 at Cypress Avenue and impacts to intersection LOS and capacity would be **significant** (the signal warrant analysis sheets are included in Appendix J of this DEIR). With signalization, this intersection would operate at LOS A under the AM and PM peak-hours for both (average and worst-case) project scenarios. Under signalized conditions, the existing roadway geometry would be adequate to handle the anticipated traffic demand.

Mitigation Measure TRANS-1 Intersection Level of Service and Capacity

Following project occupancy, the applicant shall submit a bi-annual report, signed and stamped by a Professional Transportation Engineer in the State of California, to the Director of Planning and Building on the level of service at the intersection of Cypress Avenue and SR 1 stating whether or not this location warrants a signal. If it meets warrants, then the applicant shall coordinate with Caltrans to pay a fair share for the installation of a signal within 5 years of the date of that report.

UNACCEPTABLE!

Mitigate first –don't make us all suffer!

Impact TRANS-8 Construction

"Construction activities have the potential to add construction traffic to the street network in the vicinity of the project site. Construction activities are temporary by nature and project-related construction activities are not expected to cause a substantial disruption to roadway capacity. To fully complete the Wellness Center and Office Park development, the project's construction time schedule is anticipated to last

225-11

225-12

between **30 and 36 months**. Construction activities would occur in phases and would be required to comply with applicable County construction standards. The proposed project would not import or export any soil and grading would be balanced on the project site, eliminating truck haul-trips on regional roads. County and emergency services would be notified of any restrictions on any roadways, alternative emergency routes, and detours due to construction activities of the project. Therefore, impacts related to construction traffic would be ***less than significant*** and no mitigation measures are required.

While traffic impacts during construction would be less than significant, the following mitigation measure is recommended to further reduce adverse construction traffic impacts:"

Mitigation Measure TRANS-8 Construction

"Prior to issuance of grading permits, the applicant shall also submit a traffic control plan to the County Department of Public Works for review and approval. All staging during construction shall occur onsite. Under cumulative with no project PM peak-hour conditions there would be a 46.0 second delay for the worst-case movement (eastbound left) of the Cypress Avenue at SR 1 intersection. This delay would continue to increase under the project condition scenario. The worst-case delay for this movement would be **177.7 seconds PER CAR** during the PM peak-hour (**131.7 seconds more than without the project**)."

Members of the San Mateo County Planning Commission, if you lived here, you would certainly object to delaying the mitigation of the traffic impact at this intersection. Please imagine how you would like this to be your intersection! Please consider requiring that the trucks and traffic for the Big Wave project be REQUIRED to enter and leave the area via the back route to the Harbor by-passing the least amount of businesses and residential neighborhoods). Capistrano Road makes a loop in and out of the Princeton area from Hwy One. One end is not used much and is not signalized, while the other one is used by tourists and other visitors to harbor businesses, along with a portion of the residential traffic to the Pillar Ridge community.

Our voices are only two of many. Please consider everyone's input. Although the project is laudable, we feel the DEIR glosses over many key points. We hope that you will especially review the land use guidelines before rendering your verdict.

225-12

225-13

225-14

Sincerely,

Kent W. Roberts & Carlisle Ann Young
180 San Lucas Avenue
Moss Beach, CA94038

Letter was e-mailed to Camille Leung at 4:45 PM on Dec. 24th 2009
Follow-up written document to follow.

Response to Comment Letter 225
Kent Roberts and Carlysle Young

Response to Comment 225-1

The commenter states that the Wellness Center does not meet local land use policies, should not be built in a Seismic Hazard Zone and a Tsunami Inundation Zone, and questions the intention to build affordable housing.

Regarding zoning and the proposed sanitarium use, refer to Topical Response 11, Sanitarium. In regard to the tsunami hazard and evacuation, refer to Topical Response 9, Tsunami Hazards, and Section IV.H of the DEIR. With regard to the seismic issues raised, refer to Response to Comment 100-2. Regarding affordable housing, refer to Response to Comment 193-24.

Response to Comment 225-2

The commenter questions the location of a sanitarium in an Airport Influence Area.

Regarding the Airport Overlay zoning regulations, the analysis in the DEIR can be found in Section IV.I (Land Use and Planning). In regard to hazards concerning the adjacent airport operations, the airport overlay limits the concentration of people where the risk is greatest in accordance with Section 6288 of the Zoning Regulations. The project complies with these zoning regulations. Additionally, please refer to Topical Response 14, Location of Project Near the Half Moon Bay Airport.

Response to Comment 225-3

The commenter questions whether the airport impacts have been covered in the DEIR.

Potential wind tunnel effects are discussed on page IV.G-25 of the DEIR.

Response to Comment 225-4

Again, the commenter questions whether airport impacts have been addressed in the DEIR.

Refer to Response to Comment Letter 166, from the Aircraft Owners and Pilots Association.

Response to Comment 225-5

The commenter states that the surrounding area lacks the infrastructure to support such a project.

For traffic impacts, refer to Topical Response 8, Traffic and Parking Impacts, for a description of revised traffic mitigations that require traffic reports for intersections in Princeton. As for event parking, there is no current regulated parking for either Dream Machines or Mavericks. The project will provide non-street parking for those who wish to pay, providing an option to those who currently park on the streets for these events. Therefore, the availability of this option would only reduce on-street parking.

It should be noted that the community center has been eliminated and, therefore, the fitness center and pool will not be open to the public. Therefore, these services will not draw in additional visitors. In

regard to police enforcement, refer to Section IV.L of the DEIR. In regard to pedestrian passage, refer to Section IV.M for information on the development of sidewalks and bike trails. Project and cumulative traffic impacts related to the project as mitigated are less than significant.

Response to Comment 225-6

The commenter states that there are no financial guarantees for the project, and claims that the project could later be “re-invented” for other uses.

Regarding the financial success of the project, refer to Response to Comment 72-1. Regarding the maintenance of the sanitarium uses over the life of the project, the County’s approval of this project would require that the project remain as approved, including retaining the Wellness Center dwelling units as a sanitarium. The approval will require regular review and monitoring of the project by the County, at the owner’s expense, to ensure that the project is operated in a manner that is consistent with the County’s approval.

Refer to Response to Comment 225-7

The commenter states that the proposed design of the Office Park building is inconsistent with the permitted uses of the M-1 Zoning District due to a lack of ground floor roll-up doors, loading docks, and spaces compatible with light manufacturing.

Office Park buildings will be customized based on the needs of the future property owners, once sold. Please refer to Section IV.H (Hydrology and Water Quality) of the DEIR for a description of the pervious parking lots. Regarding potential illegal grading at the property, refer to Topical Response 13, County Permit History.

Response to Comment 225-8

The commenter does not believe there is a certain water source for the project. The commenter also questions the project’s waste disposal system.

Refer to Response to Comments 193-6, 193-10, 193-11, 193-12 and 193-13, and Section III.A of this FEIR for a clarification of water supply and wastewater service options.

Response to Comment 225-9

The commenter notes that Marine Boulevard is a dead-end street at Airport Street and does not connect to Highway 1.

In regard to Marine Boulevard, while the public access portion of the street ends at Airport Street, a paved street capable of supporting emergency vehicles continues to Highway 1.

Response to Comment 225-10

The commenter asserts that the project will lead to additional traffic at Highway 1 and Cyprus. As a result, the commenter states that a traffic signal or extra turn-out lanes should be installed by the developer prior to construction commencement.

As stated in Topical Response 8, Traffic and Parking Impacts, of Section III of the FEIR, revised Mitigation Measure TRANS-1 requires the property owner to implement recommendations of traffic reports required at the construction of every 60,000 sq. ft. of mixed-office space, including, but not limited to, the construction of a traffic signal at Cypress Avenue. Recommendations must be implemented within 1 year of the date of the report.

Response to Comment 225-11

The commenter states that Mitigation Measure TRANS-1 is unacceptable and that mitigation measures should be completed before the project.

Refer to Response to Comment 225-10.

Response to Comments 225-12 and 225-13

The commenter states that traffic impacts will increase during construction and suggests that construction traffic access the site from Princeton, not Cypress Avenue.

Refer to Topical Response 12, Construction Phasing for the Office Park, which discusses a reduction in traffic impacts based on non-concurrent building construction.

Response to Comment 225-14

The commenter provides a conclusion.

The commenter provides closing statements. No response is required by CEQA.*

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

December 24, 2009

Camille Leung, Project Planner
 San Mateo County Planning Division
 455 County Center, 2nd Floor
 Redwood City, CA 94063

Re: Comments on the Draft Environmental Impact Report (DEIR) for the Big Wave Wellness Center and Office Park Project

Dear Camille,

Thank you for your efforts on this phase of the Big Wave project. I believe that the DEIR has critical deficiencies which should be corrected followed by recirculation of the document. My points to support and provide guidance follow:

226-1

(1) The DEIR is fundamentally and basically inadequate and conclusory in nature and meaningful public review and comment has been precluded.

- The DEIR makes assumptions about the view impact based on a small set of pictures with “cut and place” visual renderings supplied by the applicant, rather than use story poles which provide unambiguous representation.

226-2

Questions and Actions:

How can an accurate assessment of scenic corridors be made?

Given the proximity to views from a large number of perspectives, provide complete story pole coverage or provide

The following illustration refers to the five critical scenic corridors and the locations views of the project should be assessed.

226-3

This cannot be done without taking photo's after there is story pole coverage of the site or alternately performing a professional simulation with rendering that permits a view of the project site and terrain from all vantage points.

For further information consult the following reference:

November 18 Presentation to San Mateo Planning Commission by Len Erickson

Document provided with the comment letter: L Erickson @ SMC PC 111809b.ppt

Scenic Corridors

- Recommended View Sites in the Five Scenic Corridors



- The DEIR makes assumptions and reaches negative conclusions about the economic viability of various project alternatives without supporting economic data.

Questions and Actions: Provide an explicit Fiscal Impact Analysis for the project using the Menlo Park Gateway project as a template for such a report.

http://service.govdelivery.com/service/edition.html?code=CAMENLO_176&date=7/23/2009&time=1:00:00&format=PDF

226-4

(2) A substantial increase in the severity of an environmental impact will result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

The traffic estimates are severely underestimated. The recent review of the Midcoast Local Coastal Plan (LCP) and the dialog between the Coastal Commission and County in this review clearly document significant and uncontested problems with traffic on the Highway 1 corridor in contrast to the DEIR.

Questions and Actions:

How can the DEIR concluded that the LOS for traffic can be improved to an A level by installing a single traffic light?

Significant input from several sources should be reviewed and the entire transportation impact re-done. Requested sources to include in this updated review include:

- The transportation review and findings from the Midcoast LCP review should be taken into account. (
- The recently released draft report, "Highway 1 Safety and Mobility Improvement Study", is the product of a community planning process and study funded by Caltrans and the San Mateo County Board of Supervisors. It provides important considerations about the Midcoast Highway 1 corridor and internal circulation within Midcoast communities.
- A specific and separate formal Traffic Analysis should be performed.

226-5

Reference: Highway 1 Safety and Mobility Improvement Study

<http://mprc.sanmateo.org/pdf/San%20Mateo%20Report%20v.3%20LR.pdf>

Document is also submitted with this report: San Mateo Report v.3 LR.pdf

Reference: Midcoast LCP Traffic Comments

<http://documents.coastal.ca.gov/reports/2009/12/Th18a-12-2009.pdf>

Reference: Model: Menlo Park Gateway Traffic Impact Analysis

http://www.menlopark.org/departments/pln/bohannon/cc_20091103_presentation_transportation.pdf

How can the impact of traffic and construction on local county roads be assessed?
The Director of the San Mateo County Department of Public Works must provide his staff's professional input on this impact.

226-6

(3) Several arguments support revising the ratings of environmental impact that will result from the project to a level of “significant” and require adequate mitigation measures.

(Further discussion to be added)

- Parks and Recreation: There is a major plan to extend the California Coastal Trail from the Pillar Point Harbor Area to Devil's slide. The pedestrian and bicycle/handicapped strands of this trail will pass in close proximity to the Big Wave project site. The site and site construction will have significant negative impacts.

226-7

Questions and Actions: How will the California Coastal Trail Plan for this area impact the project?

The San Mateo County Parks Director must be consulted for review of impact in this area.

California Coastal Trail Midcoast



Thank you for the opportunity to present these considerations.

226-8

Sincerely,

Len Erickson
PO Box 2905
El Granada, CA 94018
650 726-4416
len.erickson@earthlink.net

Response to Comment Letter 226
Len Erickson

Response to Comment 226-1

Commenter makes a general statement that the DEIR has critical deficiencies that should be corrected by recirculation of the document.

This statement is introductory. Refer to Topical Response 6, Recirculation of the DEIR.*

Response to Comment 226-2

Commenter asserts that the DEIR is inadequate and conclusory, specifically regarding view impact analysis, which the commenter states is based on a small set of pictures with “cut and place” visual renderings rather than through the use of story poles.

Refer Topical Response 1, Story Poles; Topical Response 7, Visual Simulations of the Proposed Project; and Topical Response 6, Recirculation of the DEIR.

Response to Comment 226-3

Commenter questions how an accurate assessment of the scenic corridors be made and requests complete story pole coverage. Commenter provides an illustration of what he calls the “five critical scenic corridors,” which can be assessed fully only through the use of story pole coverage or alternately performing a “professional simulation” permitting a view of the project site from all vantage points.

Refer Topical Response 1, Story Poles, and Topical Response 7, Visual Simulations of the Proposed Project.

Response to Comment 226-4

Commenter asserts that the DEIR makes assumptions and draws conclusion about the economic viability of alternatives without providing supporting economic data. Commenter opines that the project should provide an explicit Fiscal Impact Analysis for the project.

Page VI-5 of the DEIR states, “such an alternative would not be financially viable, as it would require the non-profit to purchase land at market rates.” For more information regarding the economic viability of project alternatives, refer to Response to Comment 205-65. Regarding the request for a fiscal analysis for the project, refer to Response to Comment 72-1. While economic analysis is outside of the purview of this CEQA document, economic reports prepared for the project are available on the County’s website at:

http://www.co.sanmateo.ca.us/portal/site/planning/menuitem.518b61a0b23c8f5565d293e5d17332a0/?vgnextoid=0f1f24e148752210VgnVCM1000001937230aRCRD&vgnextchannel=ee1f24e148752210VgnVCM1000001937230a____&vgnextfmt=DivisionsLanding0

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 226-5

Commenter states that the traffic estimates are underestimated, asks how the DEIR can conclude that the LOS for traffic can be improved to a level A by installing a traffic light at Cypress Avenue and Highway 1, provides references for additional information, and requests a separate traffic analysis.

Page IV.M-27 states that the eastbound left turn movement at the intersection of SR 1 and Cypress Avenue is shown to operate at LOS F with a delay of 59.8 seconds under worst-case project conditions.

The DEIR also states that the traffic analysis completed for this project (*Big Wave Office Park and Wellness Center Traffic Report*, prepared by Hexagon Transportation Consultants, Inc. (Hexagon), June 24, 2009) found that there are no improvements possible at this intersection to improve this LOS F other than signalization; therefore, with the project, the peak-hour signal warrant would be met at the intersection of SR 1 at Cypress Avenue and impacts to intersection LOS and capacity would be significant. With signalization, this intersection would operate at LOS A under the AM and PM peak-hours for both (average and worst-case) project scenarios. Under signalized conditions, the existing roadway geometry would be adequate to handle the anticipated traffic demand.

The June 2009 Hexagon report is included in Section III.B of this FEIR, as an addition to Appendix J of the DEIR. The report was listed in the introduction of Section IV.M (Transportation/Traffic) of the DEIR and was available at the County's Planning and Building Department, but was inadvertently left out of Appendix J of the DEIR.

Response to Comment 226-6

Commenter states that the Director of the San Mateo County Department of Public Works must provide his staff's professional input on the traffic impact.

Please refer to Response to Comment 226-5. The County Department of Public Works reviewed and approved both the June 2009 Hexagon Report and the DEIR.

Response to Comment 226-7

Commenter questions how the project will impact the plan to extend the California Coastal Trail from the Pillar Point Harbor Area to Devil's Slide and states that the County Parks Director should be consulted.

As shown on Figures III-9 and III-16, the project is installing a Class I multiple purpose trail along Airport Street that may be incorporated into the Coastal Trail System. The applicant has consulted the County Parks Department in the design and location of the proposed trail.

Response to Comment 226-8

Commenter concludes his letter.

The commenter provides closing statements. No response is required by CEQA.

"Mary Flint" <maryrflint@gmail.com> 12/24/2009 3:07 PM

Hello - I am opposed to the big wave project. I think that it is too big and will have a negative impact on the area. I think that housing for the disabled is a good idea but would be better located in downtown Half Moon Bay. This area provides shopping and entertainment within walking distance.

As far as the business park goes, I don't think it will attract many businesses. It is too out of the way. In this economy I can't think of many businesses that would want to locate here.

Sincerely,

Mary Flint

227-1

Response to Comment Letter 227
Mary Flint - Individual

Response to Comment 227-1

The commenter states the project is too big, would be better located in downtown Half Moon Bay, and would not attract any business due to its location.

Regarding the size of the project, refer to Response to Comment 21-1A. Regarding the suggestion that the project applicant look for alternative locations in the community to build the project, the feasibility of developing the project at off-site location(s) is discussed on pages VI-5 and VI-6 within the “Alternatives Rejected As Infeasible” in the DEIR. Regarding the economic success or failure of the project, refer to Response to Comment 72-1.

"Mary Larenas" <mnlarenas@gmail.com> 12/24/2009 2:44 PM
Re: Big Wave Project - Please do not support without modification!

Dear Supervisors,

It is important to remember that The Big Wave Office Park and Wellness Center is a FOR PROFIT enterprise and the Developer and stake-holders stand to make multi-millions if the project goes through. The Wellness Center is not a public institution and will be restricted to only those DD individuals that are selected by the Developer and stake-holders not for all who are in need. Alternative affordable housing with a community center and recreational facilities already exists next to the proposed Big Wave site at the Pillar Ridge Manufactured Home Park and is already available to service the needs of the Developmentally Delayed population. It is not a fact that the Office Park will be able to supply the needed income to support the Wellness Center, putting the occupants of the Wellness Center at risk. DD individuals are already, sadly, a marginalized group in our society. The location the Wellness Center would only further isolate these individuals from important community resources such as the HMB Library, reduce employment opportunities (Safeway and other stores on the coast employ the DD), and most serious of all, keep them from becoming an integral part of society. It is important for the DD to interact with non-DD individuals often so that they can improve their social skills, independence and self-efficacy. Yes, there is a desperate need for affordable housing for the DD. However, it is not true that low-income housing is not available here on the coast. The County does not need to approve the Big Wave project in order to provide affordable housing for the Developmentally Disabled. As to the question "The Coastal Act and Local Coastal Plan both call for affordable housing in this area?", there is affordable housing right next door to the Big Wave site. It has been said that "the Wellness Center provides a unique opportunity for the DD population to own their own home, something unheard of for the DD population." It is unheard of because of the nature of their disability, the DD will require signatures from their parents or guardians, the very people who are in charge of their finances. They will never own a home as you and I will. It has been said that the Wellness Center project helps the County meet its obligation without using the taxpayers' money, but the fact remains that the Center is a for-profit, selective, non-private enterprise, making it unavailable to many who are in need. As to the question, "If the Wellness Center isn't built, how will the County provide housing for the DD?" The County has a responsibility not just to the DD but to all of its citizens. A better location for the Center and Office Park should be found. No one is against serving the needs of the DD population. We are against using children to gain support for a for profit enterprise that will dramatically impact the environment, the coast side community and may not best serve these young people. There are alternatives for low-income, safe housing for these children and they should be explored first.

228-1

Thank you for your attention to this important matter,

Mary Larenas, PsyD
301 Nevada Ave., Moss Beach, CA 94038

Response to Comment Letter 228
Mary Larenas - Individual

Response to Comment 228-1

The commenter states that the Wellness Center would be restricted to residents selected by the developer and that affordable housing already exists at the Pillar Ridge Manufactured Home Community.

The comment is outside of the purview of CEQA.*

The commenter states that reliance of the Wellness Center on the Office Park puts occupants of the Wellness Center at risk.

The comment is outside of the purview of CEQA.*

The commenter states that the developmentally disabled (DD) need to interact with non-DD members of the community.

The comment is outside of the purview of CEQA.*

The commenter states that the DD residents will not truly own their homes and due to the for-profit nature of the center, housing will be unavailable to many in need.

The comment is outside of the purview of CEQA.*

A better location should be found for the Wellness Center and Office Park.

Please refer to Response to Comment 21-1B and Section VI (Alternatives to the Proposed Project) of the DEIR.

** The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

RECEIVED

San Mateo Co.Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

DEC 24 2009

**San Mateo County
Planning Division**

Re: **Big Wave Project Draft Environmental Impact Report (DEIR)**

While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings.
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy.
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

229-1

229-2

229-3

229-4

229-5

229-6

229-7

229-8

229-9

229-10

Sign:

Print name:

Address:

Date: _____

Michael Bovons
150 YAK
Princeton By the Sea

Response to Comment Letter 229
Michael Bouons

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

Midcoast Community Council

An elected Municipal Advisory Council to the San Mateo County Board of Supervisors

Serving 12,000 coastal residents

Post Office Box 248, Moss Beach, CA 94038-0064

Office Fax: (650) 728-2129 <http://mcc.sanmateo.org>

Neil Merrilees
Chair

Len Erickson
Vice-Chair

Leonard Woren
Secretary

Deborah Lardie
Treasurer

David Vespremi

Via Hand Delivery / E-Mail

December 24, 2009

Camille Leung
Project Planner
County of San Mateo
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Draft Environmental Impact Report for Big Wave Wellness Center and Office Park

Dear Ms. Leung:

As the elected representative advisers to the San Mateo County Board of Supervisors on behalf of the residents of the unincorporated Midcoast communities of Montara, Moss Beach, Miramar, El Granada, and Princeton-By-The Sea, Midcoast Community Council (MCC) respectfully submits this letter containing comments on the Draft Environmental Impact Report (DEIR) circulated by San Mateo County for the proposed Big Wave Wellness Center and Office Park Project ("Big Wave" or "Project") prepared by Christopher A. Joseph & Associates ("Consultant") dated October 2009.

In creating this DEIR comment letter we considered input from the community in the form of letters, online comments and numerous public meetings. We supplemented this community feedback with our own research and review, much of which centered on issues core to our charter, including the applicability of the LCP, Coastal Act, General Plan, and San Mateo County zoning regulations.

We support the clear consensus that more needs to be done to support the needs of the developmentally disabled. We applaud projects that incorporate green technology and building practices as a way of minimizing negative environmental impacts.

The purpose of CEQA is to make the public aware of the environmental impacts of a project, the alternatives, and the mitigations to lessen any impacts. We begin by noting some significant missed opportunities in building public awareness of the proposed project and its potential environmental impacts as outlined in the draft DEIR. While the missed opportunities do not in any way diminish the comments received, it leads to the project not having received the fullest extent of public review.

In addition, responsible agencies representing the community were excluded from the initial process as well as the original distribution of the document.

230-1

MCC, a seven-member council, in charge of its own research and commentary requested and received a single copy of the 2,200+ page DEIR to share among council members and with the public. The public's ability to review the DEIR was severely impaired by the general unavailability of copies and confusion over the missing Chapter N.¹

230-1

Conclusions:

The DEIR as circulated is incomplete, shifting, contradictory, open-ended and so poorly organized as to deprive the public of its sole opportunity to comment on the merits of the project and its potential impacts.

The DEIR is misleading and overly conclusory. As drafted, the DEIR is inadequate due, among other failings, to numerous errors, omissions, contradictions, unfounded assumptions and inadequate analysis. It leaves crucial mitigation measures to future studies, which is not permitted under CEQA.

230-2

The site is unsuitable for this project.

The mitigation measures outlined in the DEIR are incomplete and/or inadequate.

We recommend that this DEIR be substantially reworked and reformatted to include the missing data, finish all the necessary investigations, correct the faulty assumptions, properly analyze the new information and then be recirculated to better serve its intended purpose under CEQA.

¹ One benefit from public review was the discovery of a missing chapter: On November 4, 2009 a member of the public discovered that Chapter N: Utilities & Service Systems which includes sewer, water, solid waste and energy was missing from the DEIR. This critical chapter was omitted from the version circulated to the public at the remote Half Moon Bay Library, the Board of Supervisors, and the reviewing agencies. On or about November 10, 2009 the MCC was able to procure the missing Chapter N.

Substantive Analysis:

I. THE DEIR'S DESCRIPTION OF THE PROJECT IS INADEQUATE.

While extensive detail is not necessary, CEQA mandates that an EIR describe a proposed project with sufficient detail and accuracy to permit informed decision-making. While further review for Coastal Act compliance occurs under public scrutiny provided under the Coastal Development Permit review process, continuing after the end of the DEIR the DEIR provides for review of issues that fall outside of the Coastal Act. As the DEIR supplies information critical to a Coastal Development Permit review, we note it failed to meet the requirements of the Coastal Act section 30006, which states "that the public has a right to fully participate in decisions affecting coastal planning, conservation and development," and section 30012, which states that an educated and informed citizenry is "necessary to protect California's finite natural resources." Further, recent case law holds that the County (as lead agency) is not precluded from taking longer than one year from the date of filing a project application to finalize and certify an EIR project application that may not have been well enough defined 'to provide meaningful information for environmental assessment.' *Schellinger Brothers v. City of Sebastapol* 2009 Cal. App. LEXIS 1928 (Cal. App. 1st Dist. Dec. 2, 2009)

230-3

How does the existing DEIR meet the requirements of Coastal Act section 30006 and 30012?

Critical to any EIR is its analysis of the potentially significant impacts that the project under review could have on the environment. Indeed, when such impacts have been identified, a public agency cannot approve the project as proposed. The procedures required by CEQA, Public Resources Code § 21000 *et seq.*, are specifically "intended to assist public agencies in systematically identifying" a project's significant effects and mitigation measures to avoid those effects or reduce them to levels of insignificance. This identification and mitigation of a proposed project's impacts is thus one of the central purposes of CEQA.

230-4

How does the existing DEIR meet the requirements CEQA, Public Resources Code § 21000?

The DEIR fails adequately to discuss the Project's full range of impacts on traffic safety; on emergency access for the site and its neighbors in the event of tsunami, earthquake, or other disaster; on proper sewage disposal; water supply and treatment, on biological resources; on the natural landscape; and on views from Highway 1, a scenic corridor and other vantage points. Further, the DEIR repeatedly and erroneously concludes that various impacts identified as significant would be rendered insignificant by ill-defined or undefined mitigation measures whose detailed formulation depends on future studies, permit waivers and information not provided in the DEIR and whose effectiveness, because of their vague nature, is impossible to judge. CEQA does not permit such

230-5

reliance on future studies and analyses as a basis for concluding in an EIR that a project will not have significant environmental impacts. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 306-09 (1988)..

Where is the discussion of the projects full range of impacts on traffic safety and emergency access?

What are the mitigation measures that would reduce the significant impacts to "less than significant" based on known information (not on future studies)?

Further, third parties consulted in preparation of the DEIR report that findings of "no significant impact" or "less than significant impact" grossly mischaracterize their responses. For example, according to an article published by Montara Fog on December 14, 2009, Paul Cole, Assistant Fire Chief, Coastside Fire Protection District stated that his response to a survey was mischaracterized in the DEIR by the consultant writing the report. See Exhibit "B" (Fire Chief: Big Wave report mischaracterizes impacts upon fire services, incorporated here by reference).

Are third party responses accurately reflected in the DEIR?

II. SCENIC RESOURCES

Prior to its recent conversion to agriculture, the project site was a natural, open space landscape adjacent to the Fitzgerald Marine Reserve and Mavericks (world class big-wave surf break). It is near the trail head to the Peninsula Open Space Trust trail system and is adjacent to a protected estuary notable as a nesting and migration point for sea birds. The proposed project is also within the broader context of a visitor serving, working harbor, and harbor of refuge - one of the last of its kind in California. Building the proposed Project would result in the wholesale alteration of this landscape and the natural community it supports, and in the process destroy the site's scenic character. The site is in both state and locally-identified scenic corridors, views to the Pacific from southbound Highway 1. It also provides a habitat for several endangered or sensitive species of animal life.

The proposed Project is significantly out of scale with nearby development and is therefore inconsistent with LCP Policies 8.5, 8.12, 8.18, 8.30, 8.32, 11.4 and 11.15.

How does the DEIR account for LCP policies 8.5, 8.12, 8.18, 8.30, 8.32, 11.4 and 11.15 on community character and design?

The building floor area at 225,000 sq. ft. (5+ acres) is many times larger than any existing building in not only the harbor area, but all of unincorporated coastal San Mateo County. The proposed Project is three stories and 50 feet in height. The height of the proposed office complex buildings is nearly double that allowed for neighboring structures. The proposed building will substantially block views to the harbor and ocean from southbound Highway One. The following sections of this finding detail the existing

character of the Princeton area, the LCP policies and ordinances directed to maintaining that character, specific instances where the project is inconsistent with the LCP and the potential of cumulative impacts.

How does this project meet the design review requirement that all projects be in scale with their surroundings?

Existing Princeton Character and Public Views

Princeton is a small coastal community zoned primarily for protected Waterfront ("W"), Coastside Commercial Recreation ("CCR"), and Light Industrial ("M1") uses to support its function as a working harbor and visitor serving center for natural scenic resources like Mavericks, the Fitzgerald Marine Reserve, and the Peninsula Open Space Trust (POST) trails system. Harbor facilities are utilitarian in appearance reflecting a "working" commercial fishing character of the small port. Buildings in the harbor area are small, constructed of wood or cement block, and simply designed. Most of the buildings are single story (16 feet in height), although there are also two story buildings located near the harbor entrance. Parking areas for fishermen, recreational boaters and visitors, consume most of the developed harbor. The subdivided portion of Princeton, northwest of the harbor, is developed in a variety of marine-related uses on small lots (boat repair shops, open boat storage, mostly one-story enclosed storage buildings and a sprinkling of older, mostly one-story grandfathered small homes). Directly behind the harbor and across Capistrano Road, a small visitor-serving district is developing. The mostly one-story restaurants and Inn are immediately accessible from the sidewalk along Capistrano Road which curves along the shoreline. The individual buildings reflect disparate architectural designs, but are similar in scale ranging from ±920 sq/ ft. (Barbara's Fish Trap) to 7,000 sq/ ft. (Half Moon Bay Brewery). Heights of the existing buildings are from ±16 feet (single story) to 28 feet (maximum). Streets and parking lots serving this area are also small scale. Parking areas, consistent with the adopted design standards, are small and landscaped to avoid the appearance of large paved areas. The interesting variety of buildings, the curvilinear, landscaped road treatment and the easy accessibility to the small businesses encourage and offer the coastal visitor a less structured experience than that available in larger scale, planned urban waterfront developments like Jack London Square in Oakland, Huntington Harbor in Orange County, or Seaport Village in San Diego.

Views from southbound Highway One to the harbor and the sea are currently continuously available from about one mile north of Capistrano Road. Existing visitor serving uses are located west of this view corridor and most of the harbor development, while visible from the highway, is at a lower elevation. Southbound travelers are afforded a view of the harbor – ship masts, the breakwaters and the sea beyond. This provides a clear visual link between the public travelling Highway One and the activities of the harbor and ocean.

LCP policies preclude the proposed development to the extent these compromise public views. The LCP and incorporated documents contain substantial policy direction on the issues of appropriate scale for new coastal development and on view protection. Taken

together, the policies clearly indicate that the small scale of the coastal communities is a special characteristic worthy of preservation and that the retention of scenic views is also important. The proposed project is in conflict with the policy direction cited in the preceding section of this recommendation. The development is inconsistent with LCP regulations relevant both to the scale of new projects and to those regarding the preservation of views. These include:

8.12(c)

Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.

8.28. Definition of Scenic Corridors

Define Scenic Corridors as the visual boundaries of the landscape abutting a scenic highway and which contain outstanding views, flora, and geology, and other unique natural or man-made attributes and historical and cultural resources affording pleasure and instruction to the highway traveler.

8.30 Designation of County Scenic Roads and Corridors

- a. Expand existing County Scenic Corridors to include the visual limits of the landscape abutting the scenic road.
- b. Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purisima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).

230-9

8.32 Regulation of Scenic Corridors in Urban Areas

- a. Apply the regulations of the Design Review (DR) Zoning Ordinance.
- b. Apply the design criteria of the Community Design Manual.
- c. Apply specific design guidelines for Montara, Moss Beach, El Granada, Princeton-by-the-Sea, Miramar, San Gregorio, and Pescadero as set forth in Urban Design Policies of the LCP.

Further, the Community Design Manual and Montara-Moss-Beach-El Granada Community Plan both call for view preservation.

Community Design Manual

- Views should be preserved by limiting structure height. Introduced vegetation should be located so as to not block views from uphill structures or views from scenic corridors and vista points.
- Public views within and from scenic corridors should be protected and enhanced, and development should not be allowed to significantly obscure, detract from or negatively affect the quality of these views. Visual screening or increased setbacks may be used to mitigate such impacts.
- Structures should be located to retain views of prominent scenic features, i.e., bodies of water, mountains, valleys, etc.

- Trees and vegetation may be selectively pruned or removed at the end of view corridors to enhance scenic vistas.

Montara-Moss-Beach-El Granada Community Plan

- Preserve and protect scenic vistas of ocean, beaches and mountains for residents of the community.

The visual impact analysis of the project did not include erection of story poles to allow accurate representation of the size and scale of the project in its location from every relevant vantage point. Lack of story poles is compounded by the inaccurate renderings of the proposed office buildings. See Exhibits "C" and "D" (Laslo Vespremi's renderings of the actual size of the Project and Len Erickson's Nov. 18 Planning Commission Comments.)

How can the visual impact analysis be corrected to allow adequate mitigations to make the size and scale mitigations relevant?

How is the size and scale of the project consistent with design review standards and the Community Plan as it has been incorporated into the LCP?

III. LAND USE AND PLANNING

The small coastal community of Princeton contains a variety of land uses. Pillar Point Harbor provides support facilities for the locally important commercial fishery as well as for the many recreational boaters. The Harbor District is currently considering plans for additional development which will include more commercial fishing facilities, dry boat storage and more visitor-serving uses, i.e., restaurants, shops, and pedestrian promenades. West of the main harbor, in the old subdivided part of Princeton, is an area largely devoted to warehouses, boat yards and some marine related commercial uses. North of the harbor facilities, across and along Capistrano Road, a small visitor-serving area is slowly developing. Uses include restaurants, a deli and an 11 unit Bed and Breakfast Inn. As the LCP was being written, there were two objectives in mind relevant to land use for Princeton. One purpose was to provide adequate on-shore sites for development supportive of commercial fishing and recreational activities. Land within and west of the harbor was, therefore, designated for marine related uses (i.e., boat yards, chandleries, storage). It was also recognized that Princeton had substantial potential as an attractive destination for visitors to the coast, thus the second objective was to strengthen and define a visitor serving area near the harbor.

The proposed project is located adjacent to Pillar Point Harbor. The harbor is public, operated by the San Mateo Harbor Commission. Facilities include fuel docks, fish buying and freezing operations, a boat launch ramp, parking and Harbor District offices. Limited visitor serving uses include restaurants, shops and a fish market. The harbor has 311 berths, of these more than 50% are used by commercial fishermen; the remainder are leased by recreational boaters. Pillar Point Harbor is the only port between San Francisco and Moss Landing in Monterey County, which provides extensive support facilities needed by commercial fishermen. Although there is substantial recreational use of the harbor, the character of the port is more closely identified with a working, fishing port

than with those marinas largely inhabited by pleasure craft. As such, the commercial fishing industry is a significant factor in the Midcoast economy. The Harbor District is currently developing plans to provide expanded facilities for commercial fishermen and to improve truck access from fish unloading areas on the end of the pier to Highway One. Other marine-related facilities are also planned, as are some additional visitor-serving uses.

In an effort to comply with Coastal Act mandates to 1) protect commercial fishing and 2) provide adequate visitor serving uses, the Certified LCP balanced these two potentially conflicting requirements by the selection of land use designations and by encouraging uses directly supportive of commercial and recreational boating in the area nearest the harbor. In order to accommodate the needs of commercial fishermen and other boaters, most of the old small lot subdivided portion of Princeton is designated for marine-related industrial uses. This marine related industrial use is perhaps doubly appropriate in that much of the land in this zoning district is also in the airport approach zone and thus less suitable for uses which would concentrate people. Visitor serving uses are also adequately provided for in the plan. LCP Policy 12.3 encourages development which is directly supportive of commercial fishing and recreational boating on land zoned for commercial recreation located within one half mile of the harbor.

How does this project further the Coastal Act mandated goals of protecting commercial fishing and providing visitor serving facilities?

Waterfront Zoning ("W")

The Waterfront District that the Wellness Center is sited on was established to provide priority and support for visitor serving and marine-related employment for this special location. This includes the marine related trades, working harbor employment, mixed with local and visitor enjoyment of the harbor and all of the surrounding natural resources (Mavericks, POST, Whale Migration, etc.).

SECTION 6285.0. PURPOSE. The purposes of the Waterfront District are to:

1. Provide a "working waterfront" area intended primarily for the location of marine related trades and services and manufacturing land uses that support commercial fishing and recreational boating activities.
2. Accommodate a compatible mix of recreational, resource management and waste management land uses.
3. Protect the functional and economic viability of the "working waterfront" area by restricting incompatible land uses.
4. Support and strengthen the Coastside economy by providing trade and employment opportunities.
5. Encourage architectural design and site planning that will, as much as possible, enhance the appearance of a "working waterfront."
6. Implement the policies of the San Mateo County General Plan, especially those concerning protection and development of coastal resources.

SECTION 6286.0. DEFINITIONS.

1. Aquaculture (6.05.10)

The cultivation and husbandry of aquatic organisms, including but not limited to fish, shellfish, mollusks, crustaceans, kelp and algae.

2. Aquacultural Processing Facilities (6.05.20)

Facilities for the processing, storing, packaging, and shipping of aquacultural products. Existing aquacultural processing facilities may be used for agricultural

Recognizing the limited area available for all this, Chapter 18.5 "W" added this need based zoning. Years of time, effort, research, and work were put into this process, the results of which are now finally visible. The proposed development seeks a Use Permit to change the intent of the "W" District claiming Chapter 24.

The proposed Wellness Center on the southern parcel is not a permitted use in the Waterfront zoning district. The project proponents have applied for a Use Permit under Section 6500 (D) (3) of the zoning regulations, which allows a Sanitarium in any zoning district subject to issuance of a Use Permit but only if it is needed and no other suitable location has been identified.

Section 6500, When Coastal Use Permit may be issued:

(d) Location of the following uses in any district, within the Urban Areas of the Coastal Zone, when found to be necessary for the public health, safety, convenience or welfare:

3. Sanitarium

- ***There is no reference to a medical establishment in the DEIR nor is a medical establishment permitted in W zoning.***
- ***There is no permitted use for a Condo Complex as an addition to a sanitarium***
- ***The developer's economic analysis looks at residential condos, but there is no reference to a sanitarium.***

The Project proposes to include residential housing for 20 caretakers for the developmentally disadvantaged adult clients among the projects 70 residential units. The only permitted residential use in the Waterfront zoning district is caretaker quarters with limited floorspace, governed by an overall quota based on a percentage of total developed parcels within the zoning district. A recent San Mateo County lottery assigned parcels a ranked priority as new caretaker quarter allocations become available.

How many caretaker quarters allocations does the Wellness Center parcel currently have as an entitlement?

Does the County anticipate a secondary market in caretaker quarters development rights, such that the Wellness Center could acquire additional development rights from other property owners?

How can residential use for live-in staff be reconciled with the restrictions of the Waterfront zoning district other than by use of caretaker quarters allocations?

The Midcoast LCP Update proposes to increase the percentage of caretaker quarters allowed in this zoning district. The DEIR fails to analyze the potential impacts of this increase in residential housing as part of the project.

The Waterfront Zoning District, with its necessary connection between the use and ocean and its limitations on residential uses, was established to protect the limited local coastal resources from exactly this type of development. There is no explanation anywhere in the DEIR for why this type of development needs to be on this specific location nor is there a justification provided for granting a use permit in a sensitive natural habitat area.

What amendments, exclusions and waivers will be needed to allow this use?

Further, section 30255 of the Coastal Act defines priority of coastal-dependent developments as follows:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section 30101 of the Coastal Act further specifies that "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all while section 30101.3 indicates that "coastal-related development" means any use that is dependent on a coastal-dependent development or use. (Added by Ch. 1090, Stats. 1979.)

Lastly, section 30601 indicates that the following categories of developments require a coastal development permit from Commission:

"Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the commission for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

Section 30222.5 Oceanfront lands; aquaculture facilities; priority

(3) All designated and required areas (including the proposed site)

"Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses. (Added by Ch. 1486, Stats. 1982.)"

The Wellness Center includes businesses such as catering, dog grooming, sports facilities, theater, counseling facilities, native plant nursery, vegetable and meat processing, office space for various BW enterprise businesses, and various events.

230-16

How is the Wellness Center consistent the "W" zoning?

What traffic impacts will these uses have? What parking will be necessary for guests, residents and staff?

How were the water and sewer needs calculated relative to the proposed operations of the Wellness Center?

Light Industrial Zoning (M1)

This area is zoned for light industrial and, unlike "W", is designated for businesses that do not need to be immediately adjacent to the sea to function.

Although businesses like welding and fabrication shops, boat builders, and similar are expected and allowed to have adjoining offices, there is no provision under M1 for "commercial offices" or otherwise, and certainly not an enormous commercial office complex as indicated in the DEIR. Further, the parking specified for the DEIR is calculated under "light industrial" use, yet nowhere in the renderings, specifications, or economic analysis is light industrial use contemplated. Note that the renderings do not show a single loading dock, roll up door, truck parking area, forklift area, or any other feature associated with light industrial use.

230-17

While it is true that M1 includes a laundry list of specifically permissible uses (including offices) this is only true when it is read on its own. When read together with the LCP, it appears that the clustering of office buildings is specifically discouraged, hence the notion that a complex comprised entirely of offices does not fall under M1 permitted zoning. This make sense, because single offices, where for example administrative or research functions are carried out in connection with light industrial work are allowed, but an office with no light industrial function, is generally not (see the specific exclusion of doctors and dentists) and certainly nothing in the LCP indicates that isolating these offices in a common parcel/parcels is appropriate as the LCP seems to encourage offices to be mixed in with surrounding businesses/industry.

How is the creation of a large office complex consistent with the M1 zoning?

The LCP additionally encourages that M1 zoning in close proximity to the water is to be used for aquaculture related uses.

230-17

As can be seen, the LCP, implementing ordinances and incorporated documents contain substantial policy direction on the issues of appropriate scale for new coastal development and on view protection. Taken together, the policies clearly indicate that the small scale of the coastal communities is a special characteristic worthy of preservation and that the retention of scenic views is also important. The proposed project is in conflict with the policy direction cited in the preceding section of this recommendation. The development is inconsistent with LCP regulations relevant both to the scale of new projects and to those regarding the preservation of views.

Project Scale

The proposed development is massive and vastly out of scale with existing structures in the area. Although the zoning ordinance allows a much higher structure, the LCP requires that any development maintain community character by being of comparable scale, size, and design. In this case, the community has indicated clearly in the LCP that a continuation of small scale development is desired in Princeton. The proposed project is designed in a much larger scale than nearby existing structures and no efforts have been made to modulate the facades of the buildings and provide for varied rooflines in order to visually reduce mass.

230-18

As such, the size and scale of the proposed Office Park is out of character with its surroundings. Buildings of this size and mass are unprecedented on the Midcoast. Zoning Regulations Section 6565.7 requires the design of the structure be in harmony with the shape, size and scale of adjacent building in the community. On one side it abuts the W/DR light industrial Princeton area, where buildings are all less than 36 ft tall. On the other side the proposed project abuts a residential community of one-story manufactured homes. The proposed 3-story 50-ft buildings that loom over Pillar Ridge would dwarf not only its neighbors, but all other buildings on the Midcoast.

The structure still has a floor area of $\pm 270,000$ (almost six acres) and heights in excess of 50 feet. The building is thus 10-12 times larger than that of the largest existing structure in the area. The height is two or three times that of other development in Princeton and Moss Beach. Grading plans which have not been specified in the DEIR could elevate finished grade by five feet or higher further exacerbating the height differential. Put another way, virtually all of the existing buildings in the harbor would fit within the footprint of this structure if constructed.

What is actual amount of grading?

What will the finished elevation be relative to the current natural grade?

This building will dwarf the existing structures nearby and structurally dominate the area. It thus cannot be found that the project, as analyzed in this DEIR, is consistent with the continuation of the small scale character anticipated in the LCP for Princeton.

230-19

(LCP Policy 1.5, 8.5, 8.12, 11.15; Design Review Ordinance Sec. 6268. 6265.16(1)(12)(15); Community Design Manual pg. 18, 26; Montara-Moss Beach-El Granada Community Plan Goals and Policies).

Alternate locations exit on the more urban San Francisco/San Mateo bayside. It has many areas where large scale development like this project would be entirely appropriate. If the special character of Princeton is, however, to be retained, as required by the LCP, projects of this size must be considered inappropriate.

The self-contained nature of the project and the placement of uses is also at odds with the human scale character of Princeton. As indicated earlier, existing structures are readily accessible to people walking along Capistrano Road.

The uses are pedestrian-oriented and no one business can be considered a destination by itself. As proposed, the project is, therefore, inconsistent with previously cited LCP Policies that require small scale, pedestrian oriented development. Lastly, the massive parking lot is inconsistent with the maintenance of the small scale area of Princeton and with the specific standards found in the Community Design Manual and the Design Review Ordinance. Both of these regulatory mechanisms require that parking areas be integrated into the site and relate to the structures they serve. The Community Design Manual offers a set of drawings which indicate proper and improper placement of parking areas. See Exhibit "I." As proposed, the projects parking arrangement falls into the latter category and is therefore inconsistent with Certified LCP policies and regulations relevant to the design of parking areas.

230-19

How does the DEIR address the discrepancy of scale between the project and its surroundings?

How is this project consistent with regard to LCP Policy 1.5, 8.5, 8.12, 11.15; Design Review Ordinance Sec. 6268. 6265.16(1)(12)(15); Community Design Manual pg. 18, 26; Montara-Moss Beach-El Granada Community Plan Goals and Policies?

Locating and Planning New Development

The small coastal community of Princeton contains a variety of land uses. Pillar Point Harbor provides support facilities for the locally important commercial fishery as well as for the many recreational boaters. The Harbor District is currently considering plans for additional development which will include more commercial fishing facilities, dry boat storage and more visitor-serving uses, *i.e.*, restaurants, shops, and pedestrian promenades. West of the main harbor, in the old subdivided part of Princeton, is an area largely devoted to warehouses, boat yards and some marine related commercial uses. North of the harbor facilities, across and along Capistrano Road, a small visitor-serving area is slowly developing. Uses include restaurants, a deli and an 11-unit Bed and Breakfast Inn. When the LCP was in preparation, there were two objectives in mind relevant to land use for Princeton. One purpose was to provide adequate on-shore sites

230-20

for development supportive of commercial fishing and recreational activities. Land within and west of the harbor was, therefore, designated for marine related uses (i.e., boat yards, chandleries, storage). It was also recognized that Princeton had substantial potential as an attractive destination for visitors to the Midcoast, thus the second objective was to strengthen and define a visitor serving area near the harbor

230-20

How is the project consistent with the land use designation as outlined in the Certified LCP?

Subdivision, Special Use Permits and Grandfathering

The Planning applications mention a request for subdivision, but there is no justification provided for this request. Is it for each of the office buildings? There is also no justification offered as to why the natural condition of the terrain would justify the issuance of a special use permit. Further, grandfathering this project is inapplicable and patently unfair as it would place developments completed many years ahead of Big Wave under more stringent requirements than Big Wave, which, owing to its phased development, would not be completed for many years to follow. The DEIR is both contradictory and exceedingly vague on the time frame from ground breaking to conclusion of the project. Further, it is patently inappropriate to grandfather a use that itself is inappropriate as the wetlands which had an unpermitted well drilled and then were plowed over to create agricultural land, did not create an opportunity to grandfather in anything but a wetlands-appropriate use.

230-21

There are alternate locations more appropriately suited to a development of this size with this huge variety of dissimilar uses in Pacifica and Half Moon Bay.

IV. Critical Coastal Area – Fitzgerald Marine Reserve

The Big Wave Project site is located within the Fitzgerald Marine Reserve (FMR) Critical Coastal Area boundary. The James Fitzgerald Marine Reserve watershed <http://www.abag.ca.gov/ccs/fitzgerald.html> is one of three Critical Coastal Areas currently being studied. The FMR is designated as an Area of Special Biological Significance and therefore receives special protection under the California Ocean Plan.

Association of Bay Area Governments, (ABAG) has formed a partnership with the San Francisco Estuary Institute <http://www.sfei.org/>, the California Coastal Commission <http://www.coastal.ca.gov/rps/ccs-rps.html> and the Bay Conservation and Development Commission <http://www.bcdc.ca.gov/> in a pilot project to evaluate three critical coastal areas and their respective watersheds, and to provide technical assistance to local governments, non-governmental organizations and others involved in controlling land based sources of pollution entering these special areas of the California coast.

230-22

Since 1983, the Ocean Plan has prohibited the discharge of both point and nonpoint source waste to ASBS, unless the State Water Board grants an exception. Exceptions can be granted if special protections are followed. The special protections require maintenance of natural water quality and monitoring to demonstrate this. How will point and nonpoint source waste be monitored?

230-22

Protection of Pillar Point Marsh is one of the stated policies of San Mateo County's Local Coastal Program

(See Exhibits "E, F, G , H, I, J respectively" and incorporated here by reference).

Exhibit E: Fitzgerald Marine Reserve Historical Ecology

http://www.sfei.org/cca/Docs/phase2HE/Fitzgerald_MarineReserve_CCA_lowres_v3.pdf

Exhibit F: Areas of Special Biological Significance:

<http://www.cacoastkeeper.org/document/aquagems-report.pdf>

Exhibit G: Big Wave Project Site and Surrounding Park Lands MAP:

http://coastsider.com/images/uploads/2009/bigwave_neighbors.pdf

Exhibit H: Fitzgerald Marine Reserve Watershed MAP:

http://www.sfei.org/cca/Maps/FitzgeraldStudyArea_Final.pdf

Exhibit I: Midcoast Urban Footprint and Protected Open Space

<http://www.abag.ca.gov/pdfs/Impervious.pdf>

Exhibit J: CCA #29

http://www.coastal.ca.gov/nps/Web/cca_pdf/sfbaypdf/CCA29FitzgeraldMarineReserve.pdf

230-23

Will the septic systems for this project increase the e-coli loads already existing in the harbor?

Will the change to the runoff patterns affect the oxygen levels in the harbor?

Will the runoff from this project affect the permitted abalone projects in the harbor?

Will there be restrictions on the use of pesticides, herbicides and fertilizers to prevent contaminants from entering the marsh and harbor?

Will there be monitoring to ensure any restrictions if they are required?

Who will enforce these protections to the harbor and marsh?

How will the following pollutants be prevented from contaminating the Pillar Point Marsh?

- **Fertilizers, herbicides, and insecticides from agricultural lands and residential areas**
- **Oil, grease, and toxic chemicals from urban runoff and energy production**
- **Sediment from the construction sites**
- **Salt from irrigation practices**
- **Bacteria and nutrients from pet wastes, and faulty septic-systems**

230-23

V. HAZARDS (Earthquake, Tsunami, Sea Level Rise, and Airport)

Tsunami and Sea Level Rise

LCP Hazard Maps indicate that this site is subject to Tsunami inundation. The sea level rise inundation area is identical to the tsunami inundation area and is based on elevation.

LCP Hazard Policy 9.3 requires that new development proposed in areas subject to tsunami inundation comply with Section 6326.2 of the Resource Management Zoning Ordinance. This section of the Code provides the following criteria regarding development in tsunami areas.

SECTION 6326.2 TSUNAMI INUNDATION AREA CRITERIA. The following criteria shall apply within all areas defined as Tsunami Inundation Hazard Areas:

(a) The following uses, structures, and development shall not be permitted: publicly-owned buildings intended for human occupancy other than park and recreational facilities; schools, hospitals, nursing homes, or other buildings or development used primarily by children or physically or mentally infirm persons.

230-24

(b) Residential structures and resort developments designed for transient or other residential use may be permitted under the following circumstances:

1. The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.
2. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is fifty (50) percent or more of the projected maximum, unless: (a) the highest projected wave height above ground level at the location of the structure lies less than six (6) feet, (b) no residential floor level is less than two (2) feet above that wave height, and (c) the structural support is sufficient to withstand the projected wave force.
3. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum unless the requirements of subsection b, 2), (a), and (c) are

satisfied and the residential flood level is at least one (1) foot above the highest projected level of inundation.

There are a large number of tsunami reports and maps documenting the vulnerability of this site to tsunamis. One report, prepared by Woodward-Clyde Consultants in March 1989, indicates that a 100-year tsunami will affect lands at elevation 12.3 or lower in the vicinity of the harbor. A 500-year tsunami will flood lands at 21.5 elevations or lower. A recent grand jury report (Tsunami Alert and Evacuation on the San Mateo County Coast, 2007) caused the recent County installation of an audible tsunami warning system.

As indicated in the geotechnical report prepared by Harding-Lawson Associates, in order to avoid inundation of the habitable floors of the project, the parcel will be filled to achieve a finish grade of substantially higher than it is now. This would likely be accommodated by the placement of fill. The Woodward-Clyde report indicates that the upper three to five feet of soil on the site is highly expansive. Soils of this type shrink when dry and expand when wet causing problems for rigid structural elements and paving. This soils characteristic will be mitigated by excavation of the expansive soil, moisture conditioning it and replacing the material in properly compacted lifts.

The geotechnical report and ABAG interactive site indicate that the site has a high potential for liquefaction during an earthquake. Geotechnical maps prepared by the County indicate that the nearest fault is the Seal Cove Fault.

What tsunami mitigations are anticipated to protect the project and its water, wastewater, and stormwater systems from damage or destruction by tsunami inundation? In particular what protections will be used to protect the harbor from a wastewater system failure in a tsunami?

As the anticipated life of this project includes the probability of flooding due to sea level change, what mitigations are proposed to protect the water supply from salt water intrusion? What mitigations are proposed to ensure the septic systems continue to function?

As there geotech report anticipates substantial fill, the DEIR should document how the changed circumstances from the fill will affect the ground water runoff and the health of the marsh and wetlands.

Will the structures need to be raised above the existing ground level to be protected from the tsunami and sea level change threats? How will this affect the final scale of the structures in relation to the height of existing structures in Princeton and Moss Beach? Any height depiction and analysis should include the additional height needed for this mitigation.

How will the entire population of Princeton, Pillar Ridge, Seal Cove, the proposed Big Wave office park and sanitarium evacuate in the event of an earthquake or tsunami emergency?

230-24

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How will the current emergency evacuation route (one exit onto Highway 1 and no traffic light at Cypress and Highway 1) be adequate in the event of an earthquake or tsunami emergency?

230-29

Earthquake

San Mateo County coastside evacuation routes will be negatively impacted by the additional traffic the Big Wave project would bring to the Princeton-By-The-Sea and Seal Cove areas. The Big Wave project would also add additional traffic to Highway 1 evacuation routes. All traffic in Princeton, Pillar Ridge, Seal Cove, the proposed Big Wave office park and sanitarium must evacuate on Cypress Ave. and Highway 1 in the event of a earthquake or tsunami.

Emergency evacuation has not been adequately mitigated in the DEIR. This area is subject to emergency tsunami evacuation. **The evacuation route is up Airport St., to Cypress Ave, to Highway 1.** The existing roads and intersection with Highway 1 are completely inadequate to handle the number of evacuees from the site. It is also questionable as to whether Highway 1 could handle the additional number of cars evacuating the Big Wave site.

The San Gregorio fault is onshore in the vicinity of the Big Wave project. The fault system goes by various names, Hosgri (south) San Gregorio (center) and Seal Cove (north), depending on what section is being discussed. The proposed Big Wave project site is 500 feet from the Seal Cove earthquake fault.

Exhibit I: Map of the Peninsula showing major faults:

<http://pubs.usgs.gov/of/2005/1127/chapter8.pdf>

230-30

The Big Wave project is within one kilometer of the onshore portion of the Seal Cove fault. The Big Wave project is in a 1997 UBC Zone That is the highest seismic hazard zone in the UBC.

This San Gregorio fault system has not been studied that extensively, because it is mostly off shore and relatively sparsely populated. Slip rate is estimated at 5mm per year with 350 and 680-year historic slips. USGS consensus is 330-year average major earthquake period with a 1.7M slip. With accumulated stress an earthquake in the larger San Andreas system could trigger an earthquake on the Seal Cove fault. The San Gregorio fault is listed in the USGS database of potential source over Magnitude 6. Exhibit J: USGS Table A-1. Database of Potential Sources for Earthquakes Larger than Magnitude 6 in Northern California: http://quake.usgs.gov/prepare/ncep/a_andreas.htm

The potential hazards of locating multi-story buildings on a site with high potential for liquefaction, seismic amplification, tsunami inundation and debris flow would put people working at the proposed Office Park and developmentally and physically disabled people living at the proposed Sanatorium at significant risk. Evacuation is not an option in an earthquake. Theoretically a building frame with piles, pad and even potentially rollers or

isolation could be designed to survive the amplified seismic accelerations, but the occupants may be thrown about so violently and hit by debris that they may not survive.

Exhibit K: CA.gov Emergency Information

Earthquake and Tsunami Info and Maps: <http://myhazards.calema.ca.gov/>
_(type in the Big Wave Project zip code, 94038 to see the hazard and inundation areas)

Exhibit L: USGS Tsunami Preparedness Videos:

West Coast:

http://www.youtube.com/watch?v=9E7NAmejiVE&feature=player_embedded

Northern California:

<http://www.youtube.com/watch?v=-FqXV5M8yos>

Exhibit M: Half Moon Bay Tsunami Brochure:

http://www.half-moon-bay.ca.us/Tsunamis_Brochure.pdf

Exhibit N: Seven Principles for Planning and Designing for Tsunami Hazards:

[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Tsunamis,%20Designing%20for%20/\\$file/DesignForTsunamis.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Tsunamis,%20Designing%20for%20/$file/DesignForTsunamis.pdf)

Exhibit O: Grand Jury Report - Summary of Tsunami Alert and Evacuation On the San

Mateo County Coast: http://www.millennium-ark.net/NEWS/06_Earth_Changes/061129.CA.Tsunami.Report.pdf

The large population anticipated to occupy the structures will need to be evacuated in the event of a major earthquake in the area. The DEIR does not comment on the likelihood of the severe damage to the pavement on Airport St.

What escape routes will be used in the event Airport St.. is rendered undriveable?

If the earthquake disables the water supply from the well, what is the emergency supply?

How long will this be available?

Half Moon Bay Airport

Half Moon Bay Airport provides a variety of emergency services and response functions including: Air-Ambulance and Medivac flights; law enforcement and homeland security patrols; Coast Guard sea rescue operations; and use as a disaster relief staging site for the airlifting of emergency supplies in the event that roads are closed during a disaster or emergency. Half Moon Bay is an active airport, with approximately 80 based aircraft, over 60,000 annual operations and several aviation related businesses.

230-30

230-31

230-32

A portion of the project site appears to be within the Approach Protection Zone (APZ) for Half Moon Bay Airport as designated in the San Mateo County Comprehensive Airport Land Use Plan (CALUP).

The CALUP recommends against residential uses and business uses within the APZ. Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport accidents, some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. This should be addressed in the Draft Environmental Impact Report.

State Public Utilities Code Section 2165g prohibits structural hazards near airports. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Form 7460-1 is available on-line <http://forms.faa.gov/forms/faa7460-1.pdf> and should be submitted electronically to the FAA.

Business and Professions Code Section 1010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available at: <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

The protection of airports from incompatible land use encroachment is vital to California's economic future, Half Moon Bay Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports is both a local and State issue, airport staff, airport land use commissions and airport land

Use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

Further, the DEIR must look at the impact on airports current and future operations and should not penalize the airport. The County has responsibility to ensure compatible land uses under both the quit claim deed from the Federal Government and the FAA airport improvement funds.

Of note, the proposed project is located within several safety zones for runway 30 that should preclude residential development. Additionally, the approach Protection Zone overlies a portion of the property and the State recommends limiting development to

one dwelling per 10-20 acres. This precludes any of the proposed 45 residential units in this area. Finally, as the majority of the property is within the traffic pattern zone which allows residential but discourages schools, day care, and nursing homes. Residential development should not be permitted and the County should identify a more compatible use for this property.

Exhibit P: C/CAG Airport Land Use Committee (ALUC) Special Meeting CCAG 4-09:
<http://www.ccag.ca.gov/pdf/aluc/043009%20ALUC%20minutes.pdf>

The school site owned by Cabrillo Unified School District was deemed by the school board to be unfit to build a new school on because of the hazards from air traffic due to its proximity to the airport. This site is only a few hundred feet from the end of the runway.

230-32

Air traffic at the airport has been reduced over the past decades, however, the Airport Master Plan anticipates increases in the air traffic load. Further, the airport anticipates significant commercial airport related projects by the airport that may further increase air and other traffic.

What mitigations are anticipated to ensure the operation of the airport with full occupation of the sanatorium and commercial office spaces?

Will the aviation easement be sufficient protection for the airport?

Richard Newman, ALUC Chairperson expressed his concern about the placement of the proposed buildings opposite the approach area to Runway 30 at Half Moon Bay Airport, in reference to wind impacts. He described a similar existing situation at San Carlos Airport where wind blows between two buildings that are located opposite of the approach area to the runway and the increased wind velocity created by the proximity of the buildings makes for an unsafe condition for a light aircraft at slow speed for landing.

230-33

Will changes to wind patterns caused by the Big Wave buildings and how those changes will affect airplane takeoff and landing patterns be addressed in the DEIR?

Will this include changes to noise levels in the surrounding neighborhoods, particularly Moss Beach, Seal Cove and El Granada?

VI. TRAFFIC AND PARKING

Under the Summary of Project features is this claim: "Reduced traffic on Hwy 1." This statement contradicts DEIR Table 7.1.2, which estimates 3,787 car trips per day, all of which would add to traffic on Hwy 1 as well as on narrow access roads in Princeton and Moss Beach.

230-34

In the Bay Area, residents from as far away as the central valley commute into office parks, and the suggestion that a large office park in a fairly remote location would

alleviate traffic, is unrealistic. Some coastside residents may work at the new office park, but even coastal residents would have to use Hwy 1 to get there. The addition of 225,000 sq. ft. of office space to the coast would undoubtedly draw commuters from other parts of the Bay Area. A project of this size would have significant effects on traffic through Devil's Slide (tunnel) and already congested Hwy 92 as well. Business parks located near transit hubs (BART) or existing commute routes can arguably reduce traffic, but large business parks located in remote locations do not.

230-34

Further the applicant asks for a parking exception (1 space per 250 sq ft, instead of 1 space per 200 sq ft) based on being located next to public transit. It cites other cities in San Mateo County, with public transit, which allow a lower number. The other cities in San Mateo County are all more urban, with a different level of public transportation compared to the rural Midcoast. Other cities in San Mateo County have other public transportation options (BART, Caltrain, park & ride), and public parking facilities, which are not available on the Midcoast. What the office park site also lacks, is overflow. If the parking on-site is full, there are no other lots nearby. By looking at the site map (Figure 1.3.1) it is clear that there is no ability to expand on-site parking in the future. Barring any serious mitigation measures for parking, we suggest that the existing (1 space per 200') parking requirement is reasonable.

230-35

DEIR Table 7.2.2 (page 61) suggests a mix of uses (40% office, 25% research, 15% storage, 20% manufacturing) which require different parking components. The proposed buildings, however, are all office buildings, and while they could be used for a lesser use, they all could also be used as the highest use, which is for General Office. If built, it would be difficult for the County to enforce this proposed mix of uses. If there is more demand for General Office space, then the required parking spaces would be seriously insufficient.

[Indented sections taken from Pillar Ridge Home Owners Letter]

One of the major problems with the Project is its lack of direct access to major roads, as noted in the letter from Pillar Ridge Homeowners Association. This is a major deficiency in the DEIR for an adequate assessment of traffic impacts. Instead, the DEIR glosses over this, "Access to the project site is provided via Route 1, Capistrano Rd., and Airport St." ignoring that Capistrano Road doesn't come anywhere near Airport Street. The DEIR goes on to state, "Other local roadways in the project vicinity include: Cypress, Prospect ... Broadway ... and Cornell, which are two-lane residential roadways." These roads are not just incidental, but are a necessary part of the tortuously indirect route to the project site – winding through the marine industrial maze of Princeton, or in the case of Cypress, a narrow rural lane without signal, leading to residential neighborhoods and coastal visitor destinations. The Project proposes to flood these narrow secondary marine- and visitor-serving streets with through traffic totally unrelated to Coastal Act priority uses. Pillar Ridge Homeowners Association Big Wave Project DEIR comment 11

230-36

A key point not mentioned in the DEIR is that two narrow street segments and potential bottlenecks, Cypress in the north and Prospect in the south, provide the

only access to all the area between San Vicente and Denniston Creeks, including Princeton, Coastal Trail and Mavericks beach parking, Pillar Ridge and Seal Cove residential neighborhoods, and the Big Wave site. Also not discussed in the DEIR is that Airport/Cypress and Prospect/Capistrano are tsunami evacuation routes.

230-36

How will the Wellness Center residents be evacuated in an emergency? How will the 800 Big Wave Project employees and cars affect these emergency routes at critical times?

Prospect/Capistrano is a narrow, often congested bottleneck, a visitor destination, and the route of the California Coastal Trail where bikes must share the road. If and when the economy improves, the large new hotel and shopping mall on Capistrano will add significantly to this congestion. The Capistrano/Hwy 1 intersection has been enlarged, but 2-lane Capistrano is no wider than it ever was.

230-37

Should the narrow winding scenic Capistrano harbor route and a tangle of marine industrial Princeton streets be the through route to a huge commercial complex having no relation to coastal use?

The intersection at the west end of Prospect (at Broadway) can be confusing because the through route to Harvard is offset. Most people use Harvard in their route through Princeton (which the traffic counts bear out indirectly) but Project traffic analysis maps erroneously show Harvard does not connect to Airport St.. and none of the traffic projections include it. This lack of local knowledge puts into doubt the projections of the traffic analysis.

The Cypress/Hwy 1 intersection is covered in the Traffic Analysis, but Cypress itself is a very narrow rural street with no sidewalks and a steep crown dropping off to deep roadside ditches forcing pedestrians and bicyclists to share the narrow road. Dramatically increasing traffic here will increase danger.

230-38

The community of Pillar Ridge has only one road entering Airport St. The tsunami escape route is to turn left onto Airport St.

How will the many cars with 5 exits from the Big Wave Project affect our safety and ability to turn left onto Airport St..?

The DEIR should weigh the Project impacts on the adequacy of the narrow congested road segments as safe emergency routes, for fire, police, ambulance, and disaster evacuation.

There will be significant construction traffic which should be analyzed, particularly the route for large trucks. Geotechnical studies may yet determine that significantly more removal and replacement of soil may be necessary to engineer the Project building pads and parking lots.

230-39

The traffic analysis does not include traffic generated by public use of the 5,326 sf Community center, pool, fitness center, commercial laundry, various Big Wave commercial/retail businesses in the Wellness Center, and special events. Proposed parking exception and charging for parking in Big Wave lots will impacts streets with more on-street parking.

Impact Trans-1 Intersection LOS Report states project would add approximately 2,123 daily trips to roads in the vicinity. This figure has been reduced from the 3,787 daily trips predicted in the June 2008 Traffic Report, and is based on a new arbitrary and unenforceable allocation of mixed uses in the Office Park.

Nevertheless, Cypress/Hwy 1 east-bound left turn LOS "F" is still predicted, with no improvements possible other than signalization. When Hwy 1 is busy, local drivers know they can give up trying to turn left onto Hwy 1 at Cypress, and turn right instead, then get in left turn lane at Marine, circle around on Etheldore, re-entering Hwy 1 with a right turn. Because of the narrowness of Cypress St., this option is not possible if two cars are already waiting and blocking the road. Dramatically increasing traffic exiting Cypress will leave everybody waiting. As people wait, looking for an opening, they can get frustrated and take risks. The local practice of turning left by turning right may have skewed traffic counts during peak hours.

How much additional degradation will the construction trucks cause to Airport Street, Cypress Street and the road in Princeton?

Will there be mitigation fees to fund the repair of these critical roadways? If not, why not? How will these repairs be funded?

Mitigation Measure Trans-1:

Traffic roundabout should be considered as well as signalization at Cypress in the recirculated DEIR or as part of this one. They are used by Caltrans in many very busy locations to keep traffic moving. Consider the significant impact on Hwy 1 traffic flow caused by another signal. Consider that safe crossings would be more useful in the commercial section of Moss Beach instead of this outlying intersection. Traffic mitigation should be implemented before construction beings. Proposed signalization could take 10 years even with the shortest construction estimate, or be put off indefinitely:

- *following project occupancy (3 – 15 years or more),*
- *applicant submit bi-annual report regarding need for signal (min 2 yrs),*
- *pay fair share for signal within 5 yrs of date of report*

The project mitigations should consider having the project install what ever mitigations are needed at Cypress and Highway One prior to start of construction. The County can create a funding agreement that allows the reimbursement of the cost of the roundabout or stop light at that intersection and other necessary traffic

mitigations to the project by future development that would need to pay traffic mitigation fees.

230-40

Impact Trans-2 Hazards

Airport St. should rightly be considered a bicycle thread of the CA Coastal Trail, as it provides access to coastal trailheads, and a connection from Princeton waterfront to the north portion of the Fitzgerald Marine Reserve while avoiding Hwy 1. The Project would significantly increase bike hazards on this route and offers no mitigation.

Airport St. is a narrow rural road with unimproved shoulders and open roadside drainage, except for the widened portion with sidewalk in front of Pillar Ridge and other development to the north of the Project site. Residents of Pillar Ridge walk and bike along this road to jobs and school. Mothers with children in strollers use the edge of the pavement. There is no room to safely pass bikes in the road without pulling into the opposite traffic lane. This situation has only been tolerable due to the relatively light traffic and lack of obstructions along the shoulder.

To this already potentially hazardous route the Project would add many more cars, 8 driveway/fire road connections and probably lots of on-street parking overflow. The proposed walking trail along Airport St. would be an improvement for pedestrians (in that limited area only) but is marred by the many driveways to be crossed and the meager road-encroaching creek crossing. Bicyclists will naturally want to retreat from the increased road hazards to the safety of the walking trail, making it a 2-way multi-use trail. What will happen at the bottleneck at the creek crossing and at the many driveways to the Project? Although the Airport St. designated bike route is touted as a transportation asset, the DEIR states, "No bicycle lanes are located adjacent to the project ..." like that's a good thing they don't have to worry about.

230-41

What about the safety impacts on the whole north end of Airport St., Cypress, and Princeton streets, with all the same increased traffic but no pedestrian/bike improvements?

During the lengthy construction period, pedestrian and bike safety conditions on Airport St. would be much worse. The walking trail should be constructed first. Better yet, would be a multi-use trail on the east side of Airport St., or a widened road with dedicated bike lanes.

There is no provision for turnouts for the proposed new bus stop to serve the Project.

230-42

Are all 5 driveways plus 3 fire roads really necessary or advisable for this Project? Pillar Ridge has only one road out, LaGranada. It's easy to imagine how difficult it might be to turn left onto Airport from LaGranada if lots of cars are leaving the Office Park and driving north at the same time, as would happen on a daily basis,

230-43

and most importantly, in an emergency situation. Pillar Ridge Homeowners Association Big Wave Project DEIR comment 13

230-43

Impact Trans-5 Parking

June 2008 Traffic Report (Jan. '09 Facilities Plan Draft 2):
Alternative 1: 156,000 sf Class A office space: 3,028 daily trips
Alternative 2: 225,000 sf Class A office space: 3,787 daily trips

June 2009 Traffic Report (Oct. '09 DEIR) uses same traffic counts from Jan '07 but calculates daily trips from new chart of arbitrary and unenforceable mix of uses (office, R&D, mfg, storage):
"Mixed use" office park 225,000 sf: 2,123 daily trips

By applying sq.ft. use allotment (90,000 general office, 56,250 R&D, 33,750 storage, 45,000 light mfg),
225,000 office space becomes 158,513 equivalent office space for purposes of specifying daily trips and parking requirements.

County Parking Ordinance:
225,000 sf office space requires 1125 parking spaces
158,513 sf equivalent office space requires 737 parking spaces
Parking exception request results in 635 parking spaces

230-44

Any attempt to reduce impacts from proposed parking exception by restricting use of the lot will put parked cars along the street, contributing to unsafe conditions for bicyclists and pedestrians on narrow road. SamTrans has repeatedly tried to discontinue existing limited bus service and will certainly not be increasing it. School hour buses are overloaded with school children. Section Impact Trans-6 says the project would not generate a need for additional transit service.

The Project has conveniently and dramatically reduced its parking requirement by calling office buildings mixed use. There has been no change in building design to accommodate the mixed use. The County acknowledges they don't have the resources to monitor the proportion of uses. No further reduction in parking requirements should be allowed. Consider the situation around the Ritz-Carlton in HMB which didn't plan for enough employee parking.

Impact Trans-6 Transit service

Project Objective: "To take advantage of existing public transportation routes to provide access to and from the project site ..." The DEIR states transit service is minimal, but the project would not generate a need for additional service. Project assumes 5% transit mode share, and adding 15 new AM/PM riders. Project proposes to develop bus stops but provides no turnout.

230-45

The project site is in a remote area with bare bones bus route with small size shuttle type buses packed with school kids due to no school bus. SamTrans

recently was on the verge of eliminating the route altogether, not for the first time. It is unlikely that highly paid employees would want to accommodate their schedules to the widely spaced and limited hours of available transit. It is unlikely that employees would drive crowded Hwy 1 and then park at the harbor to take a shuttle bus the last mile of their commute just because the Project doesn't provide enough parking.

230-45

VII. FINANCIAL FEASABILITY

The DEIR makes assumptions about the economic viability of various project alternatives without supporting economic data.

The economic data contained in the Plan is dated 2007 and the economy has changed radically in the last two years. There is a good possibility that the data is optimistic and outdated. Many counties require a feasibility study as part of the EIR. We strongly recommend that peer review and independent analysis be required. Currently there is a 20.5% vacancy rate of unoccupied office space in San Mateo County. The developer is proposing to double the amount of office space on the coast and in an area that does not have good highway access and is remote to goods and services. Nearby commercial space at the Oceana mall is not leased out.

230-46

VIII. Alternate Uses for Sanatorium

***The residential units are for low income and ultra-low income – by whom and how will compliance with this requirement be determined?
How long will this requirement be maintained?***

230-47

It is standard for low income housing to have government enforced restrictions that maintain the availability of the project for at least 20 years.

What other uses can this structure be put to if it is not maintained as a sanatorium with caretakers quarters?

It appears that these units could easily be converted to a residential stay facility for the business park, residential condos, or a visitor serving hotel facility. The DEIR should analyze these and other alternate uses, their impacts and mitigations.

230-48

Further, if a common developer is providing a commitment to following the development scheme identified in this DEIR, why is subdivision being requested?

230-49

Given that subdivision is being requested, what safegaurds/restrictions, if any, will be put in place to assure conformance with the uses set forth in this DEIR when ownership transfers?

IX. THE DEIR'S ALTERNATIVES ANALYSIS IS INADEQUATE.

CEQA and the State Guidelines interpreting it require agencies to consider in EIRs a "range of reasonable alternatives" to a proposed project and to "evaluate [their] comparative merits." Guidelines § 15126(d); Pub. Res. Code § 21100.

Before wading deeper into details of how to fit a swimming pool, buildings, parking lots, basketball court, and storage facilities onto this environmentally sensitive, geologically hazardous site, San Mateo County's Planning Department should first apply the policies of the Midcoast LCP to the proposed use for the project site and determine whether *any* configuration of a 225,000 sq/ft commercial complex is suitable for the site. We submit that that inquiry would usefully direct the Big Wave Project's future efforts to a suitable site elsewhere.

The MCC appreciates the opportunity to comment on this project DEIR and looks forward to continued involvement in the public process.

Thank you for your consideration.

Sincerely,

[SIGNED]

Neil Merrilees
Chair, Midcoast Community Council

Attachment:

Exhibit P: C/CAG Airport Land Use Committee (ALUC) Special Meeting CCAG 4-09
CCAG 4-09 Big wave airport.pdf

Response to Comment Letter 230
Midcoast Community Council, Neil Merrilees

Response to Comment 230-1

This comment serves as an introductory statement and states that the public's ability to review the DEIR was impaired due to the unavailability of copies. The commenter states that the MCC received only one hard copy of the DEIR.

The FEIR addresses the public review process, including the availability of hard copies and electronic web-versions of the DEIR, in Topical Response 2, Public Review Period for DEIR.

Response to Comment 230-2

The commenter states that the DEIR is misleading, overly conclusory, inadequate due to numerous errors, omissions, contradictions, unfounded assumptions and inadequate analysis, leaves mitigation measures to future studies, includes mitigation measures that are incomplete and/or inadequate, and should be re-circulated.

Each of these concerns is addressed more fully in the following body of this comment letter. Specific responses are provided to specific comments as they are detailed. With respect to adequacy of mitigation measures, refer to Topical Response 4, Deferral of Mitigation Measures. With respect to recirculation, refer to Topical Response 6, Recirculation of the DEIR.

Response to Comment 230-3

The commenter states that the project description is inadequate and that the DEIR does not comply with the public participation requirements of Coastal Act sections 30006 and 30012. The commenter references Schellinger Brothers v. City of Sebastopol 2009.

The commenter states that the DEIR does not comply with the public participation requirements of Coastal Act sections 30006 and 30012, but does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of these comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Response to Comment 230-4

The commenter states that a project cannot be approved by a public agency when a project has significant environmental impacts and requests information regarding how the DEIR meets the requirements of CEQA.

As discussed on page I-1 of the DEIR, the purpose of the DEIR is to focus the discussion on potential effects of the proposed project on the environment, and the potential effects of the environment on the project, that the lead agency has determined are or may be significant. Pursuant to CEQA, feasible mitigation measures are required, when applicable, that could reduce significant impacts to less than significant levels. Therefore, the project, as mitigated, would not result in significant environmental impacts.

Response to Comment 230-5

The commenter states that the DEIR fails to adequately to discuss the Project's full range of impacts on traffic safety; on emergency access for the site and its neighbors in the event of tsunami, earthquake, or other disaster; on proper sewage disposal; water supply and treatment, on biological resources; on the natural landscape; and on views from Highway 1, and other vantage points.

While the commenter makes the statements summarized above, the commenter does not provide any evidence, data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of these comments. Pursuant to *CEQA Guidelines* Section 15064, an effect is not considered significant in the absence of substantial evidence. For more information regarding potential traffic impacts, please refer to Topical Response 8, Traffic and Parking Impacts. Regarding project impact to emergency access routes, refer to Impact TRANS-4 of the DEIR. Regarding sewage disposal and water supply, please see Section IV.N of the DEIR and project description clarifications in Section III.A of the FEIR. Regarding potential impacts to biological resources, refer to Section IV.D of the DEIR. Regarding impacts to aesthetics, refer to Section IV.A of the DEIR.

The commenter states that the DEIR repeatedly and erroneously concludes that various impacts identified as significant would be rendered insignificant by ill-defined or undefined mitigation measures whose detailed formulation depends on future studies.

With respect to deferral, refer to Topical Response 4, Deferral of Mitigation Measures.

Response to Comment 230-6

The commenter states that the Assistant Fire Chief for the Coastside Fire Protection District feels that a survey completed for the preparation of the DEIR did not represent his agency accurately. The commenter asks are third party responses accurately reflected in the DEIR.

The article provided by the commenter states that the DEIR includes the concerns expressed by the Coastside Fire Protection District staff, but reaches a conclusion that the District may not agree with. The purpose of the DEIR is to conduct an environmental analysis based on established environmental thresholds of significance. While District staff may believe the impact of the project is significant according to their own standards, the evaluation of impact significance under CEQA is based on the thresholds of significance, as provided in Section IV.L.2 of the DEIR. *CEQA Guidelines* Section 15151 provides that disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.

Response to Comment 230-7

The commenter states that the site was in a natural condition prior to its recent conversion to agriculture

Page IV.H-13 and the Biological Report and Wetlands Delineation Report in Appendix E state that the recent conversion from the sites natural state to agriculture occurred in the early 1800's.

The commenter provides a description of the project site's environmental setting and asserts that project development would result in the wholesale alteration of this landscape and the natural community it supports, and, in the process, destroy the site's scenic character.

The analyses in Section IV.A (Aesthetics) of the DEIR acknowledge that the visual character of the surrounding area includes Princeton-by-the-Sea, a small, commercial and recreational harbor community located between Moss Beach and Half Moon Bay. The DEIR analyses conclude that the potential project impact to scenic vistas, scenic resources and visual character of the project area would be less than significant (DEIR Impacts AES-1, AES-2, AES-3, pages IV.A-20 - IV.A-28). With respect to the reference of Peninsula Open Space Trust trail system, refer to Response 185-22.

The commenter states that the project is significantly out of scale with nearby development.

Refer to Response to Comment 21-1A.

The commenter states that the project is inconsistent with LCP Policies 8.5, 8.12, 8.18, 8.30, 8.32, 11.4 and 11.15.

Refer to Responses to Comments 193-43 through 193-49.

Response to Comment 230-8

The commenter expresses concerns about the proposed project's size and states that office buildings will block views to the harbor and ocean from southbound Highway 1.

Refer to Response to Comment 21-1A. Reference Figure IV.A-8 of the DEIR, which provides views of the project site looking southwest from Highway 1. As discussed in Section IV.A (Aesthetics), the project would not result in a substantial adverse effect on public views and scenic vista.

The commenter inquires about the project's consistency with design review requirements.

Design Review standards relevant to the environmental impact analysis are analyzed in Section IV.I (Land Use and Planning) of the DEIR. While the project is generally consistent with applicable design review standards, as stated in the DEIR, a recommended mitigation measure has been added to improve compliance with the design review requirement, as discussed in Section III.B of the FEIR. New Recommended Mitigation Measure LU-4 requires the applicant to comply with the recommendations of the County's Coastside Design Review Officer to implement changes to the Office Park buildings to improve consistency with applicable policies of the LCP and the Community Design Manual, prior to the project approval by the Planning Commission.

Response to Comment 230-9

The commenter provides a description of Princeton and states the project is inconsistent with LCP regulations relevant both to the scale of new projects and to those regarding the preservation of views.

Refer to Response 230-8.

The commenter indicates that the Community Design Manual and Montara-Moss-Beach-El Granada Community Plan both call for view preservation.

Refer to Response 230-8.

The commenter states that most buildings in Princeton are 16 feet tall and single-story and that the buildings along Capistrano Road are two stories.

Refer to Response to Comment 21-1A.

The commenter calls for the use of story poles and asserts that the DEIR presents inaccurate renderings.

Refer to Topical Response 1, Story Poles, and Topical Response 7, Visual Simulations.

Response to Comment 230-10

This commenter asks how the visual impact analysis can be corrected to allow adequate mitigations to make the size and scale mitigations relevant.

Refer to Topical Response 1, Story Poles, and Topical Response 7, Visual Simulations.

Response to Comment 230-11

The commenter asks how the project is consistent with design review standards and the Community Plan as it has been incorporated into the LCP.

Refer to Response 230-8.

Response to Comment 230-12

The commenter provides descriptions of Pillar Point Harbor, Princeton, the airport, and LCP Policy 12.3 and asks how the project furthers the Coastal Act mandated goals of protecting commercial fishing and providing visitor serving facilities.

While these goals are applicable to the certification of the Local Coastal Program and to the area in general, they do not prohibit other uses at the site.

Response to Comment 230-13

The commenter provides general information about Waterfront (“W”) Zoning, asserts that the project is not a permitted use in this zoning district. The commenter states that the project does not meet the definition of a sanitarium.

Refer to Section IV.I (Land Use and Planning) of the DEIR and Topical Response 11, Sanitarium Use Permit.

Response to Comment 230-14

The commenter states that the project includes 20 units for caretakers of developmentally disabled residents and asks how many allocations of caretaker’s units does the Wellness Center parcel have and does the County anticipate a secondary market in caretaker quarters development rights if the Wellness Center acquires additional caretaker development rights.

The Waterfront Zoning District defines “caretaker’s quarters” as “an area within a building that is intended for residential use by a person(s) to look after the property on which the caretaker quarters are located. Caretaker’s quarters may include kitchen facilities.” The staff of the Wellness Center would not look after the property but assist the disabled residents. Therefore, on-site dwelling units for Wellness Center staff are not caretaker’s quarters and do not require an allocation by the County.

Response to Comment 230-15

The commenter asserts that there is no explanation anywhere in the DEIR for why this type of development needs to be on this specific location.

Please refer to Section VI (Alternatives to the Proposed Project), which discusses Alternatives to the Proposed Project that meet the project goals as outlined in Section III of the DEIR. Also, refer to Topical Response 5, Alternatives to the Proposed Project.

The commenter asks what amendments, exclusions, and waivers will be needed to allow this use.

As discussed in the DEIR, the project applicant proposes to connect to the CCWD. This proposed annexation to CCWD would require review and approval by LAFCO and approval of amendments to the Coastal Development Permits for the El Granada Pipeline replacement project. Any temporary or permanent extension of water services outside of the service boundary as defined on January 1, 2003 would require amendments to Coastal Development Permits A-1-HMB-99-20 and A-2-SMC-99-63. The project also requests an off-street parking exception, as discussed in Section IV.M (Transportation/Traffic) of the DEIR and Topical Response 8, Traffic and Parking Impacts.

Response to Comment 230-16

The commenter asks how the Wellness Center is consistent with “W” zoning.

Refer to Topical Response 11, Sanitarium.

The commenter quotes Section 30600 of the Coastal Act that states if the project is within 300 feet of the shoreline, between the first public road and the shoreline, located on tidelands, located with 100 feet of wetlands or 300 feet of the top of a bluff, a Coastal Development Permit is required.

As stated in Section III.B of the FEIR, a portion of the project site may be within the original jurisdiction of the California Coastal Commission (CCC). The standard of review applied by the CCC to any development that extends into the CCC’s original jurisdiction is the California Coastal Act. Project consistency with the policies of the County’s LCP, which is the standard of review for development within the County’s permit jurisdiction, is evaluated in Table IV.I-1 (County of San Mateo General Plan Consistency Analysis) of the DEIR. Development within the portion of the site that is within the County’s permit jurisdiction must also conform to the public access and recreation policies of the Coastal Act because the site is seaward of the nearest public through road to the coast. The County has added the recommended Mitigation Measure LU-2 to require the property owner to work with the Coastal Commission to identify and delineate the CCC’s jurisdiction over the project site and obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC jurisdiction. The project will be required to conform to the applicable policies of the LCP and Coastal

Act through the necessary coastal development permit review and approval procedures. Therefore, impacts would be less than significant.

The commenter states that Section 30222.5 requires oceanfront land suitable for coastal dependent aquaculture shall be protected for that use.

The proposed use would not preclude coastal dependent aquaculture in the future. Section 30222.5 states that “oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.” While the site does not appear to be suitable for coastal dependent aquaculture, as it does not have direct ocean access, there is no proposal for coastal dependent aquaculture at this site. Therefore, the project is consistent with Section 30222.5 of the Coastal Act.

Response to Comment 230-17

The commenter states that the proposed project is not allowed under M-1 zoning, that traffic calculations were calculated under “light industrial” use, that the renderings, specifications, and analysis do not demonstrate “light industrial” use, and that the project is inconsistent with the LCP.

With regard to zoning, page IV.I-4 of Section IV.I (Land Use and Planning) of the DEIR evaluated project compliance with M-1 zoning regulations and found the project to have no significant impact.

With regard to traffic impacts, project traffic was calculated based on the uses proposed and outlined in the Project Description (page III-19 of the DEIR): General Office 40%, Research and Development 25%, Storage 15%, Light Manufacturing 20%. The traffic impacts are evaluated in Section IV.M (Transportation/Traffic) in the DEIR and impacts for the mitigated project are concluded to be less than significant.

The commenter asks how can a large office complex be consistent with the M-1 Zoning.

Section 6271.a (162) of the M-1 Zoning District Regulations allows for professional office uses. As stated above, the project integrates office use with research and development, storage, and light manufacturing uses, which also permitted uses.

Response to Comment 230-18

The commenter asserts that the proposed development is massive and vastly out of scale with existing structures in the area.

Refer to Response to Comment 21-1A.

The commenter states that grading plans have not been specified and asks what the finished elevation will be relative to the existing grade.

Existing elevations are shown on Figures III-2A and 2B of the DEIR. Finished elevations for the Office Park are provided in Figure III-25. Finished elevations for the Wellness Center are as revised in Section III.A.d of the FEIR (revised Figure III-26 of the DEIR).

Response to Comment 230-19

The commenter discusses the scale of the project in reference to the LCP, Community Design Manual, and Community Plan.

Refer to Response to Comments 230-7 through 230-11 and 230-18.

Response to Comment 230-20

The commenter ensures that the project is not consistent with the land use designations outlined by the LCP.

The land use designations of the LCP are identical to the General Plan Land Use Designations for the area. The project sites fall under both General Industrial and Open Space land use designations. As the proposed uses are allowed as either principally permitted or conditionally permitted uses on the project site by the Zoning Regulations, the project would not require an amendment to the County's General Plan, and such variation in uses as allowed by the zoning regulations is contemplated in the designation of land use.

Response to Comment 230-21

The commenter states that there is no justification for a subdivision, that grandfathering is "inapplicable and patently unfair," states that the DEIR is contradictory and vague in describing the phased development of the project, accuses the applicant of using an unpermitted well and of destroying wetlands.

Insufficient details and explanation are provided to respond to concerns regarding the proposed subdivision and potential grandfathering of use and how the concerns might be relevant under CEQA. Regarding the findings necessary for the granting of a use permit, refer to Topical Response 11, Sanitarium Use Permit. Regarding phased construction of the Office Park, refer to Response to Comment 12, Construction Phasing for the Office Park. Regarding the potential destruction of wetlands and permit status of the existing well, refer to Topical Response 13, County Permit History.

Response to Comment 230-22

The commenter provides general information about the James Fitzgerald Marine Reserve, states that Big Wave is located in the Critical Coastal Area boundary, and inquires how Big Wave will monitor point and non-point water.

Regarding the Fitzgerald Marine Reserve, refer to Response to Comment 90-1. Additionally, as described in Section III.B of the FEIR, the project does not propose to discharge into the wetlands.

Response to Comment 230-23

The commenter inquires about the impacts of septic systems, runoff, use of pesticides, herbicides, and fertilizers; monitoring of restrictions; enforcement of protections; and prevention of contamination.

As described in Section II of the FEIR, the project does not propose a septic system, but proposes on-site water recycling meeting Title 22 with complete disinfection. Project runoff has been minimized. Instead of flowing to rain gardens located within the restored wetland areas, rainwater from surfaces and roof gutters will be directed to underground storage systems below the parking lot.

All farming and landscaping will be organic without pesticides, herbicides and fertilizers.

Regarding project monitoring and the enforcement of project mitigations and other requirements, please reference Section IV (Mitigation Monitoring Program) of the FEIR. Also, the County's approval of this project or project alternative would require that the project remain as approved. The approval will require regular review and monitoring of the project by the County, at the owner's expense, to ensure that the project is operated in a manner that is consistent with the County's approval.

Response to Comment 230-24

The commenter provides information about LCP Policy 9.3 and County Zoning Ordinance 6326.2 and asks what mitigations are anticipated to protect the project, its water supplies, and stormwater systems from damage by tsunami.

Please refer to Mitigation Measure HYDRO-9 of the DEIR and Topical Response 9, Tsunami Hazards.

The commenter asks specifically what protections will be used to protect the harbor from a wastewater system failure in the event of a tsunami.

As described in Section III of the FEIR, the proposed water recycling systems will be buried with submersible systems at elevation 20 feet or above (6.5 feet above the highest recorded tsunami in 200 years) that function without damage when submerged. The system is designed to minimize and eliminate flow to the GSD system and the SAM pump stations that have the potential of flooding and discharging untreated sewage in the event of a tsunami.

Response to Comment 230-25

The commenter asks what mitigations are proposed to protect the water supply from sea level rise.

As clarified in Section III of the FEIR and shown on Figure III-25 of the DEIR, the well and water systems are located above the elevation of project sea level rise by 5 to 10 feet. Also, refer to Topical Response 9, Tsunami Hazards.

The commenter asks what mitigations are proposed to ensure the septic systems continue to function.

The septic system proposal has been eliminated. For the safe operation of the water recycling system refer to Response to Comment 230-24.

Response to Comment 230-26

The commenter asks if the substantial amount of fill proposed will impact groundwater runoff and, generally, the marsh and wetlands.

As described in Section III.A of the FEIR, the proposed amount of fill for the project has decreased. Please refer to Section IV.H (Hydrology and Water Quality) of the DEIR, for an analysis of project impacts to groundwater and existing drainage patterns.

Response to Comment 230-27

The commenter asks about the need to raise the proposed buildings above the existing grade to protect against tsunami hazards and sea level changes.

Refer to Topical Response 9, Tsunami Hazards.

Response to Comment 230-28

The commenter inquires about emergency evacuations.

Refer to Topical Response 9, Tsunami Hazards.

Response to Comment 230-29

The commenter asks how the current emergency evacuation route will be adequate in the event of an earthquake or tsunami emergency.

The analyses in the DEIR assess the project's impact on emergency access and evacuation in Section IV.G (Hazards and Hazardous Materials) on page IV.G-26 and in Section IV.M (Transportation/Traffic) on pages IV.M-37 and IV.M-38. No significant impacts related to emergency access and evacuation routes were identified.

Regarding project evacuation, refer to Topical Response 9, Tsunami Hazards.

Response to Comment 230-30

The commenter states that emergency evacuation has not been adequately mitigated in the DEIR, that the existing evacuation route is completely inadequate to handle the number of evacuees from the site, and that it is questionable as to whether Highway 1 could handle the additional number of cars evacuating the Big Wave site.

Refer to Response to Comment 230-29.

The commenter provides information regarding seismic hazards

Comments are noted. Refer to Section IV.F (Geology and Soils) of the DEIR.

The commenter states that the large population will need to be evacuated in the case of a major earthquake.

Regarding project evacuation during an earthquake, refer to Topical Response 9, Tsunami Hazards.

Response to Comment 230-31

The commenter states what routes will be used in the event Airport St. is rendered un-drivable.

Refer to Topical Response 9, Tsunami Hazards, and Response to Comment 230-29.

The commenter inquires about emergency water supplies should an earthquake disable the well and how long will it last.

As described in Topical Response 9, Tsunami Hazards, the project backup system includes 2 days of water to provide water supply until after the tsunami event has subsided.

Response to Comment 230-32

The commenter states that the proposed use is incompatible with airport uses, due to the property's proximity to the airport and that the DEIR must analyze the project's impacts on the airport. The commenter states that the project site appears to be within the approach protection zone. The commenter states that the DEIR must evaluate the impacts of the Airport. The commenter states that a school located in the airport protection zone could not be built. The commenter asks what mitigations are required for airport compliance. The commenter asks if the easement adequate.

Refer to Topical Response 14, Location of Project Near Half Moon Bay Airport.

Response to Comment 230-33

The commenter states that the ALUC Chairperson has expressed his concern about the placement of buildings opposite the approach of Runway 30 in reference to wind impacts and asks will this affect airplane takeoff and landing patterns impacting noise levels in the surrounding neighborhoods.

Please refer to Impact HAZ-3 on page IV.G-25 of the DEIR.

Response to Comment 230-34

The commenter states that DEIR Table 7.1.2 contradicts the results of the DEIR traffic analysis and states that 3787 cars will add traffic on Highways 1 and 92.

The DEIR does not include a "Table 7.1.2", nor are 3,787 car trips per day estimated by the DEIR. Table IV.M-6 shows that the project generates 2,123 trips. As explained in Section III.B of the FEIR, project traffic has been further reduced with the elimination of the community center aspect of the Wellness Center. As stated on page IV.M-46 of the DEIR, the project reduces traffic on Highway 1. The DEIR reached this conclusion based on a September 2009 Hexagon Traffic Report, included in Appendix J of the DEIR. As stated on page IV.M-43, the mitigated project has less than a significant impact on local intersections.

Response to Comment 230-35

The commenter states that the applicant's request for a parking exception to allow 1 space per 250 square feet of office space would result in parking impacts.

Refer to Topical Response 8, Traffic and Parking Impacts.

The commenter states that the parking requirements states that the project parking is based on a mixed use business and that if the buildings are all professional offices, more parking will be required.

Refer to Topical Response 8, Traffic and Parking Impacts.

Response to Comment 230-36

The commenter quotes a memo form the Pillar Ridge Home Owners Association that states local traffic is a problem and should be evaluated in the DEIR. The commenter asks how residents will be evacuated during an emergency.

The response to the quoted Pillar Ridge Home Owners Association comment may be found in Response to Comment 185-43. Also, refer to Topical Response 8, Traffic and Parking Impacts.

Response to Comment 230-37

The commenter states that the Prospect/Capistrano streets are narrow and create a congested bottleneck and there is no Coastal Trail.

Comment is noted. Existing street conditions were studied in the June 2009 Hexagon report, included in the FEIR as an addition to Appendix J.

Response to Comment 230-38

The commenter states that the intersection at Prospect and Broadway can be confusing and states other opinions on the intersections in Princeton.

Comment is noted. Existing street conditions and operational deficiencies were studied in the June 2009 Hexagon report, included in the FEIR as an addition to Appendix J. The report forms the basis of the conclusions reached by Section IV.M (Transportation/Traffic) of the DEIR.

Response to Comment 230-39

The commenter states that the DEIR should evaluate the narrow congested roads for fire and safe emergency routes.

Refer to Response to Comment 230-38.

The commenter states that the construction traffic should be analyzed.

Construction traffic was analyzed on page IV.M-41 and Mitigation Measure TRANS-9 of the DEIR and concludes that the project, including construction and operational traffic, as mitigated, would have a less than significant traffic impact.

The commenter states that considerable damage to the roads will occur due to construction trucks and asks if there will be mitigation fees for road damage.

As with every project in the unincorporated San Mateo County, the applicant will be required to pay roadway mitigation fees, based on project square footage, at the building permit application stage, that will be maintained in a County account to provide for roadway maintenance.

Response to Comment 230-40

The commenter suggests a roundabout versus a light at Cypress.

Refer to Response to Comment 185-48.

The commenter recommends that the traffic mitigations be installed prior to the start of construction.

Refer to revised Mitigation Measure TRANS-1, as described in Section III.B of the FEIR. Mitigation Measure TRANS-1 has been revised to require a new traffic report to be submitted upon occupancy of every 60,000 sq. ft. of office space, until full project occupancy, and to require traffic reports to be submitted bi-annually after full project occupancy. Also, the revised mitigation measure addresses traffic conditions at the Highway 1 and Cypress Avenue intersection, along with the following additional intersections to evaluate if they maintain a LOS level “C” or better: Airport Street and Stanford/Cornell (Study Intersection 3 of DEIR), Broadway and Prospect Way (Study Intersection 2), Prospect Way and Capistrano (Study Intersection 1), and State Route 1 and Capistrano (Study Intersection 8). The revised mitigation measure shortens the timeframe for the implementation of the recommendations of the traffic report, including signal installation, from 5 years to 1 year of the date of the report.

Response to Comment 230-41

The commenter states that the unimproved shoulders of Airport Street create a traffic hazard that the proposed project would exacerbate.

As the commenter states, the proposed Class 1 trail along Airport Street will improve safety to pedestrians and bicyclists along this route. The road span over the drainage will remain the same, except for the installation of safety measures (e.g., K-rail), as required by the County Department of Public Works.

The commenter states that the pedestrian trail along Airport Street should be installed in the first phase of construction.

As stated in the applicant’s phasing construction description in Appendix H of the FEIR, the pedestrian trail along Airport Street will be installed in the first phase of construction.

Response to Comment 230-42

The commenter states that there are no bus turnouts.

As described on page IV.M-40 of the DEIR, the project would not generate any need for additional transit service.

Response to Comment 230-43

The commenter asks if five driveways and three fire access roads are necessary.

Proposed on-site traffic circulation plan, including driveways, was studied in the June 2009 Hexagon report, included in the FEIR as an addition to Appendix J. The report forms the basis of the analysis in Impact TRANS-2 (Hazards) and Impact TRANS-3 (Site Access and On-site Circulation), which do not identify any significant impacts resulting from project implementation.

Response to Comment 230-44

Commenter states that the parking exception would put parked cars along Airport Street that would cause dangers for pedestrians and bicyclists, that SamTrans will not increase service to the area, that current busses are currently overloaded, and that the building design does not reflect the proposed usage.

Regarding impacts of the requested parking exception, refer to Topical Response 8, Traffic and Parking Impacts. As described on page IV.M-40 of the DEIR, the project would not generate any need for additional transit service.

Response to Comment 230-45

Commenter again expresses concerns regarding public transit.

As described on page IV.M-40 of the DEIR, the project would not generate any need for additional transit service.

Response to Comment 230-46

The commenter asserts that the economic data provided analyzed by the DEIR is too old to be considered relevant.

Regarding an economic analysis of the project, refer to Response to Comment 72-1.

Response to Comment 230-47

The commenter inquires about the assurance that affordable housing will be provided at this site for at least twenty years.

The County's approval of this project or project alternative (regardless of ownership) would require that the project remain as approved, including maintenance of affordable housing. The approval will require regular review and monitoring of the project by the County, at the owner's expense, to ensure that the project is operated in a manner that is consistent with the County's approval.

Response to Comment 230-48

The commenter asserts that the Wellness Center may be converted to another use and requests that the DEIR analyze other potential uses.

Refer to Response to Comment 230-47.

Response to Comment 230-49

This commenter asks what safeguards/restrictions, if any, will be put in place to assure conformance with the uses set forth in this DEIR when ownership transfers. Since this comment does not state a specific concern or question regarding the adequacy of the analysis contained in the DEIR, a response is not required pursuant to CEQA

Refer to Response to Comment 230-47.

Response to Comment 230-50

The commenter asserts the DEIR's alternatives analysis is inadequate and that an alternate site should be investigated.

Refer to Topical Response 5, Alternatives to the Proposed Project.

Response Comment 230-51

The commenter closes with concluding paragraph.

The commenter provides closing statements. No response is required by CEQA.*

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*



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24 December 2009

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Attn: Camille Leung, Planner
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via email to: cleung@co.sanmateo.ca.us

via Fax to: 650-363-4849.

via CERTIFIED MAIL

Re: DEIR for PLN 2005-00481 and PLN 2005-00482, "Big Wave"

Dear Ms. Leung:

The Montara Water and Sanitary District ("MWSD" or "District") is pleased to supplement our preliminary summary comments, presented to the San Mateo County Planning Commission on November 18, 2009, on the Draft Environmental Impact Report ("DEIR") for the Big Wave Wellness Center and Office Park Project ("Big Wave" or "Project") prepared by Christopher A. Joseph & Associates ("Consultant") dated October 2009, based on portions of the DEIR received by our District on November 4, 2009, and additional portions received on November 10, 2009. *We are still awaiting full printed copies of the two volumes of Technical Appendices to allow a complete review of all portions of this DEIR by our Board of Directors, staff, engineers, and counsel.*

In summary, we assert that the DEIR is deficient, incomplete, and incorrect for the following reasons:

- Consultant failed to use certified Local Coastal Program ("LCP") maps and policies to determine correct utility service providers
- Applicant, County, and Consultant failed to confer with MWSD and other responsible agencies

- Certified LCP clearly shows Project is within Citizens Utilities Company of California ("CUCC") water service area
- MWSD acquired all assets, tangible and intangible, of the former CUCC Montara District on August 1, 2003, stands in place of CUCC as successor in interest, and is the only legally authorized public water provider for the Project
- Project would exceed Coastal Commission extraction limit for aquifer
- Plans to serve the entire former CUCC service area are included in MWSD's Master Plan for water service and Public Works Plan, Phase I certified by the California Coastal Commission
- Omission of MWSD from Municipal Water Service section is prejudicial
- MWSD stands ready to provide water for Project's fire protection requirements
- MWSD is the water service agency with the authority to provide recycled water to serve the Project
- As proposed, Project requires LCP amendments that are not analyzed or acknowledged
- Project would violate Coastal Act section 30254 regarding wastewater treatment capacity
- Critical documents on biological resources, hydrology, and water resources were not referenced nor were they included in analyzing Project environmental impacts
- Cumulative impacts are inaccurate as they are based on an incomplete list of projects and inadequate analysis of those mentioned
- County failed to provide affected agencies with complete printed copies of DEIR
- An incomplete DEIR document was initially circulated
- Electronic versions are not presented in an easily readable format for the public; some pages are turned 90 degrees or completely upside down

The following sections elaborate on each of these points. Please note that text quoted from the DEIR is italicized, whereas our comments are in plain text. While we have called out specific questions that require a response in the final EIR, the Consultant may also wish to respond to statements of fact included in our letter.

- **Consultant failed to use certified Local Coastal Program ("LCP") maps and policies to determine correct utility service providers**

Certified LCP maps and policies must govern the environmental review process. The certified LCP map entitled "Water Utilities" shows the service areas relevant to this Project. Certified LCP Table 2.9 shows anticipated water demand for undeveloped Industrial acreage representing the Project site, among other potential development. The service area and service responsibilities formerly assigned to Citizens Utilities Company of California were taken over by MWSD, as successor in interest, in August, 2003.

Regardless of whether or not the proponent of the Project wishes to be within the MWSD water service area, their wishes do not justify the EIR consultant failing to investigate the environmental impacts of the only existing authorized water provider.

231-1

231-2

Question: Why were these certified LCP maps and tables not consulted?

Question: What justification is there to exclude consideration of the responsible agency, the only appropriate potential water service provider for this Project?

An EIR is intended to provide decision makers with a thorough analysis of issues regarding development and their potential impacts and mitigations. The water utility section is totally inadequate in this regard. **Please revise the water utilities section and recirculate the revised draft for comments.**

- **Applicant, County, and Consultant failed to confer with MWSD and other responsible agencies**

The list of persons consulted on DEIR Pages VII-3 and VII-4 fails to show any effort to contact responsible persons at MWSD to provide background information during preparation of the DEIR. MWSD is on record with the County, the Local Agency Formation Commission ("LAFCo"), and the Applicant, through correspondence from our District Counsel, asserting the District's authority and intention to serve within the former CUCC water service area.¹

Question: Why has this factual legal background been ignored in the DEIR? It is a very substantial issue that must be resolved prior to project approval.

The list of persons consulted on DEIR Pages VII-3 and VII-4 fails to show any effort to contact responsible persons at Granada Sanitary District ("GSD") or Sewer Authority Mid-Coastside ("SAM"). SAM, GSD and MWSD are in the midst of the planning and permitting for the second stage of the wet weather flow holding basin project begun with the construction of the first holding tank at MWSD in Montara. The new facility will be in El Granada, downstream of the proposed project. The wastewater flows from this project may or may not further exacerbate the wet weather flow problems downstream. More data is needed to know if the El Granada Wet Weather Flow holding facility needs to be enlarged to accommodate the wet weather flow from this project or not. The DEIR does not provide sufficient data to determine if changes are necessary or not.

Question: What is the peak flow from this project going to be?

Question: When will the decision on the connection to GSD be made?

The DEIR states: *Some properties in the project vicinity utilize individual onsite wastewater treatment and disposal systems (i.e., septic systems). However, most properties are served by public sewer providers, including City of Half Moon Bay, Granada Sanitary District and Montara Water and Sanitary District. (page IV.N-1)*

¹ Letter from Law Offices of David E. Schricker to Martha Poyatos, Executive Officer, San Mateo County Local Agency Formation Commission dated August 18, 2003, copied to Big Wave LLC c/o Jeff Peck. (Attachment A)

While the DEIR notes that there are some septic systems in the area, it fails to note the location, age, or regulatory status of those systems. The implication in the DEIR is that because other septic systems exist inside the Urban/Rural Boundary, the Project's proposed wastewater system is also appropriate. However, LCP Policies 1.3, 1.18, and 1.19 anticipate that urban development will be served by public utilities, and existing pre-LCP development on septic systems is being converted to public sanitary sewer systems.

Question: Where are these existing septic systems located?

Question: When was each constructed?

Question: When were they last examined to see if they provide an acceptable level of public health protection?

Question: What impacts do those existing septic systems have on groundwater resources in the Project vicinity?

MWSD notes, for the record, that MWSD has sent letters to the County of San Mateo notifying the County of MWSD's requirement that any septic systems serving the airport must connect to the MWSD sanitary sewer system.

MWSD notes that Granada Sanitary District is the appropriate provider of sewer service for the project and MWSD provides sewer and trash/recycling services for adjacent parcels. The City of Half Moon Bay provides no sewer or trash/recycling services in the immediate area. The DEIR should be corrected.

in order to issue a permit for necessary water service and fire protection connections, as indicated above, MWSD is the agency with permitting authority over the Project. This makes MWSD a "Responsible Agency" under the California Environmental Quality Act ("CEQA"), and requires statutory treatment under CEQA Guidelines.

Question: Why was MWSD, as the responsible agency, not consulted and provided the necessary information and documents to make the necessary service reviews for this project?

- **Certified LCP clearly shows Project is within Citizens Utilities Company of California ("CUCC") water service area**

The certified LCP maps showing utility service providers clearly indicate that the Project falls within the service area of Citizens Utilities Company of California ("CUCC").

Question: Why was this certified LCP map not included in the DEIR?

231-3

231-4

MWSD requests that the certified LCP utility service provider map be included in the revised and recirculated DEIR, along with any appropriate discussion of alternate water service providers. As proposed, at the very least an LCP amendment would be required, if not much more.

- **MWSD acquired all assets, tangible and intangible, of the former CUCC Montara District on August 1, 2003, stands in place of CUCC as successor in interest, and is the only legally authorized public water provider for the Project**

MWSD acquired the service area of the former CUCC, along with all other Montara District assets of the former CUCC, through an eminent domain purchase concluded in August, 2003. MWSD stands in place of CUCC and is the appropriate water service provider for the Project. Our District Counsel has provided much greater detail on this issue in his letter dated December 4, 2009². Please include that letter as part of the District's comment on the DEIR and as part of any recirculated DEIR.

- **Project would exceed Coastal Commission extraction limit for aquifer**

The DEIR reports that the Kleinfelder Midcoast Groundwater Study calculates existing groundwater extraction from the Half Moon Bay Airport / Pillar Point Marsh sub-basin as follows:

According to the study, approximately 513 acre-feet per year (AFY) of groundwater (167 million gallons per year (MGY)) is pumped from the Airport Sub-basin for agricultural, municipal, and individual domestic uses. The average annual withdrawals are estimated as follows:

.....

169 AFY by Coastside Community Water District (CCWD);

224 AFY by Montara Water and Sanitary District;

96 AFY by approximately six agricultural wells;

and 24 AFY by about 87 domestic and other wells. (page IV.N-22; incorrect identification of Coastside County Water District (CCWD) in original)

Question: Where are the six agricultural wells located?

Question: Has each of the agricultural wells received appropriate Coastal Development Permits, if required?

Question: Has San Mateo County collected any pumping data, as required by the County's Well Ordinance, to document annual extraction in this critical habitat resource for agricultural purposes?

Question: Is the well on the subject property included in those six?

Question: How was the 96 AFY extraction by agricultural wells determined?

² Law Offices of David E. Schricker to Camille Leung, Planning and Building Department, County of San Mateo, dated December 4, 2009. (Attachment B)

231-4

231-5

231-6

Question: Where are the 87 domestic and other wells located?

Question: What uses are the other wells put to?

Question: How was the 24 AFY withdrawal determined?

Question: Has San Mateo County collected any pumping data, as required by the County's Well Ordinance, to document annual extraction in this critical watershed for domestic water consumption purposes or other uses?

Question: How will the extraction of an additional 10 to 30 AFY by this project be justified with an existing extraction limit of 481 AFY set by the Coastal Commission in 1993?

Question: What is the age of the water withdrawn from the various wells studied?

Question: How will allowing water to infiltrate the upper levels of this aquifer downstream from the extraction source cause recharge of the aquifer hundreds of feet below ground level?

Question: What certainty is there that infiltrated wastewater will flow towards the Pillar Point Marsh, and not the existing agricultural well on the Project parcel?

Question: How can the Project be approved adding new water extraction from the sub-basin, if the existing beneficial users already exceed the extraction limit established by the Coastal Commission?

Question: The water use model is oversimplified. How many times can water be recycled to be used in toilets?

Question: What will the actual water needs of the entire project be after full occupancy?

This aquifer is a major community water resource for MWSD and the Pillar Ridge Manufactured Home Community. Overall extraction from this aquifer, together with potential groundwater contamination from the proposed Project or interference with existing wells, is of critical concern to MWSD. Please see the attached technical analysis of the hydrology section of the DEIR by Balance Hydrologics for further comment.³

- **Plans to serve the entire former CUCC service area are included in MWSD's Master Plan for water service and Public Works Plan, Phase I certified by the California Coastal Commission**

³ Letter from Mark Woysner, M.Sc.Eng., Principal Hydrologist/Hydrogeologist, Balance Hydrologics to Camille Leung, County of San Mateo, Planning and Building Department, dated December 23, 2009. (Attachment C)

231-6

231-7

As noted earlier, the County, Applicant, and Consultant failed to consult with MWSD regarding water service. Furthermore, the Bibliography in the DEIR shows no reference to either the Olivia Chen Consultants, Inc., Montara Water and Sanitary District 2004 Water System Master Plan (January 2004) nor the SRT Consultants 2005 Addendum for the Water System Master Plan (April 2005).

Question: Why were these documents not included in the research and analysis for the DEIR?

This is a critical shortcoming that must be rectified in the revised and recirculated DEIR.

- **Omission of MWSD from Municipal Water Service section is prejudicial**

The DEIR section titled "Municipal Water Service" on page IV.N-22 completely ignores the existence of MWSD and misrepresents that Coastside County Water District is "*the main supplier of municipal water service in the project area*". In fact, MWSD serves the adjacent parcels to the north (Pillar Ridge Manufactured Home Community) and to the east (Half Moon Bay Airport).

We offer the following description of MWSD's water system to be included in an updated Municipal Water Service section of the revised and recirculated DEIR:

MWSD serves approximately 5,000 people, including the unincorporated communities of Montara and Moss Beach. MWSD obtains its water from a surface water diversion on Montara Creek, from three wells located at the Half Moon Airport drawing on the same aquifer that would supply the proposed Project well, from four wells in the Portola Heights area (one of which is on standby), from two wells in the upper Montara Creek aquifer, and from a new Alta Vista well (pending final approval). All of MWSD's water supply is produced locally. MWSD operates a water treatment plant at the Alta Vista location for the surface water diversion and wellhead chlorination or other treatment facilities at various wells. MWSD has a raw water storage tank with a capacity of 100,000 gallons prior to the Alta Vista Water Treatment Plant and three finished water storage tanks with a total capacity of 664,000 gallons. An additional 1,100,000 gallons of storage is planned under the Public Works Plan, Phase I, approved by the Coastal Commission. Within the district there are three main pressure zones, with several smaller regulated zones served through pressure reducing valves. The system includes one pump station and 165 hydrants. The majority of the water use in the district is for residential use, with residential customers accounting for 98 percent of the connections and 95 percent of the total water demand.

The Project site lies within the boundaries of the service area of the former Citizens Utilities Company of California, acquired by Montara Water and Sanitary District in August 2003.

- **MWSD stands ready to provide water for Project's fire protection requirements**

231-7

231-8

231-9

MWSD has adequate water supply capacity to meet the anticipated fire flow requirements of the Project. However, determination of whether the existing distribution system pipelines can meet the fire flow delivery rates required cannot be determined from the DEIR, because no study was conducted. MWSD has existing distribution pipelines serving the adjacent parcels and existing fire hydrants in the vicinity, which are adequate for the low-density developments they serve. A revised and recirculated DEIR should investigate any needed infrastructure upgrades that might be required to deliver water for fire suppression at the flow rates determined by the Coastsides Fire Protection District based on final Project building plans.

Question: Why were the required fire flow requirements not noted in the DEIR?

Question: Why was CCWD assumed to be the provider of fire protection water when service by CCWD would require amendments to multiple Coastal Development Permits for various parts of its water transmission system?⁴

- **MWSD is the water service agency with the authority to provide recycled water to serve the Project**

Local Coastal Program policy 1.19 requires infill development to be served by public utilities. MWSD is the water service provider of record in the LCP, as such it is the provider of recycled water service for these parcels.

Question: Why is there no discussion of the alternatives for providing recycled water to the Project by MWSD through a contract between Sewer Authority Mid-Coastside ("SAM") and MWSD or other means?

The DEIR acknowledges that a public agency must be responsible for the wastewater treatment and recycled water operation (DEIR at page IV.N-14). Recycled water is a regional priority and must be planned on a regional basis.

Question: What planning, if any, has the Project conducted in consultation with SAM and its member agencies, or MWSD, regarding recycled water?

Question: What opportunities for cooperative development of wastewater treatment and recycled water facilities to serve this Project and other users, owned and operated by public utilities, have been considered?

The DEIR does not address any of these questions and this omission is a serious deficiency. System operation and management is also inadequately defined in the Project, therefore it is impossible for the DEIR to provide informed analysis of

⁴ See letter from Chris Kern, Coastal Program Manager, North Central Coast District, California Coastal Commission to David Byers, McCracken, Byers & Haesloop LLP, dated April 10, 2006. (Attachment D)

potential impacts and necessary mitigations. See also Comment No. 1 from MWSD's Water Engineer.⁵

- **As proposed, Project requires LCP amendments that are not analyzed or acknowledged**

The DEIR anticipates that the Project will provide a small community water system based on an existing agricultural well, which has not been issued a permit that would allow it to be converted to serve a community water system. Forming such a new community water service district, as contemplated by the DEIR, would require amendment of LCP utility service provider maps and policies, as well as certified water demand tables. It would also require approval by the Local Agency Formation Commission or by the Public Utilities Commission if ownership is to be retained by Big Wave. None of these necessary changes are analyzed.

Question: When will an analysis of the requirements for a small community water system be done?

Question: Will this be a privately owned utility system or will it be deeded to the responsible agencies? Why or why not?

It must be done as part of a complete project, and as such it is one of the many elements of the project missing from this DEIR.

- **Project would violate Coastal Act section 30254 regarding wastewater treatment capacity**

The Project proposes an onsite wastewater treatment system, but the DEIR fails to analyze inconsistencies with the certified Local Coastal Program and growth-inducing impacts from this proposed system.

The Sewer Authority Mid-Coastside Wastewater Treatment Plant expansion project was sized to meet the full sewage treatment demand anticipated at buildout of the regional land use plans, as shown in the certified San Mateo County LCP and the City of Half Moon Bay LCP. Consult the environmental documents, coastal development permit, and conditions of approval for this project, none of which were referenced in the DEIR.

San Mateo County recently submitted a major amendment to the Local Coastal Program, known as the Midcoast LCP Update. County Long Range Planning Department staff again verified the ability of existing sewage treatment capacity to serve buildout.

Question: How does the proposed Project reconcile the increased regional wastewater treatment capacity created by its on-site system with the existing buildout wastewater capacity already permitted for public agencies?

⁵ SRT Consultants to Clemens Heldmaier, December 22, 2009, attached and made a part of these comments. (Attachment E)

231-10

231-11

231-12

MWSD to San Mateo County re: Big Wave DEIR – December 24, 2009 Page 10

Question: How does the proposed Project comply with the requirements of the Coastal Act limiting infrastructure to that needed to serve buildout, specifically Public Resources Code §30254?

The DEIR should also analyze the financial impact on existing and other future customers of Granada Sanitary District, Montara Water and Sanitary District, and Sewer Authority Mid-Coastside if the project is allowed to develop without contributing its fair share to the costs of existing treatment capacity.

Question: How can San Mateo County or the Coastal Commission approve development of a Project that exceeds the capacity needed to serve buildout of the land use plans?

- **Critical documents on biological resources, hydrology, and water resources were not referenced nor were they included in analyzing Project environmental impacts**

The Half Moon Bay Airport / Pillar Point Marsh Ground-Water Study conducted for CUCC and Coastside County Water District ("CCWD") in 1991 provides very important baseline information about hydrological and biological resources in the vicinity of the Project, including measured depth to groundwater over an earlier time period. That study was performed in order for San Mateo County and the Coastal Commission to determine an annual extraction limit for the aquifer. None of the documents related to that extraction limit are included in the DEIR.

The Project proposes to use on-site wastewater treatment with infiltration into the Pillar Point Marsh aquifer. Potential long-term impacts to water quality affecting existing beneficial users of the aquifer were not analyzed.

Question: Why is this analysis of impacts on other water users not part of the DEIR?

The adjacent Pillar Ridge Manufactured Home Community depends on water extracted from wells close to the proposed infiltration system.

Question: What mitigation will be used to prevent groundwater contamination, particularly during heavy rainfall years, times of flooding, and with sea level rise?

The entire Montara / Moss Beach area is critically short of water supplies, especially during extended drought periods. Losing any existing supply due to contamination from a malfunctioning on-site wastewater disposal system will have dire consequences to the entire community. This potential impact was not analyzed nor are there any mitigation requirements to prevent this potential problem. See also comments from Balance Hydrologics attached.⁶

One study of depths to groundwater is presented on page IV.N-4 of this DEIR. Ground water depths on the northern parcel range between 3 feet 6 inches and 7

⁶ Letter previously cited. (Attachment C)

231-12

231-13

MWSD to San Mateo County re: Big Wave DEIR – December 24, 2009 Page 11

feet; on the southern parcel between 3 feet and 8 feet. As noted in the attached letter from Balance Hydrologics, groundwater levels fluctuate over a considerable range, and observed groundwater levels at the time of the DEIR studies may not reflect typical or maximum groundwater levels.

Vertical Separation to Groundwater. No investigations of wet weather groundwater conditions have been completed to determine if the proposed drain field areas will comply with the minimum 2-foot vertical separation requirement (below the drain field bottom). Geotechnical borings in May of 2000 and April 2002 provide some limited information, showing the water table at depths as shallow as 3 feet, and typically around 6 to 7 feet below grade in the areas where the drain fields will be located. The water table will rise higher in the wet weather season, and how high will determine whether or not the proposed drain field areas can comply with the RWQCB minimum guidelines. With 3-foot deep leaching beds, the winter water table should be at least 5 feet below grade to comply with RWQCB guidelines. A wet weather groundwater monitoring investigation will need to be completed to obtain accurate information on winter groundwater levels. (Page IV.N-17)

Demonstration of the ability of the project wastewater facilities to comply with Title 22 Water Recycling Criteria and RWQCB Minimum Guidelines for drain field systems is critical to establishing project feasibility. Available information is insufficient to make this finding. (Page IV.N-18)

MWSD is very concerned that the flow of groundwater is not mapped in this DEIR. Probable groundwater contaminants are not listed. The flow of probable or potential contaminants with pumping from the existing well has not been predicted, much less mapped during different hydrological cycles. MWSD needs this information to comment on probable impacts from the proposed development on current and probable water sources for MWSD. Please include this information in any recirculated DEIRs or as an addendum to this one.

Please note and document any potential discharges into the wastewater treatment system from future industrial or research and development uses in the Office Park complex, which differ from ordinary domestic office uses.

Question: Will the recycled water treatment plant be designed to treat and remove toxic waste and chemicals from the research and development activities and the light manufacturing activities?

Question: What are these research and development or light manufacturing contaminants and chemicals expected to be?

Question: What enforceable limitations on discharges into the Project wastewater system are contemplated to mitigate possible contamination from laboratory chemicals in a research and development setting, or industrial chemicals from the intended industrial uses, or waste byproducts from the other Big Wave enterprises (food preparation, nursery operations, etc.)?

231-13

231-14

MWSD to San Mateo County re: Big Wave DEIR – December 24, 2009 Page 12

Some aspects of the proposed wastewater treatment and disposal system have been found to be in conflict with existing policies and requirements of several agencies that have jurisdiction and permitting authority over various aspects of the wastewater system, including the RWQCB, CDPH, CDFG, San Mateo County, and Granada Sanitary District. The agencies, through the established permitting process, will ensure compliance, or, where appropriate, issue the necessary waiver, to the applicable requirements. Assuming the applicant will resolve these wastewater regulatory issues, impacts would be less than significant. (Page IV.N-20)

Question: What waivers are necessary?

Question: From which agency are waivers required?

Question: Must these waivers be granted before construction begins?

Question: How will this affect the construction time table?

Question: How will these affect groundwater quality and other environmental concerns in the area?

- **Cumulative impacts are inaccurate as they are based on an incomplete list of projects and inadequate analysis of those mentioned**

Table III-1, "Related Projects List", on Page III-15 of the DEIR lists only 7 small projects in the Mid-Coast Area. Three major developments that affect water resources (as well as significant traffic impacts) are completely omitted. MWSD is concerned about traffic impacts because our crews must have ready access to all parts of the District in the event of a water main break or other emergency. Delays resulting from Project traffic impacts could result in significant loss of water endangering the community.

In July 1985, Earth Metrics Incorporated prepared a DEIR for the Farallon Vista Residential Development Project to be located in Montara, California. This 148 unit residential project was proposed for a designated affordable housing site that has priority sewer and water allocations established by the LCP. The project went through County approval processes, but was eventually not built due to the inability of the water service provider, CUCC, to meet the needs of the project.

There is proven interest in developing this parcel, proposed plans that were approved by the County, and priority for any new water supplies that may become available. Therefore, it is reasonable to conclude that during the anticipated time period for permitting and construction of the Project, a similar Farallon Vista proposal with similar residential demands could be approved with consequent cumulative impacts on the environment, which were not considered in the Project DEIR.

Question: Why was the likely development of the Farallon Vista site with a large number of residential units not considered as part of the cumulative impact evaluation?

231-14

231-15

In April 1999, Brady LSA prepared a DEIR for the Moss Beach Highlands project to be located in Moss Beach, California. This 153 unit residential project was also proposed for a designated affordable housing site (one which is shown in the LCP to allow for up to 217 residential units) that also has priority sewer and water allocations established by the LCP. The project went through County approval processes, but was eventually not built due to the unwillingness of the project proponent to modify the project to meet LCP requirements on appeal to the California Coastal Commission.

There is proven interest in developing this parcel, a Concept Plan that was approved by the County, detailed proposed development plans that were approved by the County, and priority for any new water supplies that may become available. Therefore, it is reasonable to conclude that during the anticipated time period for permitting and construction of the Project, a similar Moss Beach Highlands proposal could be approved with consequent cumulative impacts on the environment, which were not considered in the Project DEIR.

Question: Why was the likely development of the Moss Beach Highlands site with a large number of residential units not considered as part of the cumulative impact evaluation?

231-15

In February 1997, Coffman Associates, Inc., prepared a draft Half Moon Bay Airport ("Airport") Master Plan for San Mateo County, which shows future development of commercial or industrial uses on the Airport property. Although such development does not have priority sewer or water allocations, the County is currently in desperate financial straits as a result of the economic downturn, and needs to develop additional income sources for the Airport. Therefore, it is reasonable to conclude that during the anticipated time period for permitting and construction of the Project, some significant commercial or industrial development will be permitted at the Airport. Cumulative environmental impacts can be inferred from the size, scale, and location of the proposed commercial area shown on the Airport Master Plan.

Question: Why was the likely development of the Half Moon Bay Airport with significant commercial and industrial uses not considered as part of the cumulative impact evaluation?

- ***See attachments for more detailed technical deficiencies***

In addition to these general comments on deficiencies in the DEIR, we are attaching the letter from our District Counsel cited earlier, as well as a letter report making technical comments from the District's Water Engineer, as well as a letter report analyzing the sufficiency of the hydrological portions of the DEIR from the District's groundwater consultant. Each of these letters constitutes official comments on the DEIR and requires detailed response or further analysis.

231-16

MWSD to San Mateo County re: Big Wave DEIR – December 24, 2009 Page 14

There is an incomplete documentation of water requirements for the Project and resulting wastewater discharge volumes and constituents. The DEIR says the Project will use 26,000 gallons per day, but only require 10,000 gallons per day from the proposed well. The DEIR in another section determines that the amount of recycled water used for toilet flushing was improperly calculated. There is no discussion of how water needs will be met if there are technical or operational problems with the wastewater treatment and recycled water facilities requiring that the wastewater stream be diverted to the public sanitary sewer system because it does not meet Title 22 standards for reuse.

Question: Are the water use estimates for peak day, or annual average use?

Question: What is the projected peak day water demand?

231-17

Question: How will discharge of wastewater during periods with high groundwater (when the infiltration system cannot be used) affect the treatment systems at the SAM regional wastewater treatment plant?

Question: How will discharge of partially-treated wastewater during periods with operational problems in the MBR or RO systems affect the treatment systems at the SAM regional wastewater treatment plant?

Question: Do the calculations anticipate that all the water from the research and development operations, the food processing plant, and the high manufacturing operations will be recycled? Why or why not? If not, how does this change the water needs analysis and the sewer flow analysis?

Based on the inadequacy of the current DEIR, MWSD suggests that a revised document should be recirculated for another review period after Consultant cures the major deficiencies and completes the necessary additional studies.

231-18

Sincerely,



Paul Perkovic, President

cc: Coastal Commission

Attachments

LAW OFFICES OF
DAVID E. SCHRICKER
A PROFESSIONAL CORPORATION
Suite 100
20370 Town Center Lane
CUPERTINO, CALIFORNIA 95014

ATTACHMENT A

TELEPHONE (408) 517-9923
FAX (408) 252-5906
E-MAIL Schrickerlaw@hotmail.com
Schrickerlaw@aol.com

August 18, 2003

Martha Poyatos, Executive Officer
San Mateo County Local Agency Formation Commission
455 County Center, 2nd Floor
Redwood City, CA 94063-1663

Re: Notice of Intent to Circulate Petition for Annexation – Lands of Big Wave,
LLC (APNs 047-311-060, 061, 062, 063 and APN 047-312-040)

Dear Ms. Poyatos:

This letter acknowledges receipt by the Montara Water and Sanitary District ("MWSD") of the notice of intent to circulate a petition for annexation of the above-listed parcels of property to the Coastside County Water District ("CCWD"). Please be advised that, as of August 1, 2003, said parcels were included within the water service area of MWSD by reason of MWSD's acquisition of the Montara water system of the California-American Water Company ("CalAm"). In acquiring the CalAm system, MWSD acquired the right to serve all lands within the prior service area of CalAm and relies upon that right, among other matters, for its revenue base to service the bonded indebtedness incurred by MWSD to fund the acquisition. Moreover, as acknowledged by the transmittal letter from your office, the property described in the petition is within MWSD's Sphere of Influence, if not within MSWD's boundaries. (Your transmittal letter refers to MWSD as an affected agency by reason of the inclusion of the subject property within MWSD's boundaries or its Sphere of Influence.)

In view of the foregoing, the notice of intent misstates a material fact regarding the basis for annexation to CCWD, viz., the property involved is not within CCWD's sphere of influence. Furthermore, MWSD proposes to initiate proceedings to annex to MWSD any and all lands, including the subject property, that may lie outside its current boundaries but that are within its newly acquired water service area. As you presumably are aware, MWSD's current boundaries correspond to its present sanitary sewerage service area. Thus, boundary adjustments are appropriate to encompass the newly acquired water service area.

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231-19

Martha Poyatos, Executive Director

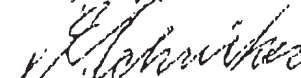
August 18, 2003

Page 2

By this letter, MWSD gives notice of its opposition to the proposed annexation described in the notice of intent, and to any proposal that would seek to place the subject property within the service area or boundaries of any water purveyor other than those of MWSD. Kindly provide the undersigned with a copy of the proposal submitted by the applicant pursuant to Government Code Section 56700 and any other documentation pertaining to the proposed annexation. (Kindly contact me regarding reimbursement of any copying charges that may be involved.)

Meanwhile, if you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,


David E. Schricker,

DES:hs

cc: Board of Directors, MWSD (via fax: [650] 728-8556)
Manager, MWSD (via fax: [650] 728-8556)
Coastside County Water District
Herman Fitzgerald, Esq. (via fax: [650] 348-3518)
Big Wave, LLC, c/o Jeff Peck

ATTACHMENT B

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December 4, 2009

Camille Leung, Project Planner
Planning and Building Department
County of San Mateo
455 County Center, Second Floor
Redwood City, CA 94063

Re: Big Wave Wellness Center and Office Park ("Project") – Draft Environmental
Impact Report ("DEIR")

Dear Ms. Leung:

This letter is a preliminary comment on behalf of the Montara Water and Sanitary District ("MWSD") responding to the Notice of Availability for the subject DEIR regarding its coverage of water utility services and systems (DEIR, pp. IV.N 21 et seq.; page references commencing with "IV.N" hereinafter are to the DEIR). MWSD exercises water powers pursuant to the County Water District Law (Wat. C. §30000, et seq.; H. & S. C. §6512.7). For the reasons discussed below, MWSD is a Responsible Agency (as that term is defined in the California Environmental Quality Act ["CEQA," Pub. Res. C. §21000 et seq.) for the Project and should be so listed in the DEIR. Aside from that omission, as also discussed below, the DEIR's coverage of water service and systems is deficient for failure adequately to discuss alternative water supplies and service and long-term effects of the Project on community water supplies.

The Project is located within the water service area established by the California Public Utilities Commission ("CPUC") for Citizens' Utility Company of California ("CUCC"). That company was acquired by California American Water Company ("CalAm") and in 2003 MWSD acquired the water system from CalAm. MWSD thereby succeeded to the property interests of CUCC and CalAm, including the service area (City of San Jose v. Great Oaks Water Co. (1987) 192 Cal App 3d 1005; 237 Cal Rptr 845).¹ Under MWSD's regulations, property capable of being served by its system must connect to it (MWSD C. §5-3.103).²

¹ Although the Project is outside MWSD's corporate boundaries, MWSD is authorized to provide extraterritorial service (Wat. C. §31023).

² MWSD's projections for improvement and development of its water system coincide with the probable timeline for actual development of the Project. Therefore, the moratorium on new connections initially established by the CPUC while the system was owned by CUCC and necessarily continued by MWSD would not be a barrier to MWSD's service to the Project.

231-20

Camille Leung, Project Planner
December 4, 2009
Page 2

Accordingly, MWSD is a Responsible Agency under CEQA for the Project (Pub. Res. C. §21069). The DEIR neglects to identify MWSD as such and therefore is deficient in that regard.

A corresponding defect of the DEIR is its failure to identify MWSD as an alternative source of water service. Analysis under CEQA requires discussion of alternative water sources (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal. App. 4th 342, 373; 110 Cal. Rptr. 2nd 579; see, also Laurel Heights Improvement Ass'n. v. Regents of the University of California [1988], 47 Cal. 3rd 376; 253 Cal.Rptr. 426, 764 P.2d 278).

Indeed, the DEIR omits discussion of *any* alternative source of water and purports to establish an on site well as the sole source (IV.N-36-37; IV.H-42). Moreover, in relying on purported overlying water rights to serve the development, the DEIR fails to discuss the long-term effects of drawing on underground water resources, including the effects on property served, or to be served, by the same aquifer, with the exception of adjacent agricultural land (IV.N-33).³ Such effects must be analyzed under CEQA (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal. 4th 4121; 53 Cal. Rptr. 3re 821, 150 P. 3rd 709). Specifically, expanded tapping and extraction of underground water supplies must be analyzed in an EIR (County of Inyo v. Yorty (1973) 32 Cal. App. 3rd 795; 108 Cal. Rptr. 377).

In sum, the DEIR is significantly deficient in analyzing the water resource impacts of the Project in an area served by fragile groundwater supplies. That deficiency must be addressed by including, among the issues mentioned above, the water resource impacts of the Project vis-à-vis the absence of a ground water management plan for the midcoast region within which the Project is located.

Very truly yours,

/s/

David E. Schricker, Attorney

cc: MWSD Board (via e-mail)
MWSD General Manager (via e-mail)
MWSD Water Engineer (via e-mail)
David J. Byers, Atty.

³ Inexplicably, the DEIR includes no discussion of alternative sources for the agricultural property, the water supply of which would be depleted by 80% in drought years by the Project's water consumption (IV.N-33).



**Balance
Hydrologics, Inc.®**

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Berkeley • Auburn • Santa Cruz • San Rafael • Truckee

ATTACHMENT C

December 24, 2009

County of San Mateo, Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063
Attn: Camille Leung, Planner

RE: Big Wave Wellness Center and Office Park Project DEIR

Dear Ms. Leung:

The San Mateo County Planning and Building Department has circulated for review and comments the Draft Environmental Impact Report (DEIR) for the Big Wave Wellness Center and Office Park Project (Project). Montara Water and Sanitary District (MWSD) has requested of Balance Hydrologics (Balance) a review of the DEIR Hydrology Section with emphasis on how the Project may affect District policy and operations. MWSD currently operates three production wells in the same aquifer from which the Project proposes to draw water. These wells have some limits on their use due to water quality. In addition, the Pillar Ridge Manufactured Home Community (PRMHC), located adjacent to the proposed Project location, to the north, also operates production wells as their source water. These wells are insufficient to supply all of their water demand, and MWSD supplies treated potable water to the PRMHC when their water storage runs low.

DEIR Comments

Page IV.H-23 – *Groundwater levels in the airport aquifer have remained essentially constant since the 1950s with no apparent long-term changes in water level or groundwater storage, although groundwater extraction by the local water utilities has increased from about 250 acre-feet per year (AFY) to a maximum of near 430 AFY and about 340 AFY during the 1987-1992 drought (Woyshner, M., Hedlund, C., and Hecht, B., 2002).* This statement is misquoted and misleading. In fact, we state in the last sentence of the first paragraph of page 13 of the referenced report that “Groundwater levels in unconsolidated material generally fluctuate seasonally about 5 feet during normal years, 10 feet during dry years, and 20 feet during droughts.” And on page 17, “we note, in particular, that many factors affect local and regional ground-water levels.” In support of our estimates, the California Department of Water Resources report “Montara Water Supply Study for Montara Sanitary District (June 1999), summarizes groundwater level trends in the Airport Aquifer, and the data presented shows an annual fluctuation up to 20 feet to meet dry-season demand.

We do agree with the DEIR statement on page IV.H-25 that, “Overall, water levels in the airport aquifer recover seasonally, except during periods of extended drought.” Along these lines, from

231-21

Balance Hydrologics, Inc.

December 24, 2009

Ms. Camille Leung, Planner, County of San Mateo, Planning and Building Department

Page 2

isotopic groundwater dating techniques, the Airport Aquifer is known to have young water that is replenished frequently (personal communications with LLNL).

The DEIR referenced the Luhdorff & Scalmanini Consulting Engineers and Earth Sciences Associates, Half Moon Bay/Pillar Point Marsh Ground-Water Basin Study (1987, 1991, and 1992) and the Lowney-Kaldveer Associates, Groundwater Investigation (1974). These reports are 'landmark' documents for the Airport Aquifer that describe groundwater contours and illustrate how groundwater levels change during droughts. Take special note that large changes were identified in areas of groundwater pumping by production wells.

Page IV.H-42 – Total potable water demand is 10,000 gallons per day (gpd) during normal rainfall years and 5,000 gpd for droughts. No information is given on the proposed water supply well, such as sustainable yield, depth of perforations and total depth of well. Is the well capable of meeting the projected Maximum Daily Demand for the Project? There is also no well-capture zone analysis to assess the zone of impact from pumping the well through the dry season. MWSD would be concerned if Project well pumping were to interfere with the PRMHC water supply wells, particularly during droughts.

Page IV.H-49 – Impact HYDRO-2, Effects of Proposed Withdrawals on Regional Aquifers uses a general approach to assess this impact by comparing the proposed Project demand of 10,000 gpd to an existing irrigation demand for green beans. The proposed Project demand of 10,000 gpd is equivalent to 11 acre-feet per year (AFY); and by comparison, the estimated irrigation demand for green beans was 1.2 AFY. This order-of-magnitude difference demands a more robust water balance and impact analysis.

We do understand that, downgradient groundwater recharge of tertiary treated Project wastewater lowers the overall net impact, but this recharge may not mitigate drawdown impacts to upgradient wells. In addition, increased pumping of the well may also draw known contaminants north of the Project site toward the already impacted PRMHC production wells. Both the drawdown impacts and the potential of impairing water quality of these wells should be assessed. Pumping impacts during multi-year droughts are of particular concern.

Finally, I didn't see discussion of the unique local groundwater conditions imposed by the Seal Cove Fault, which is recognized as a major structural feature.¹ Groundwater levels are known to be higher along the fault zone, supporting upward groundwater flow, shallow groundwater and surface ponding. These conditions were measured with piezometer cluster stations located near the Project site (see report series by Luhdorff & Scalmanini Consulting Engineers and Earth Sciences Associates, Half Moon Bay/Pillar Point Marsh Ground-Water Basin Study, 1987, 1991, and 1992). Given these unique local conditions, it conceivably could be more challenging than otherwise thought to recharge quantities of treated wastewater, even with acceptable surface percolation tests. A detailed recharge analysis is clearly needed.

¹ The Seal Cove fault is segment of a larger fault trace dividing the La Honda and Pigeon Point blocks. It extends northward from Moss Beach and connects with the San Andreas fault near Bolinas Lagoon in Marin County. Southward from Pillar Point, it crosses Half Moon Bay to the mouth of San Gregorio Creek, where it becomes the San Gregorio fault, which extends further southward to Ano Nuevo and across Monterey Bay to the west of the Monterey Peninsula, where there it is called the Pallo Colorado fault southward from Garrapata Creek.

Balance Hydrologics, Inc.

December 24, 2009

Ms. Camille Leung, Planner, County of San Mateo, Planning and Building Department

Page 3

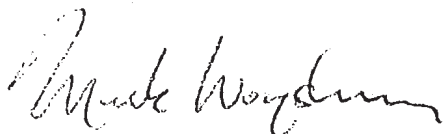
Closure

There are many very interesting and progressive concepts proposed for the Big Wave Wellness Center and Office Park Project. Of special note, we are pleased to see the Project strive for Platinum-level LEED status. On behalf of MWSD we are, however, concerned regarding water supply and impacts to the groundwater source on which the District relies. The Airport Aquifer is the most important groundwater source for MWSD, both in well yield and groundwater storage.

231-21

Sincerely,

BALANCE HYDROLOGICS, INC.



Mark Woyshner, M.Sc.Eng.

Principal Hydrologist/Hydrogeologist

cc. Clemens Heldmaier, General Manager, Montara Water & Sanitary District

04/11/2006 12:40

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CCWD

PAGE 02/10

STATE OF CALIFORNIA—THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER GOVERNOR

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-3219
VOICE AND TDD (415) 904-3260
FAX (415) 904-5405

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ATTACHMENT D

COASTSIDE COUNTY
WATER DISTRICT

April 10, 2006

David Byers
McCracken, Byers & Haesloop LLP
1528 South El Camino Real, Suite 306
San Mateo, CA 94402

RE: Big Wave LLC

Dear Mr. Byers:

This letter is in response to your February 8, 2006 letter concerning the Big Wave development site. It seems that you have misunderstood Commission staff's January 5, 2006 letter regarding the proposed annexation of the Big Wave site into the Coastsides County Water District's (CCWD) service area. We would therefore like to offer the following clarifications and responses.

First, we wish to emphasize that the January 5 letter was a comment letter by Commission staff, not by the Commission. The Commission has made no determination on either the merits of development at the Big Wave site or the proposed annexation of the Big Wave site into the CCWD service area.

Next, we would like respond to your contentions that:

[Y]ou state that CCWD would be unable to serve this proposed project because, among other things, it would increase its water supply or distribution capacity and the project would increase traffic on Highways 1 and 92.

And:

[Y]ou have, without studies, logic or common sense, determined that building an office building with a wellness center on the Coastsides for people who live on the Coastsides will increase traffic capacity [sic] on Highways 1 and 92 and therefore, not permit the CCWD to serve the project...

You are correct that our letter concludes that it seems unlikely that the proposed annexation could be authorized consistent with the terms of the El Granada Pipeline permits. Our conclusion is based on the Special Condition 4 of the El Granada Pipeline permits (the text of this condition is provided in the January 5, 2006 letter). Specifically, Special Condition 4.A. requires that all Phase I water service connections shall be distributed only within the CCWD

231-22

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CCWD

Letter to David Byers re Big Wave LLC
April 10, 2006
Page 2 of 5

Service District boundaries as those boundaries were defined on January 1, 2003, unless modification to the CCWD Service District boundaries is approved through an amendment or amendments to the related El Granada Pipeline permit(s).¹ The proposed annexation would expand the CCWD Service District boundaries beyond those defined on January 1, 2003, and would provide for the distribution of Phase I water service connections to an area not presently served by CCWD. Thus, the proposed annexation would increase CCWD's water distribution capacity in excess of the Phase I limitations specified in Special Condition 4.A.

Special Condition 4.D expressly prohibits any increase to CCWD's distribution capacity in excess of the Phase I limitations specified in Special Condition 4.A unless the existing or probable future capacity of other related infrastructure, including Highways 1 and 92, is sufficient to adequately serve the level of development that would be supported by the increased distribution capacity. Given the fact that the existing and probable future capacities of Highways 1 and 92 are insufficient to adequately serve even the existing development in the MidCoast region, it is reasonable to infer that the terms of Special Condition 4.D. for approval of the proposed annexation are unlikely to be met.

However, nowhere in our letter do we state that "the project" would increase traffic on Highways 1 and 92. Whether and to what extent any particular development at the Big Wave site would generate demand for service on Highways 1 and 92 would need to be addressed through a project specific traffic study. Until a specific project is proposed and a project specific traffic study is completed, Commission staff cannot assess the traffic demands and impacts that may result from development of the Big Wave site.

Next, we would like to respond to your contentions that:

[Y]ou, without reviewing any aspect of the project, have determined that the project will not be approved.

You are correct that Commission staff has not reviewed any proposal to develop an office building and wellness center at the Big Wave site. We have not been afforded the opportunity to review such a development proposal since no plans, studies, reports or any other materials related to such a development at the site have been presented to the Commission staff, and we have received no notice of a permit application or environmental review of such a proposal from the County. We do however have on file four notices from the County of coastal development permit applications submitted by Big Wave LLC to the County for other development proposals at the site.

The first two notices, dated July 23, 2002, and October 17, 2002, concern a coastal development permit application for "infill grading of 50,000 cy on a 10-acre legal parcel in anticipation of future development" In response to the July 23, 2002 notice, Commission staff provided

¹ Our January 5, 2006 letter *incorrectly* states that a change in distribution capacity would also require an amendment or amendments to the affected LCPs. This is not the case. Note, however, that an LCP amendment would be required for any development at the site that is not allowed by the underlying zoning.

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CCWD

PAGE 04/10

Letter to David Byers re Big Wave LLC
April 10, 2006
Page 3 of 5

comments and recommendations to the County concerning a number of issues including the need to identify sensitive habitats and wetlands on the site as required by the County's LCP. A copy of this letter is enclosed. The third and fourth notices, dated October 20, 2003, and April 13, 2004, modify the previous project description to "Grading & CDP to allow placement of 15,000 cy of fill on a 14.15-acre legal parcel in anticipation of future development."

At no time as of the date of this letter have we received a notice from the County, a project description, plans, studies, reports, environmental review documents, or any other materials describing the development of an office building and wellness center at the Big Wave site. In fact, in our August 13, 2002 letter in response to the first notice that we received, we observed that "assessing the impacts and consistency of the proposed grading with the LCP is difficult given the fact that the structural component of the development (i.e., the future commercial development) is not proposed at this time." Although we did express concerns in our August 13, 2002 letter about potential impacts of the proposed grading to wetlands and other sensitive habitat, at no time have we provided an analysis or recommendation concerning the approvability of an office building and wellness center at the Big Wave site. Without a complete description of the proposed development, along with detailed project plans and all supporting studies and documentation as required for a coastal development permit application, neither the Commission nor its staff can fully assess consistency of a proposed development with the LCP.

Next, we would like to address your statement that:

Any condition appended to the CCWD Pipeline regarding annexation are completely illegal. . . . LAFCO has the exclusive authority under the Government Code to determine boundaries of government agencies. . . . The Coastal Commission cannot determine the boundaries of CCWD.

The Coastal Commission is responsible for implementing the California Coastal Act. Contrary to your assertions, the authority to regulate the formation or expansion of special districts to ensure consistency with the requirements of the Coastal Act is expressly granted to the Commission and the County under the Coastal Act and the County's certified Local Coastal Program.

Coastal Act Section 30254 states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. *Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division.* Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or

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CCWD

PAGE 03/10

Letter to David Byers re Big Wave LLC
April 10, 2006
Page 4 of 5

nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. [Emphasis added.]

In carrying out this provision of the Coastal Act, San Mateo County LCP Policy 2.15 states:

Allow the formation or expansion of special districts only when the new or expanded district would not cause or allow development or uses inconsistent with the Local Coastal Program.

Thus, the Commission is required to prohibit the expansion of CCWD's service district if the expansion would cause or allow development or uses inconsistent with the LCP. Consistent with that mandate, the purpose of Special Condition 4 is not to regulate annexation per se but rather to ensure that water supply and distribution capacity is developed in phase with and does not exceed the existing and probable future capacity of other related infrastructure as required by the County's LCP. Although the Local Government Reorganization Act of 2000 (Government Code Section 56100) provides the sole authority for the initiation, conduct, and completion of changes of organization, it does not supercede the authority of the Coastal Commission or the County from enforcing the requirements of the Coastal Act. Rather, both the Local Government Reorganization Act and the Coastal Act must be effectuated, and a CDP consistent with the LCP is necessary in addition to any approval required under the Local Government Reorganization Act.

You state in your letter:

Moreover, since MWSD has no water to serve this project, the claim that it would be served by MWSD is merely a ruse to prevent development and not be subject to inverse condemnation.

Nowhere in our January 5, 2006, do we state that the Big Wave site would be served by or is within the sphere of influence of the Montara Water and Sanitary District. Please explain the basis for your statement that we claim the project would be served by MWSD.

Per your request, enclosed is the information the Commission requires to undertake a takings analysis. Note that our transmittal of this information in no way represents our agreement with any of your assertions regarding takings or inverse condemnation.

As noted above, neither the Commission nor its staff have made any recommendations or taken actions regarding proposed development at the Big Wave site, including the development you reference in your February 8 letter. As you are aware, all development in the Coastal Zone must comply with the policies of the Coastal Act and applicable local government LCPs. Whenever possible, Commission staff attempts to offer comments on significant development proposals early in the planning and permitting process in an effort to assist local governments and permit applicants in identifying the applicable standards and potential issues that would need to be addressed in the coastal development permit review process. Commission staff would be happy

231-22

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CCWD

PAGE 05/10

Letter to David Byers re Big Wave LLC

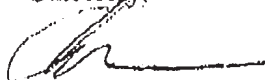
April 10, 2006

Page 5 of 5

to meet with Big Wave LLC to discuss the details of the proposed development, the coastal development permitting process, and applicable policies of the LCP and the Coastal Act.

231-22

Sincerely,



Chris Kern

Coastal Program Manager

North Central Coast District

cc: Lisa Groe, San Mateo County Community Development Director
San Mateo County LAFCO
Ed Schmidt, CCWD
Katherine-Slater Carter, MWSD

enclosures

ATTACHMENT E

792 Bay Street
San Francisco, CA 94109
415 776 5800 tel
415 776 5200 fax
www.SRTconsultants.com



Service Responsiveness Teamwork

December 22, 2009

Clemens Heldmaier
General Manager
Montara Water and Sanitary District
8888 Cabrillo Highway
Montara, CA 94037

Dear Mr. Heldmaier,

This letter is in response to your request for our review of the Big Wave Project Draft Environmental Impact Report (DEIR) and comments. Our review has mostly focused on the Utilities Section of the DEIR and selected appendices. Overall, it is our opinion that the discussion and analyses in the Utilities Section as it relates to water supply and wastewater disposal issues is inadequate. For instance, the Big Wave DEIR discusses several options for water supply and disposal, however, it lists them NOT as alternatives. In fact, there is little to no discussion of alternatives in the document. The options are NOT fully described and/or analyzed.

Furthermore, the DEIR states that "fully automated" water and wastewater treatment facilities will be installed for the project and operated by disabled residents in eventuality. Fully automated does not equate to "simple", also complex regulatory compliance requirements are involved. These issues are completely overlooked in the DEIR and not fully addressed.

The questions we would like to pose to the project applicant and the DEIR preparers include the following:

1. How does the applicant really plan to provide potable water and wastewater services to the project?
2. How does the applicant really intend to operate and provide reporting for the proposed complex water and wastewater treatment and disposal facilities and underground storage structures to protect public health and safety?

We believe that since the DEIR failed to address these critical questions, these analyses must be completed prior to the CEQA certification and the public and agencies must have another opportunity to review and comment on the analyses and their results. The discussion that follows addresses some selected paragraphs in the DEIR Utilities Section more specifically. Please note that text quoted from the DEIR is italicized while our comments are provided in plain font.

Comment No. 1

IV.N Utilities & Service Systems, Page IV.N-14

System Operation and Management

"The applicant proposes monitoring of the MBR system, including 24-hour composite sampling. Operation of

231-23

231-24

231-25

231-26

231-27

Letter to Clemens Heldmaier
December 22, 2009
Comments on Big Wave DEIR
Page 2 of 3

the system would require a State-Certified Wastewater Treatment Plant Operator, Grade 4. It is also proposed that residents of the proposed project would provide labor and staff support for treatment plant operations, with the plan to eventually become certified operators."

"Per the provisions of the RWQCB's "Policy on Discrete Sewerage Systems", this will require that a public entity assume legal and financial responsibility for the wastewater facilities. To comply with this requirement, the applicant proposes to either: (a) secure an agreement with Granada Sanitary District to own and operate the project wastewater facilities; (b) modify the project plans to bring all property under single ownership; or (c) obtain an exemption from the RWQCB to their requirement for a public entity for discrete sewerage systems."

231-27

It is apparent that the statements made in the above-quoted paragraphs have not been verified and/or coordinated with any regulatory agencies having jurisdiction or the utilities in the area (e.g., Regional Board, State Department of Public Health, Granada Sanitary District (GSD), Sewer Authority Mid-Coastside). GSD has no Grade 4 Wastewater Treatment Operators on staff. Moreover, the requirements for obtaining this level of certification are complex, technically challenging, and cannot be achieved unless the individuals have worked in the utility industry for at about 10 years employed full time.

Comment No. 2

IV.N Utilities & Service Systems, Page IV.N-15

Impact UTIL-2 Wastewater Collection System Capacity

*"The project proposes to have a sewer connection to the Granada Sanitary District as a contingency for surplus flows during the wet season and for other emergency purposes. The applicant has not provided estimates of the amount of sewage flow that would be directed to the sewer system from the project. However, based on the analysis in this DEIR, it should be anticipated that there will be times when the entire daily sewage flow (26,000 gpd) would be discharged to the sewer. This would occur, for example, as a result of having to suspend water recycling due to non-compliance with Title 22 treatment limits. No hydraulic analysis has been completed by the applicant to confirm that the existing 8-inch sewer line in Stanford Avenue has sufficient capacity to accommodate additional flows of 26,000 gpd. Analysis by the DEIR authors indicates that an average flow of 26,000 gpd would likely require a minimum sewer line diameter of 12 inches or greater; thus the existing 8-inch line would not be adequate for the project. The Princeton Pump Station may also have inadequate capacity for the additional surcharge of 26,000 gpd sewage flow from the project. The potential lack of adequate capacity for the project wastewater flows in the existing Granada Sanitary District sewage collection system may require improvements that have not been accounted for in the project plans. This is a **potentially significant impact**."*

231-28

Since the applicant plans to connect to the GSD collection system for emergencies and there is no other contingency plan stated, the DEIR fails to address the needed improvements to the GSD collection system, which present a significant impact with no mitigation offered or designed.

Comment No. 3

Discussions about installation of sewer lines in the DEIR neglects to mention the potable water lines in the area and the minimum 10-foot separation requirement by the Department of Public Health. This requirement may impose a significant impact that would require mitigation. No discussion was found on this subject in the DEIR.

231-29

Letter to Clemens Heldmaier
December 22, 2009
Comments on Big Wave DEIR
Page 3 of 3

Comment No. 4

IV.N Utilities & Service Systems, Page IV.N-20
LEVEL OF SIGNIFICANCE AFTER MITIGATION

"Some of the identified wastewater-related impacts can be mitigated to a level of less than significant through compliance with requirements of permitting agencies and implementation of the recommended mitigation measures. Some aspects of the proposed wastewater treatment and disposal system have been found to be in conflict with existing policies and requirements of several agencies that have jurisdiction and permitting authority over various aspects of the wastewater system, including the RWQCB, CDPH, CDFG, San Mateo County, and Granada Sanitary District. The agencies, through the established permitting process, will ensure compliance, or, where appropriate, issue the necessary waiver, to the applicable requirements. Assuming the applicant will resolve these wastewater regulatory issues, impacts would be less than significant."

231-30

There appears to be no rationale or reasoning behind the last statement in the paragraph above. However, it is clear that in the event that the applicant fails to resolve the regulatory issues, the significant impact will remain and will not be mitigated.

Comment No. 5

DEIR fails to identify and discuss impacts of proposed annexation to the Coastside County Water District and required facilities to provide fire service to the project.

231-31

Comment No. 6

Impact UTIL-10 Water Treatment System

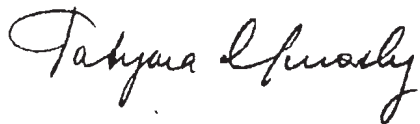
"The project proposes to employ a RO treatment system and UV disinfection to treat well water for the potable water supply. The treatment system has been proposed in order to assure high quality water for the project facilities, residents, employees and guests."

231-32

DEIR fails to identify and discuss the impacts of installing and operating an RO water treatment system, required chemicals, and brine and other waste disposal. This impact will likely be significant, however, it is not addressed in the DEIR.

We are pleased to be of service to the Montara Water and Sanitary District. Please contact me at 415-776-5800 if you have any questions. Thank you.

Sincerely,



Tatyana T. Yurovsky, P.E.
District Engineer

Response to Comment Letter 231
Montara Water & Sanitary District (MWSD)

Response to Comment 231-1

Commenter provides an introductory statement regarding the Montara Water & Sanitary District's (hereinafter "MWSD") response to the DEIR.

This statement is introductory. No response is required by CEQA.*

Response to Comment 231-2

The commenter claims that the DEIR failed to use certified LCP maps and policies to determine correct utility service providers. The commenter asks the following questions: Why were these certified LCP maps and tables not consulted and what justification is there to exclude MWSD as a responsible agency?

The review and conclusions of the DEIR are consistent with the LCP as stated on page IV.I-37 of the DEIR. The certified LCP maps show the area served by Citizens Utilities and do not show the MWSD boundaries. Any condemnation action by MWSD with respect to Citizens Utilities Company of California (CUCC) related solely to its real and personal property (C.C. P. § 1235.170). The condemnation action itself did not give MWSD territorial jurisdiction over the Big Wave property, even if the Big Wave property fell within CCUC's service area before the condemnation action (Condemnation pursuant to C.C.P. §§ 1230.010, et seq.).

Further, the jurisdictional service area boundaries of special districts, such as MWSD, are determined by the Local Agency Formation Commission (LAFCo) (Government Code § 56000, et seq.). The Legislature has determined that LAFCo is the "sole and exclusive authority" to authorize annexation of real property into the service area of a special district like MWSD. The real property of the applicant is not presently located within the service area of either MWSD or Coastside County Water District (CCWD). Rather, it is within the sphere of influence of CCWD. Subsequent to the condemnation of the CCUC infrastructure by MWSD, LAFCo has identified that the project site is in the sphere of influence of the Coastside County Water District (CCWD). The DEIR is consistent with this determination. Therefore, MWSD is not a "responsible agency" as defined by CEQA. Notwithstanding the foregoing, MWSD has been made aware of the project and has commented extensively on it.

Response to Comment 231-3

The commenter states that the applicant, County and Consultant failed to confer with MWSD and other responsible agencies.

Consultation with MWSD regarding this project is not required as MWSD is not a "responsible agency" as defined by CEQA. The County and LAFCo have provided MWSD with communication regarding the project.

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

The commenter states that the DEIR fails to show any effort made by preparers of the DEIR to contact responsible persons at GSD or Sewer Authority Mid-Coast (SAM).

This comment is incorrect. Several reports prepared for GSD and SAM were referenced in the preparation of the DEIR (see, for example, footnotes of Section IV.N(1) of the DEIR). Page VII-4 of the DEIR states that GSD was contacted because that agency is contemplated to provide sewage and solid waste services for the project site. SAM is not the agency responsible for this service as described on page IV.N-2, and was not contacted. As described on page IV.N-2 of the DEIR, SAM is the sewer authority that provides transmission and treatment for the City of Half Moon Bay, GSD and MWSD. The applicant contacted the following individuals at GSD: the District Engineer, the District Manager, Office Manager and their legal consultant.

The commenter, MWSD, asks what the peak flow of the project is?

According to the DEIR, the estimated wastewater flows from the project are approximately 26,000 gallons per day.¹ The applicant proposes to treat all 26,000 gpd through an on-site membrane bioreactor (MBP) wastewater treatment facility designed to meet the requirements of Title 22 of the California Code of Regulations. The applicant plans to recycle up to 16,000 gpd through toilet flushing and surface and solar panel washdown uses and use the remaining 10,000 gpd for on-site landscape watering.² Therefore, under normal conditions, no wastewater will be directed to the GSD system. However, the applicant proposes to connect to the GSD sewer system for 8 equivalent dwelling units (EDUs), where 8 EDUs is equivalent to 1,768 gallons per day, for the discharge of unused Title 22-treated water, as needed.³ The applicant also proposes an emergency connection to provide for a back-up wastewater management system in the instance that the on-site wastewater treatment systems fails or is over capacity.

The commenter asks when the decision will be made to connect to GSD.

As stated in Section III of the FEIR, the decision has been made to connect the project to GSD.

The commenter states the DEIR notes there are existing septic systems in the area and asks where they are, when they were constructed, what are the impacts on the ground water resources in the project vicinity, and when they were last inspected and notes that MWSD has requested these records from the County.

The drainfields have been eliminated from this project and, therefore, questions regarding existing septic systems are not relevant to the current proposal, as there are no potential impacts associated with such drainfields.

The commenter notes that GSD is the sewer service provider and that the City of Half Moon Bay provides no sewage or solid waste collection and the DEIR should be corrected.

¹ Project water demand calculation is provided in Table IV.N-2 on Page IV.N-33 of the DEIR.

² The applicant estimates reuse of 10,000 gpd through irrigation for non-drought years. The applicant estimates reuse of 5,000 gpd through irrigation for drought years, where estimated wastewater generation will drop from 26,000 gpd to 21,000 gpd.

³ EDUs are used to calculate the connection fee charged by the Granada Sanitary District. Taxes for eight (8) EDUs have been assessed by GSD to the property. One (1) EDU is equivalent to 221 gallons per day.

The DEIR is consistent with the comment as stated on pages IV.N-2 and IV.N-39.

The commenter asks why they were not consulted as a responsible agency.

Refer to Response to Comment 231-2.

Response to Comment 231-4

The commenter asks why the LCP map showing water service providers was not provided in the DEIR.

Regarding utility service providers as shown on LCP maps, refer to Response to Comment 231-2. The service areas of applicable water service providers are described on pages IV.N-22, 23, and 32 of the DEIR.

Response to Comment 231-5

The commenter states that the project is in its (the MWSD) district because MWSD acquired all of the assets of CUCC in 2003.

See Response to Comment 231-1. As discussed, MWSD acquired CCUC's assets including real estate holdings and infrastructure. However, district boundaries are set by the County LAFCo. Subsequent to the purchase of the CCUC infrastructure by MWSD, LAFCo identified the project as within the sphere of influence of the Coastside County Water District (CCWD). The DEIR is consistent with this determination.

Response to Comment 231-6

The commenter states that the project would exceed the Coastal Commission extraction limit for the aquifer.

It appears from the context of the comment that the commenter refers to a limit set by the California Coastal Commission on the CCUC's CDP under Permit A-3-SMC-86-155A. Please refer to Response to Comment 193-41.

The commenter asks where the six agricultural wells from the Kleinfelder Report are located.

The wells used in the Midcoast Ground Water Study Phase II by Kleinfelder are shown on Plate 6 of that report, along with the rest of the local wells.

The commenter asks if the County agricultural wells have received Coastal Commission Permits.

The commenter is inquiring about wells that are not part of the proposed project and this comment is outside of the scope of this CEQA document and no response is required.*

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

The commenter asks if San Mateo County has collected pumping data from other agricultural wells to document the annual extraction.

Refer to the Kleinfelder ground water study for extraction estimates. The commenter is inquiring about wells that are not part of the proposed project; thus this comment is outside of the scope of what is required to be reviewed by this CEQA document and no response is required.*

The commenter asks if the well on the subject property is included in the 6 wells.

The well on the subject property is shown on Plate 6 of the Kleinfelder report.

The commenter asks how the 96 AFY per year of agricultural well production in the Kleinfelder report was determined.

Refer to the Kleinfelder report for methodology regarding groundwater estimates. The commenter requests information regarding a report prepared by the County of San Mateo. These questions should be directed to the County outside of this CEQA document and process. No response is required.*

The commenter asks where the 86 domestic wells are located in the County.

Refer to Plate 6 in the Kleinfelder report. The commenter is inquiring about wells that are not part of the proposed project; thus this comment is outside of the scope of what is required to be reviewed by this CEQA document and no response is required.*

The commenter asks what the other wells listed in the Kleinfelder Report are used for.

Please refer to the Kleinfelder report. The commenter is inquiring about wells that are not part of the proposed project; thus this comment is outside of the scope of what is required to be reviewed by this CEQA document and no response is required.*

The commenter asks how the withdrawal rate for the other wells was calculated.

Refer to the Kleinfelder report for methodology regarding groundwater estimates. The commenter requests information regarding a report prepared by the County of San Mateo. These questions should be directed to the County outside of the context of the processing of this CEQA document. No response is required.*

The commenter asks if the County has pumping data for the wells.

Refer to the Kleinfelder report and the County of San Mateo Environmental Health Division for available data. These questions should be directed to the County outside of this CEQA document and process. No response is required.*

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

The commenter asks how will an additional extraction rate of 10 to 30 AFY per year by the project be justified with an extraction limit of 481 AFY set by the Coastal Commission.

It appears from the context of the comment that the commenter refers to a limit set by the California Coastal Commission on the Citizens Utility Company's CDP under Permit A-3-SMC-86-155A. Please refer to Response to Comment 193-41.

The commenter asks what the age is of the water for the various wells studied in the Kleinfelder report.

Please refer to the Kleinfelder report for age estimates. Age is calculated by the position of the extraction well relative to the aquifer flow, the volume of the aquifer multiplied by the porosity divided by the annual yield. The age of the water at the site well is about 50 years as estimated in Appendix K of the DEIR by the well testing professional.

The commenter asks how infiltrating water in the upper soils recharge the aquifer hundreds of feet below.

The water levels are 5 to 10 feet below the ground surface at the project site as shown in Appendix F of the DEIR. The soils below the top 12 to 18 inches are relatively permeable in the Marine Deposits as shown in Appendix F of the DEIR and in Plate 4 of the Kleinfelder report. The upper ground water is connected throughout the Cenozoic Marine Deposits.

The commenter asks what certainty is there that infiltrated wastewater will flow toward the Pillar Point Marsh and not to the existing agricultural well on the project site.

Data provided in Table 6 of the Kleinfelder report indicates that the groundwater flows toward the Marsh and the harbor, and not toward the well on the site. The County has no basis for reaching a conclusion different from that shown in Table 6 of the Kleinfelder report with respect to this matter.

The commenter asks how the project can be approved adding new extraction from the sub-basin, in light of extraction limits that the commenter believes have been set by the Coastal Commission.

It appears from the context of the comment that the commenter refers to a limit set by the California Coastal Commission on the Citizens Utility Company's CDP under Permit A-3-SMC-86-155A. Please refer to Response to Comment 193-41.

The commenter states that the water use model stated in the DEIR is too simple and asks how many times the water can be recycled in the toilets.

The statement regarding the alleged over-simplification of the water use model is conclusory and does not require a response. Page IV.N-14 of the DEIR states that the total building use is 26,000 gpd; the in-building recycle is 16,000 gpd and the water into and out of the system is 10,000 gpd. This means that the water to the toilets will be recycled an average of 1.6 times before it leaves the building.

The commenter asks what the actual water demand for the full project is after development.

Page IV.N-34 of the DEIR states that potable water demand will be 10,000 gpd. More information is provided in Topical Response 15, Project Potable and Recycled Water Demand.

The commenter states concern about over extraction and groundwater contamination.

As described in Response to Comment 213-11, infiltration levels exceed extraction. The groundwater withdrawals for the project will be less than existing withdrawals for agricultural production, reducing the amount of net groundwater withdrawals. Also, projected ground water pumpage volumes are expected to fall well below the threshold of significance for either normal or drought-year conditions. Regarding groundwater contamination, the basis of this statement is unclear. It should be noted that drainfields have been eliminated from the project.

Response to Comment 231-7

The commenter questions why the DEIR did not evaluate the MWSD master plan for determining the water connections.

The project is within the CCWD sphere of influence. Therefore, the MWSD Master Plan was not required to be evaluated. Refer to Response to Comment 231-2.

Response to Comment 231-8

The commenter states that omission of MWSD from the Water Service Section of the DEIR is prejudicial.

Regarding not including MWSD as a responsible agency, refer to Response to Comment 231-2. Regarding the District boundaries, refer to Response to Comment 231-5.

Response to Comment 231-9

The commenter asks why fire flow requirements were not included in the DEIR and states that MWSD is ready to provide water for the project's fire protection.

Requirements for fire flow are discussed throughout Section IV.N.2 of the DEIR, and the County, therefore, disagrees with this comment. While the comment regarding MWSD's readiness to provide water for fire flow is noted, refer to Response to Comment 231-2.

Response to Comment 231-10

The commenter states that MWSD is the water service agency to provide recycled water to the project.

Page IV.N-11 of the DEIR states that the project proposes to provide its own recycled water and does not require a public supplier. The project is not within the MWSD service area boundaries.

The commenter states that LCP Policy 1.19 requires all infill development to be served by public utilities.

LCP Policies 1.3 (*Definition of Urban Areas*), 1.4 (*Designation of Urban Areas*) and 1.16 (*Definition and Establishment of Urban/Rural Boundary*) are policies that apply to the process of land use designation. The project sites have already been designated as "urban" by LCP Policy 1.4, as they are within the urban/rural boundary. Therefore, these policies do not apply to this project, which does not propose any change in land use designation.

Applicable portions of LCP Policy 1.18 direct the County to (1) direct new development to existing urban areas by requiring infill of existing residential subdivisions and commercial areas, and (2) to allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered. Policy 1.19 defines “infill” as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities. While these policies are intended to direct development to urban areas, they do not prohibit development that does not meet this definition of infill, nor do they require that development within urban areas be served by public utilities.

The commenter asks why there was no discussion with SAM and MWSD utilities about supplying recycled water.

Page IV.N-11 of the DEIR states that the project proposes to provide its own recycled water and does not require a public supplier. Regarding consultation with SAM and MWSD, refer to Response to Comment 231-3.

The commenter states that the DEIR states that a public agency must supply wastewater and water recycling.

Page IV.N-14 of the DEIR states that the system must be a “community system” if more than one owner is supplied. Under law, community systems may be private and do not have to be public agencies. The project proposes to form a privately held mutual water company, as allowed by law.

The commenter asks what planning has been conducted in consultation with SAM and its member agencies regarding recycled water.

Page IV.N-11 of the DEIR states that the project proposes to provide its own recycled water and does not require a public supplier. Regarding consultation with SAM and MWSD, refer to Response to Comment 231-3.

The commenter asks what opportunities for cooperative development of wastewater treatment and water recycling have been considered.

Cooperative development of wastewater and water recycling to serve other users is outside of the scope of what is required to be evaluated by this CEQA document. No response is required.*

Response to Comment 231-11

The commenter states that LCP amendments needed for small community water systems are not analyzed or acknowledged.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

The community wastewater treatment and recycling system will require a Coastal Development Permit, which may be reviewed with the project under the same application. The formation of a community wastewater treatment and recycling system does not require an LCP text or map amendment, as the LCP does not prohibit the formation of private utility systems within established utility service boundaries. Approval by LAFCo is discussed on page IV.N-31 of the DEIR.

The commenter asked whether the wastewater system will be a privately owned system or deeded over to a responsible agency.

As stated on page IV.N-14 of the DEIR, the wastewater system for the project is planned to serve the Wellness Center and Office Park properties, which will be under separate ownership. As a consequence of serving multiple dischargers under separate ownership, the wastewater system will be classified a “community system”. However, due to the elimination of on-site discharge and disposal of sewage, the system is no longer considered a “discrete sewerage system” as defined by the RWQCB. All wastewater will be treated to Title 22 requirements and recycled on-site. Any excess treated wastewater or wastewater not meeting Title 22 requirements will be disposed of through the proposed GSD connection. Therefore, this regulation no longer applies to the project.

Response to Comment 231-12

The commenter asserts that the project violates Section 30254 of the Public Resources Code regarding wastewater capacity. The commenter asks how the project complies with the requirements of the Coastal Act limiting infrastructure to that needed to serve buildout, specifically Public Resources Code Section 30254.

Section 30254 of the Public Resources Code refers to the capacity of planned public works facilities. The project is proposing connection to GSD at a level that does not require a system expansion. All of the proposed water recycling systems are privately owned as discussed in Section III of the FEIR.

The commenter asks how the project reconciles the increased regional wastewater treatment capacity created by its on-site recycling systems.

As stated previously, the project provides on-site recycling to service on-site uses only. The treatment and recycling system minimizes the amount of wastewater flow to the regional systems. No expansion of the regional systems is required.

The commenter states that the project should analyze the financial impact on GSD customers if the project does not contribute its fair share to the costs of the existing treatment capacity.

As discussed in Section III of the FEIR, the project has been revised to perform wastewater treatment/recycling and connect to GSD, as GSD has and continues to assess the project site for 8 EDU connections. In communication with Delia Comito at the Granada Sanitary District on August 30, 2010, she states that GSD assesses the project parcels over a 25-year period to finance a bond that pays for construction of additional sewer system capacity. GSD assesses the owner of the project parcels, along with other owners of vacant parcels in the district, as they would most likely benefit from the additional sewer capacity. Ms. Comito states that additional sewage transport and treatment capacity exists for conforming development on these parcels. Also, refer to Response to Comment 205-60. The project sites

have been assessed to pay for infrastructure improvements to provide for additional capacity for the development of the parcels. As discussed in Section III of the FEIR, no expansion of the sewer line at Stanford Avenue and the Princeton Pump Station is necessary, as described in Mitigation Measure UTIL-2b, because the project incorporates flow equalization and water recycling such that the maximum amount of project sewage flow to the GSD sewer system could be accommodated by the existing 8-inch sewer line. Therefore, it is anticipated that no additional mitigation is necessary to further expand capacity. However, as stated above, GSD will have additional time to review and comment on the project design and level of service and require applicable fees during the final design phase when the project is submitted to GSD for connections and final permits.

The commenter asks if the County and the Coastal Commission can approve the development of a project that exceeds the capacity needed to serve the buildout of the land use plans.

The project, as stated on pages IV.N-20 and IV.N-34 of the DEIR, does not have a significant cumulative impact on public water and sewage infrastructure capacity. As stated previously, the project provides on-site recycling to service on-site uses only. The treatment and recycling system minimizes the amount of wastewater flow to the regional systems. No expansion of the regional systems is required and the County does not agree that the project exceeds the capacity needed to serve the build out of the land use plans.

Response to Comment 231-13

The commenter questions why the documents in the 1991 studies on extraction were not included in the analyses of the DEIR.

The DEIR relies on the results of the 2009 Kleinfelder groundwater study to assess the impacts of groundwater extraction on coastal resources, which the County considers more reliable at this time than 1991 studies.

The commenter asks why the long-term impacts of wastewater treatment and infiltration into the Marsh were not analyzed.

Pages IV.N-14 through IV.N-19 of the DEIR analyzes the impacts and concludes the impacts are less than significant on page IV.N-20. The water recycling plant as described on page IV.N-14 provides EPA and State Health Department requirements of unrestricted use according to Title 22. As discussed in Section III of the FEIR, drainfields have been eliminated from the proposal. Mitigation Measure HYDRO-4 requires the applicant to submit a drainage report and plans to the County that identify the drainage pathways and the extent of any off-site drainage that flows on-site. The mitigation measure minimizes impacts to drainage patterns by requiring the preparation of a drainage report and plan to the County. In doing so, the mitigation measure applies performance standards (required drainage plan compliance with County Drainage Policy and NPDES requirements, as stated in Response to Comment 185-32), thereby mitigating any potential significant effect of the project. The drainage plan is provided in the DEIR in Figures III-9 and III-16 of the DEIR. The adequacy of the proposed drainage system to meet these requirements will be verified in the permit process.

The commenter asks what mitigations will be used to prevent groundwater contamination during heavy rains, flooding and sea level rise.

See Mitigation Measures HYDRO-3 through HYDRO-9 of the DEIR. Also, refer to Topical Response 9, Tsunami Hazards, for measures proposed by the applicant to protect water and wastewater facilities in the event of flooding.

Response to Comment 231-14

The commenter states that no investigation of wet weather groundwater conditions have been completed to insure that the proposed drainfield system will comply with the 2-foot separation requirement.

As discussed in Section III of the FEIR, drainfields have been eliminated from the proposal.

The commenter is concerned that the flow of groundwater is not mapped.

The flow of the groundwater is mapped in the Kleinfelder report as discussed on page IV.N-21 of the DEIR. The groundwater flows past the site at a rate of 500 acre-feet per year and into Princeton Harbor. The potential for ground water contamination with the intermittent infiltration of Title 22 treated water (with carbon, nitrogen, phosphorous removed and all water disinfected) into a shallow groundwater aquifer that is flowing away from the MWSD well field at a rate of less than 10 gpm over an area of 20 acres is less than significant as determined on page IV.N-37 of the DEIR.

The commenter asks if the recycling plants will be designed to treat toxic waste for the R&D development and light manufacturing.

Potential project impacts associated with use, disposal, and accidental release of hazardous materials at the project sites are analyzed in Section IV.G of the DEIR. It should be noted that future businesses locating at the Office Park would be required by the County Environmental Health Division to complete and submit a Business Plan within 30 days of handling or storing a hazardous material equal to or greater than the minimum reportable quantities. If a Business Plan is required, Environmental Health Division staff will inspect the business at least once every two years to determine if the Business Plan is complete and accurate. Monitoring by Environmental Health Division will ensure that project-generated hazardous waste is stored, treated, transported and disposed of in a legal and environmentally safe manner so as to prevent human health hazard and/or ecological disruption.

The commenter asks what the R&D and manufacturing chemicals are intended to be.

Potential hazardous materials associated with project operation are discussed in Section IV.G of the DEIR.

The commenter asks what enforceable limitations will be placed on the industrial chemicals.

See previous responses above.

The commenter asks what waivers to existing policies and requirements would be required and from which agencies, and will the waivers impact the schedule and ground water quality and other concerns.

The project mitigations require project compliance with all local, state and federal laws and requirements. The project does not require that any permit or legal conditions be waived.

Response to Comment 231-15

The commenter asks why the Farallon Vista Residential Project, the Moss Beach Highlands Project and the Airport Master Plan were not included in the Cumulative projects analyses.

As stated on page III-15 of the DEIR, only projects that are proposed (i.e., with pending applications), recently approved, under construction, or reasonably foreseeable that could produce a cumulative impact on the local environment when considered in conjunction with a proposed project, are required to be evaluated in an EIR.

While the County approved the Farallon Vista project after the DEIR publish date of 1985, all County approvals have expired. No new applications for development at the site have been submitted to the County. Preliminary plans for development at the Farallon Vista are not required to be analyzed in the cumulative impact analysis for this project as no such project is reasonably foreseeable.

While the County approved the Moss Beach Highlands project after the DEIR publish date of 1999, all County approvals have expired. No new applications for development at the site have been submitted to the County. Preliminary plans for development at the Moss Beach Highlands are not required to be analyzed in the cumulative impact analysis for this project.

While the County approved the Half Moon Bay Airport Master Plan, no industrial or commercial improvements are being implemented at this time.

Commenter is concerned about traffic impacts because its crews must have ready access to all parts of the District.

As stated in Section IV.M of the DEIR, the project, as proposed and mitigated, would result in less than significant traffic impacts. With the traffic reports required by Mitigation Measure TRANS-1 and the implementation of required recommendations (i.e., signal installation), the project would result in less than significant impacts to intersection level of service and capacity. With the traffic control plan required by Mitigation Measure TRANS-8, construction-related traffic impacts are also considered less than significant. For more information, Section IV.M (Transportation/Traffic) and Topical Response 8, Traffic Impacts.

Also, as discussed in Section III (Corrections and Additions to the Draft EIR) of the FEIR, the applicant has made the following modifications to the project in order to further reduce traffic impacts to the area:

- The Community Center aspect has been removed, thereby restricting pool, fitness center, and locker facilities for use by Wellness Center residents, guests, and staff and Office Park employees only. These facilities were originally proposed to be made available to the Coastsides public.
- The public storage use at the Wellness Center site has been reduced from 20,000 sq. ft. to 10,000 sq. ft.
- Prior to occupancy of any Office Park building, the applicant proposes to implement Traffic Demand Management (TDM) measures, including an off-site parking agreement and shuttle services to the Office Park (to accommodate a minimum of 50 cars and their drivers), for the

purpose of reducing project traffic on Cypress Avenue, Prospect Way, Broadway to Cornell Avenue, Harvard Avenue, and Yale Avenue.

Response to Comment 231-16

The commenter includes for comment a letter from its District Counsel, as well as a letter report making technical comments from the District's Water Engineer, as well as a letter report analyzing the sufficiency of the hydrological portions of the DEIR from the District's groundwater consultant.

The attached letters are responded to herein.

Response to Comment 231-17

The commenter asks whether the water use estimates in the DEIR are for peak day or annual average.

As reflected in Section IV.N of the DEIR, the estimates are for peak day and are listed in gallons per day (gpd).

The commenter asks what the peak day water demand is.

Page IV.N-34 of the DEIR states that the peak domestic water demand is 10,000 gpd.

The commenter asks how the discharge of wastewater will occur during periods of high groundwater.

Wastewater will be discharged into the GSD system and recycled on-site. Discharges into the GSD system are equivalent to 8 single-family homes. Discharge into the GSD system is not required during peak wet weather flows and will not impact overflows. See Section III of the FEIR.

The commenter asks how the discharge of partly treated wastewater during periods of operational failure will impact the SAM system.

As described in Section III of the FEIR, the water recycling systems have complete redundancy in treatment trains plus 24 hours of influent storage and 24 hours of effluent storage. The systems provide flow equalization. As stated on page IV.N-20, the project will have a less than significant impact on the operation of SAM.

The commenter asks if the calculations anticipate that all the water from R&D, food processing and light industrial will be recycled.

The calculations on page IV.N-14 of the DEIR show that all project wastewater will be recycled.

Response to Comment 231-18

The commenter states that the document is inadequate and should be recirculated.

Please refer to Topical Response 6, Recirculation of the DEIR.

Attachment 1: Letter from David E. Schricker, dated August 18, 2003

Response to Comment 231-19

The commenter voices its opposition to the proposed annexation by the Coastside County Water District (CCWD) of the project parcels. Commenter states that the Big Wave parcels are within the sphere of influence of MWSD.

The DEIR on page IV.N-22 indicates that CCWD will be the public agency providing municipal water and, as noted in Response to Comment 231-2, the project is within CCWD's sphere of influence. Refer to Response to Comment 231-2.

Attachment 2: Letter from David E. Schricker, dated December 4, 2009

Response to Comment 231-20

The commenter states that DEIR is deficient because it fails to identify MWSD as an alternate source of providing water and does not list MWSD as a responsible agency in the CEQA process.

Refer to Response to Comment 231-2. As stated in the DEIR and clarified in the FEIR, CCWD is an alternate source of water to the proposed well use.

The commenter states that the DEIR does not address the long-term affects of drawing on underground water resources.

Refer to Response to Comment 213-11.

Attachment 3: Mark Woyshner, Balance Hydrologics, Inc., dated December 24, 2009

Response to Comment 231-21

The commenter states that MWSD operates three wells from the same aquifer from which the project plans to draw water, but production of those wells may be limited due to water quality issues. It also states that the Pillar Point Mobile Home Park supplies its own water from production wells and receives water from MWSD when its water storage runs low.

This statement is informational. No response is required by CEQA.*

The commenter claims that groundwater contours illustrated by the 1974 Lowney-Kaldveer Associates as well as the 1987 Luhdorff and Scalmanini Study are "landmark documents for the Airport Aquifer that describe groundwater contours and illustrate how groundwater levels change during droughts."

Phase II of the Kleinfelder report included the analyses of the above two reports. In reviewing the varying data, it was concluded in the Kleinfelder report that the Airport Subarea is in long-term equilibrium.

Regarding water quality, refer to Section Impact UTIL-9 and Impact UTIL-10 of the DEIR.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters.

The commenter refers to p. IV.H-42 of the DEIR, which estimates total potable water demand at 10,000 gpd during normal rainfall and 5,000 gpd during droughts; the commenter states that the DEIR lack information on the proposed water supply well, such as sustainable yield, depth of perforation and total depth of well. Commenter further questions whether well can meet projected Maximum Daily Demand for the project.

The well is described on page IV.N-23 of the DEIR. The DEIR states on page IV.N-33 that the potable water demand is 10,000 gallons per day (11-acre feet per year). The pump test data provided in Appendix H of the DEIR states that the well can deliver up to 45,000 gallons per day on page IV.N-36 with a drawdown of 18 feet. Page IV.H-23 references groundwater reports that indicate excess groundwater leaving the basin near the project and Pillar Ridge generally averages 430-acre feet per year. Page IV.N-37 of the DEIR concludes that the impacts to the water supply created by the proposed project would be less than significant after mitigation. Similarly, the DEIR concludes on p. IV.H-62 that the project impacts to hydrology and water quality will be less than significant, after mitigation.

As stated in the Technical Memorandum #1 (TM #1), dated May 15, 2009, prepared by Schaaf & Wheeler (included in Appendix H of the DEIR), the groundwater withdrawals for the project will be less than existing withdrawals for agricultural production, reducing the amount of net groundwater withdrawals. Also, projected groundwater pumpage volumes are expected to fall well below the threshold of significance for either normal or drought-year conditions. Therefore, impacts to the local and regional aquifers would be less than significant. In summary, TM #1 states that hydrologic impacts to the Pillar Point Marsh based on conditions in the entire marsh watershed appear to be minor.

The commenter states that only 1.2 AFY are required to grow green beans on the coast, whereas the project demands equivalent to 11 AFY; thus commenter states that a more robust water analyses is warranted.

Published literature shows beans require two mega liters per hectare. For 20 acres, this equals 13-acre feet per year (AFY). Page IV.N-24 identifies the agricultural use as using 12-acre feet per year. Impact UTIL-8 states that the existing well capacity would also be sufficient to meet the project water demand. This represents a less than significant impact. Please reference analysis in Section IV.H (Hydrology and Water Quality), which concludes that the project would not significantly deplete ground water supplies or substantially interfere with round water recharge. The County does not agree that a “more robust water analysis” is needed, as the current analysis appropriately addresses the matter.

The commenter states that they understand that groundwater recharge of tertiary treated project water lowers the overall net impact of the well pumping, but states that this recharge may not mitigate drawdown impacts to upgradient wells.

As stated in TM #1, the groundwater withdrawals for the project will be less than existing withdrawals for agricultural production, reducing the amount of net groundwater withdrawals. Also, projected groundwater pumpage volumes are expected to fall well below the threshold of significance for either normal or drought-year conditions. Therefore, impacts to the local and regional aquifers would be less than significant.

The commenter states that the unique local groundwater conditions near the fault zone are not discussed and this may produce more challenges for wastewater infiltration.

The water levels of the aquifer are indicated in the Appendix F (Geology and Soils Data) of the DEIR. As discussed in Section III of the FEIR and page IV.H-43 of the DEIR, the primary infiltration source will be stormwater. Wastewater will be discharged into the GSD and be used for water recycling.

Attachment 4: Chris Kern, California Coastal Commission, dated April 10, 2009

Response to Comment 231-22

The commenter has attached the April 10, 2006 letter from the California Coastal Commission, which is a response to correspondence from project attorney David Byers prior to the Commissions' review of the project. The letter indicates that Coastal Permit for annexation to CCWD requires modification of the El Granada Pipeline permits and Phase I conditions that would allow for the expansion of the District.

As described on page IV.N-32 of the DEIR and Section III of the FEIR, the project may annex to CCWD for domestic water service and/or fire flow as part of the Coastal Permit process. Please refer to Comment Letter 213, the Coastal Commission's comment letter for the current proposal.

Response to Comment 231-23

The commenter attaches the December 22, 2009 letter from SRT that states the options for water and disposal are not listed as alternatives and are not adequately defined.

Section IV.N pages 1-49 of the DEIR and Section III of the FEIR describe the options for the water and wastewater systems that apply to the project and project alternatives. The FEIR clarifies water systems options as: (1) domestic hook-ups, or (2) use of well water/treatment systems. As stated in Section III.A of the FEIR, water supply for fire protection will rely on one or a combination of sources as approved by the Coastside County Fire District. The FEIR clarifies wastewater systems options as: (1) use of an on-site wastewater treatment plant with disposal through a combination of municipal hook-up and on-site recycled water usage, and/or (2) municipal hook-ups.

The commenter states that "fully automated" water and wastewater treatment facilities will be installed for the project and operated by the disabled residents. Commenter states that the applicant, by stating that such systems would be "fully automated," implies that compliance with agency regulations is "simple."

As stated on page IV.N-14 of the DEIR, operation of the wastewater treatment system would require a State-Certified Wastewater Treatment Plant Operator, Grade 4. It is also proposed that residents of the proposed project would provide labor and staff support for treatment plant operations, with the plan to eventually become certified operators. Similarly, as stated on page IV.N-28 of the DEIR, through their local program, the County is responsible for enforcing the requirements of the California Safe Drinking Water Act, which cover such things as water quality standards, monitoring and reporting, operator qualifications, system design and maintenance, and system management.

Response to Comment 231-24

The commenter asks how potable water and wastewater services will be provided to the project.

Refer to Response to Comment 231-23.

Response to Comment 231-25

The commenter asks how the project proposes to operate and provide reporting for the proposed complex water and wastewater treatment and disposal facilities and underground storage structures.

Refer to Response to Comment 231-23.

Response to Comment 231-26

Commenter states that they do not believe that their above questions were adequately addressed in the DEIR.

Please refer to Response to Comments 231-24 and 231-25.

Response to Comment 231-27

The commenter states that the water recycling plant will require a Grade IV operator and will require that a public agency be legally responsible for the wastewater facilities.

The applicant will provide its own certified operator. Due to the elimination of on-site discharge and disposal of sewage, the community wastewater and recycling system is no longer considered a “discrete sewerage system” as defined by the RWQCB. All wastewater will be treated to Title 22 requirements and recycled on-site. Any excess treated wastewater or wastewater not meeting Title 22 requirements will be disposed of through the proposed GSD connection. Therefore, regulation applicable to “discrete sewerage systems” no longer applies to the project.

The commenter states that the Regional Board, GSD and the Health Department were not contacted and compliance has not been coordinated with these agencies.

Coordination with permitting agencies by the applicant to comply with the applicable requirements of these agencies is not required prior to distribution or certification of an EIR. Coordination may take place after a DEIR has been certified.*

Response to Comment 231-28

The commenter states that the project fails to provide the needed improvements to the GSD collection system.

Mitigation UTIL-2 requires that the project revise its design to limit the flow to the available capacity of the 8” GSD sewer line. Section III of the FEIR states that the flow will be limited by equalization and the connected flow will not exceed 1,600 gallons per day and a maximum flow rate of 30 gpm. The flow will be metered to verify this amount.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters.

Response to Comment 231-29

The commenter states that the water lines need a 10-foot separation from the sewer lines and this may cause a significant impact.

Mitigation Measure UTIL-4 of the DEIR requires compliance with this requirement.

Response to Comment 231-30

The commenter quotes the DEIR as saying some aspects seem to conflict with regulatory requirements but can be mitigated to less than significant if compliance is required and states that there is not rational or reasoning behind this statement.

Mitigation Measure UTIL-4 requires that all systems comply with all State, Local and Federal Requirements.

Response to Comment 231-31

The commenter states that the project fails to identify and discuss impacts of proposed annexation to CCWD.

Page IV.N-32 of the DEIR and Section III of the FEIR clarify that the project may annex to CCWD for domestic water service and/or fire protection. Page IV.N-34 states that the pool will provide additional fire flow if the CCWD system cannot provide adequate storage of pressure (this addresses impacts to the system). Page IV.N-37 of the DEIR and Section III of the FEIR concludes that the project impacts to CCWD will be less than significant.

Response to Comment 231-32

The commenter states that the impacts of the 10-gpm RO systems will likely have significant impacts from the use of brine and chemicals.

As stated in the FEIR, the project includes treatment to improve well water quality that includes microfiltration and UV disinfection. The RO treatment discussed in the DEIR is no longer part of the treatment process. As stated on page IV.N-37 of the DEIR, based on the June 2009 testing of the existing well water, the water quality is suitable for domestic-community water supply, without the need for RO treatment. The observed high levels of color, iron and manganese could be addressed with conventional water treatment methods. Therefore, water treatment needs present a less than significant impact and no mitigation measures are needed.

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San Mateo Co.Planning Dept.
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Redwood City, CA 94063
cleung@co.sanmateo.ca.us

DEC 24 2009

**San Mateo County
Planning Division**

Re: **Big Wave Project Draft Environmental Impact Report (DEIR)**

While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings.
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy.
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
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- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

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Sign:

Print name:

Address:

Mauro Di Nucci

440 BALBOA Blvd

Half Moon Bay 94019

Mauro Di Nucci

Date:

12/7/09

Response to Comment Letter 232

Mauro Di Nucci

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

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Sign:

Print name:

Address:

Peter Armstrong

Peter Armstrong

Box 1472

El Granada, CA 94018

Date:

12/5/09

Response to Comment Letter 233
Patrick Armstrong

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

RECEIVED

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
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Sign:

Print name:

Address:

Renee St Louis

Renee St Louis

PO Box 2654

El Granada, Ca 94018

Date:

12/5/2009

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Response to Comment Letter 234
Renee St Louis

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

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San Mateo Co.Planning Dept.
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Sign:

Rich Miller

Print name:

Rich Miller

Date:

12/5/09

Address:

PO Box 991

EL GRANADA CA 94018

Response to Comment Letter 235
Rich Miller

This letter is virtually identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

DEC 24 2009

San Mateo Co.Planning Dept.
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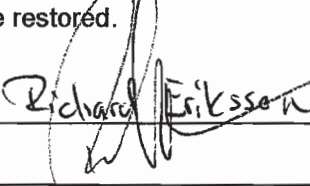
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- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

Sign:



Print name:

Date: 12/06-09

Address:

1450 CREEK SIDE DR #94
WC, CA 94596

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Response to Comment Letter 236
Richard Erickson

This letter is identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

RECEIVED

San Mateo Co.Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us

DEC 24 2009

**San Mateo County
Planning Division**

Re: **Big Wave Project Draft Environmental Impact Report (DEIR)**


While I support the needs of the developmentally disabled, I have the following concerns about the adequacy of the DEIR for the Big Wave Project:

- **Visual Impacts:** Without story poles showing the potential visual impacts of the project, it is impossible to determine the project's impacts on scenic views. Four 50-foot tall office buildings would be grossly out of scale with the surrounding natural setting and nearby buildings.
- **Traffic:** The DEIR defers any traffic mitigations caused by the project's 2,123 daily trips to some time after full occupancy.
- **Water and Sewer:** There is no guaranteed source of water and no guaranteed disposal of sewage, even though the site is served by public water and sewer agencies.
- **Geology:** The DEIR defers analysis of potentially significant impacts of violent shaking during earthquakes, liquefaction, and differential settlement under the buildings until future studies.
- **Hazards:** The housing for developmentally disabled people would be located in a Marine Industrial zone, where all but the most hazardous chemicals are allowed. Additional hazards from flooding, tsunami inundation, and adjacent airport operations make this a problematic site for an at risk population.
- **Affordability and Economic Viability:** There are no enforceable income or affordability restrictions on purchase of housing co-op shares or condos. The project relies on shaky financial assumptions to support the "affordable" housing.
- **Phased Development:** The Office Park's estimated construction period of 30-36 months in the DEIR is not realistic, given the developer's intent to phase each building's construction after rental or sale of each previously constructed building. Wetlands restoration would not be done until after all construction is complete, which would allow stormwater runoff to carry sediment and other pollutants into the Pillar Point Marsh.
- **Isolation and Employment:** Wellness Center residents would be isolated from community resources with reduced opportunities to mingle with the community at large. Many of the Big Wave programs such as raising organic crops do not depend upon this site being developed.
- **Wetlands destruction:** The owners of the property have destroyed wetlands under the guise of agriculture. Over 90% of the State's wetlands have been lost. The wetlands at Big Wave should be restored.

Sign:

Print name:

Address:



Richard T. Southern

139 Del Monte

El Granada 94018

Date: 12/5/09

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Response to Comment Letter 237
Richard T Souhesen

This letter is identical to Comment Letter 103. Please refer to Response to Comment Letter 103.

"sabrina brennan" <sabrina@dfm.com> 12/24/2009 1:30 PM

Dear Ms. Leung,

The Big Wave project Draft Environmental Impact Report (DEIR) is not defined well enough to provide meaningful information for environmental assessment.

Area 29 supports the December 23, 2009 DEIR comment letter submitted by the Committee for Green Foothills. We also support the December 22, 2009 DEIR comment letter submitted by Jay Davis, Ph.D., Senior Scientist, San Francisco Estuary Institute and Nicole David, Environmental Scientist, San Francisco Estuary Institute.

The public and decision makers have not been provided adequate information regarding the project's potential impacts and whether those impacts can be mitigated or reduced to a level of insignificance.

The DEIR is fundamentally inadequate, inconsistent and unstable. The County should recirculate the DEIR for comments if and when the numerous deficiencies have been addressed.

Thank you,

Sabrina Brennan

AREA29: Critical Coastal Area 29

www.thepelicaneye.com <<http://www.thepelicaneye.com>>

238-1

Response to Comment Letter 238
Sabrina Brennan

Response to Comment 238-1

The commenter states her support for Comment Letters 193 and 176. She believes the DEIR is inadequate. She states that it should be amended and re-circulated.

Refer to Response to Comment Letters 193 and 176. Regarding re-circulation of the DEIR, refer to Topical Response 6, Recirculation of the DEIR.

San Mateo Co. Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94063
cleung@co.sanmateo.ca.us
fax 650-363-4849

December 21, 2009

Re: Big Wave Project Draft Environmental Impact Report (DEIR)

As a resident of Pillar Ridge and neighbor of the proposed Project, I write in support of the comments submitted by the Pillar Ridge Homeowners Association.

While I fully support meeting the needs of the developmentally disabled, the serious challenges of the site conditions and the enormous scale of the office park project cannot be ignored. Adequate studies should not be deferred until after the DEIR public comment period.

The **visual impacts** of the project cannot be assessed without story poles. The 50-foot tall office buildings would be grossly out of scale with our single-story neighborhood and the surrounding natural setting.

The DEIR analysis and proposed mitigation of **traffic impacts** is grossly inadequate.

Water supply and sewage disposal are not guaranteed for the Project. Adequate protection of groundwater and the marsh has not been assured. Further studies are needed to determine whether many of the proposed mitigations would actually work in the conditions of the site.

Open-ended **phased development of this huge project over 15 years** or more promises an interminable construction nightmare for our neighborhood and any Wellness Center residents as well.

In summation, I am concerned that this huge project will have an extremely negative impact on the local environment, and that the above stated concerns are not being adequately addressed.

Thank you for the opportunity to comment.

Sincerely,

Samuel and Germaine Weinberg

Samuel and Germaine Weinberg
115 Culebra Street
Moss Beach, CA 94038

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Response to Comment Letter 239
Samuel & Germaine Weinberg

Response to Comment 239-1

The commenter introduces himself and states that adequate studies should not be deferred until after the DEIR public comment period.

This statement is introductory. See responses to specific comments below.*

Response to Comment 239-2

The commenter states that the visual impacts of the project cannot be assessed without story poles.

Refer to Topical Response 1, Story Poles.

Response to Comment 239-3

The commenter states that the DEIR assessment of traffic impacts is inadequate.

Commenter states that the DEIR assessment of traffic impacts but does not provide any evidence, data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of this assertion. Refer to Topical Response 8, Traffic and Parking Impacts.

Response to Comment 239-4

The commenter states that water supply and sewage disposal are not guaranteed for the project and the DEIR has not assured the protection of groundwater and local marshes.

Sources of water are identified in the DEIR and FEIR; refer to Response to Comments 193-6 through 193-10. Wastewater treatment and disposal systems have been determined. As described in Section III of the FEIR, the project proposes connection to GSD and on-site water recycling. A GSD connection for eight (8) EDUs is described in Section III.A of the FEIR and on-site water recycling for building use and site irrigation is discussed in Figure III-27, pages III-54 and 55 and IV.N-11 through 14 of the DEIR. For information regarding the potential impact of well use to Pillar Point Marsh, please refer to Response to Comment 185-31.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Response to Comment 239-5

The commenter states that the project proposes an open-ended phased development of over 15 years that will be a nightmare for the neighborhood.

For construction phasing, refer to Topical Response 12, Construction Phasing for the Office Park.

Response to Comment 239-6

The commenter provides a conclusion.

The commenter provides closing statements. No response is required by CEQA. *

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*



December 24, 2009

Camille Leung
Project Planner
County of San Mateo
FAX: (650) 363-4849

RE: Draft Environmental Impact Report for Big Wave Wellness Center and Office Park

Via electronic mail

Dear Ms. Leung,

I am writing to you on behalf of the Surfrider Foundation San Mateo County Chapter and the Surfrider Foundation membership ("Surfrider") in regards to the Draft Environmental Impact Report ("DEIR") for the Big Wave Wellness Center and Office Park ("project"). Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches through conservation, activism, research and education. 240-1

Surfrider respectfully submits the following comments on the DEIR:

I. Significant Impacts Described in the DEIR Which Are Not Appropriately Characterized, Not Fully Mitigated, or Apply an Inappropriate Threshold of Significance

Impact HAZ-2 and Mitigation Measure HAZ-2

The proposed mitigation for potential solvents in groundwater from hydraulically up-gradient properties and probable presence of pesticides is to determine whether hazardous substances have migrated onto the project site. This is not appropriate mitigation, as it merely proposes to identify potentially significant impacts as opposed to actually addressing the problems and mitigating the impacts as required by CEQA. At present, the DEIR does not adequately identify impacts resulting from potential past contamination from pesticides, citing these impacts as "unknown" (page IV. G-24). Without knowing what the impacts are, it is not possible to mitigate them appropriately. These problems need to be identified as part of the environmental analysis (-not deferred to a later time) and, if hazardous substances have migrated onto the project site and/or if pesticides are present in the soils or have contaminated the well and/or groundwater, then appropriate mitigation that minimizes the impact of the presence of these hazardous substances must be proposed and implemented. Such mitigation may or may not be feasible. The DEIR's conclusion that any potential impacts will be mitigated violates CEQA because it relies on post-approval studies and analysis. 240-2



Additionally, regardless of whether or not environmental concerns qualify as a “recognized environmental condition”, the DEIR should include analysis of environmental concerns it identifies (concerns listed on page IV. G-7) since it is reasonable to assume that presence of such pollutants could significantly impact the project area’s soils, surface water and groundwater in a way that could “create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (per CEQA Guidelines)”. A first measure would be identifying the potential presence of such substances through testing soil, surface water, and groundwater samples.

240-2

Section 15.12 in the General Plan, as described in the DEIR, requires detailed analysis of hazard risk and design of appropriate mitigation.

Impact HAZ-4 and Mitigation Measure HAZ-4

The EIR does not contemplate evacuation that may be needed due to tsunami and, therefore, does not propose adequate mitigation.

240-3

Impact HYDRO-1

To the extent that the impact in Impact Hydro-4 is not adequately understood or fully mitigated (due to the absence of storm water and infiltration system modeling required to understand the full extent of the impact), Impact Hydro-1 cannot be said to be fully defined and may be potentially significant and would require mitigation.

240-4

Impact HYDRO-2

The DEIR incorrectly characterizes the impact to groundwater recharge by anticipating that groundwater recharge with project implementation will be similar to existing recharge since impervious areas will be drained to pervious areas. This assumption, however, does not appear to meaningfully consider the ability of the remaining pervious areas to absorb the additional water. Therefore, this impact may be potentially significant and requires mitigation.

240-5

Impact HYDRO-3 and Mitigation Measure HYDRO-3

The DEIR states that the storm drainage system is likely to handle flows from only smaller events such as 2-year and 10-year storms. Assuming for the sake of argument that this seemingly unjustified estimation is correct, that means that the project is not designed to accommodate roughly 9% of storm events. This is a significant impact that is not mitigated. Of greater concern is that no modeling of storm drainage or infiltration systems has been provided and that expected effects on the storm drain system cannot be fully assessed at this time (DEIR pp. IV.H-51-IV.H-52). Other proposed mitigation measures such as pervious pavement Without appropriately demonstrating the feasibility of these systems and knowing the extent of impacts that could result from altering the drainage patterns, it is not possible to develop adequate mitigation of these unknown impacts. Therefore, Impact HYDRO-3 remains unmitigated and significant.

240-6

Beyond the issues raised above, Proposed Mitigation Measure HYRDO-3 is otherwise inadequate. The NPDES Permit for all MS4s require that each project treat 100% of the amount



of runoff identified in Provision C.3.d for the project's drainage area with LID treatment measures onsite or with LID treatment measures at a joint stormwater treatment facility. (C.3.c.i.(2)(b)) The proposed mitigation measure only proposes to treat 80-85% of post-construction runoff and therefore is inconsistent with standards adopted and enforced by the Regional Water Quality Control Board.

240-6

Impact HYDRO-4 and Mitigation Measure HYDRO-4

In the absence of a drainage report, it is impossible to speculate whether or not a drainage plan will mitigate impacts of drainage (specifically increased flooding) to a "less than significant" level. To satisfy CEQA, the drainage report must be completed and considered in the DEIR to appropriately characterize potential impacts resulting from alteration of drainage patterns.

The DEIR cites that the percent of project area projected to be covered in impervious surfaces is 13-22% and that these impervious surfaces will not result in significant impacts to runoff. However, the DEIR uses an incorrect threshold of significance. The provisions in the County's NPDES permit require that projects adding or replacing one acre or more of impervious surface within non-exempt watersheds

shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition. Increases in runoff flow and volume shall be managed so that post-project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force.

240-7

(Municipal Regional Stormwater Permit Order No. R2-2009-0074 (NPDES No. CAS612008)) ("NPDES Permit") at 35 (Section C.3.g.ii). The project will create more than one acre of impervious surface and is not within an exempt watershed area. As a result, any increase in runoff flow or volume caused by the project constitutes a significant impact that must be appropriately mitigated to a less-than-significant level. To mitigate the impact to a less-than-significant level, the proposed mitigation (i.e. use of permeable materials) must be shown to effectively reduce runoff rates to existing levels, and be able to do so given the rates of permeability in the area[s] where the mitigation is implemented.

Impact HYDRO-5 and Mitigation Measure HYDRO-5

Mitigation Measure HYDRO-5 asserts that BMPs to promote infiltration of stormwater shall be emphasized. Although implementation of such BMPs is consistent with guidance for NPDES Phase II compliance, it cannot be assumed that implementation of these BMPs will successfully reduce post-construction peak flows to existing levels. In order to know which BMPs will successfully achieve this goal, and if the goal is even feasible, storm drainage and infiltration system models need to be created to be considered in the context of the hydrologic study prior to preparation of a SWPPP.

240-8



Further, current observations of the project area suggest that the project site at-present does not facilitate rapid percolation of surface waters. The DEIR cites that DdA soils (Dennison Clay Loam, nearly level, imperfectly drained) cover 75.9 percent of the southern parcel and the permeability of these soils is 0.6-2.0 inches per hour (page IV.H-7). Anecdotally, during the rainy season, portions of the project site can be found to have standing water. Given that the proposed project will increase impermeable surfaces and increase stormwater and runoff volume and flows, existing problems with flooding and surface water percolation will be further exacerbated. Therefore, to fully mitigate the project's impacts to stormwater flows and the project's contribution of additional stormwater pollutants (which are impacts that need to be considered in tandem), it may not be adequate to merely reduce stormwater flows to existing levels.

Using this same line of reasoning, implementing BMPs to control pollution levels to "pre-development" levels (as proposed for mitigation) may not be adequate to prevent the proposed project from resulting in significant pollution impacts to surface waters. To fully mitigate the project's impacts on surface waters, it is necessary to first correctly identify the thresholds of significance. In the case of surface water pollution, TMDLs and/or and/or Maximum Chemical Levels (MCLs) receiving water limits identified in the San Francisco Regional Quality Control Board Basin Plan are the appropriate threshold of significance—not "pre-development" levels. Given that part of the site is currently used for agriculture, for which fertilizer and pesticides are used, it is reasonably foreseeable that there may be chemicals present in the soil, and that these chemicals may already be present in volumes that would violate Maximum Chemical Levels (MCLs) and/or receiving water limits set by the San Francisco Regional Water Quality Control Board Basin Plan. Also, given that the Pacific Ocean at Pillar Point Beach is on the Section 303(d) list for coliform bacteria impairment, the project needs to demonstrate that its existence will not further contribute to this impairment. To adequately identify impacts, baseline data evaluating the presence of these pollutants must be collected to determine what volumes are present in the soil. To fully and sufficiently mitigate impacts, the project must demonstrate that stormwater will not cause these TMDLs or MCLs to be exceeded.

"Enhancing water quality" should not be presumed to equate to NPDES Phase II compliance, nor can the proposed BMPs be presumed to enhance water quality; therefore, the proposed mitigation is impermissibly vague. BMPs need to be specific and tailored to the hydrologic conditions and informed by analysis of pollutants reasonably suspected to be present on site.

Depending on which "option" is employed for discharge of wastewater effluent, the discharge could have potentially significant impacts to surface waters, especially to the extent that the effluent is discharged onsite at a rate that is more rapid than can be percolated into groundwater aquifers. This impact was not identified or mitigated.

Impact HYDRO-6 and Mitigation Measure HYDRO-6

The range of impacts to groundwater quality resulting from construction and post-construction activities analyzed in the DEIR is impermissibly vague and narrow. The DEIR must consider all

240-8

240-9



reasonably foreseeable impacts to hydrology, determine the significance of the impacts, and provide appropriate mitigation for significant and potentially significant impacts. The impacts defined should be specific. Reasonably foreseeable significant impacts to groundwater not currently considered by the DEIR—but that need to be considered, evaluated, and mitigated—include impacts from groundwater pumping to serve the development, discharge of wastewater effluent, and the presence and extent of chemical pollutants present in soils onsite. For example, depending on the current state of the groundwater basin from which the project proponents propose to pump, and the volume that is proposed to be pumped, the project may have significant impacts to groundwater quality and may cause seawater intrusion. Depending on which option is employed for discharge of wastewater effluent, the discharge could have significant impacts to groundwater if it does not meet Title 22 standards and have the approval of the California Department of Public Health.

Furthermore, for the above-mentioned impacts, proper mitigation has not been proposed and cannot be proposed in the absence of a hydrologic study that includes consider these impacts. Without such a study, the mitigation proposed is based on assumptions and cannot be deemed effective nor feasible. For example, without knowing the extent to which chemical pollutants are present in soils onsite, it is impossible to know the degree to which stormwater BMPs designed to retain and infiltrate captured stormwater will effectively filter pollutants and prevent them from entering the groundwater.

As part of mitigation, as required by an LCP policy in Section 2.33, if the project proposes to draw water from the Half Moon Bay Terrace, the owner of the system must agree to participate in and assist in funding the County's hydrologic study of Pillar Point Marsh and to accept the restrictions from that study.

There is no estimate of how much groundwater may be needed to supplement irrigation water (DEIR p. IV. H-43). Without this information, it is not possible to determine the impacts of the project on groundwater.

Impact HYDRO-9 and Mitigation Measure HYDRO-9

The entire project site is identified in the ABAG Tsunami evacuation area map. The DEIR does not describe what assumptions underlie this map and tsunami zone designation, and in which cases the identified areas may be subject to tsunami hazard (i.e. certain elevations, proximity to the coast, barriers between the area and the coast, etc.). Doubtlessly, this map does not account for sea level rise, which it must in order to provide an accurate picture of tsunami hazards to the proposed development over time.

To sufficiently mitigate adverse impacts from tsunami per the measures proposed in the DEIR, the project would need to be raised to an elevation greater than the elevations that would be affected by tsunami (—above the 42 foot contour line accounting for sea level rise) and/or incorporate specific design elements that would withstand such hazards. Given that the highest elevation on the project sites is 27.7 feet above sea level (and still lies within the tsunami zone),



and the lowest elevation proposed to be developed on the project sites is 11.29 feet above sea level, the implication is that the project area proposed to be developed will need to be elevated up to 16 feet above existing elevation PLUS whatever additional elevation is required to eliminate the threat of impact from tsunamis. If these discrete calculations are not analyzed in the DEIR, it will not be possible to understand the true visual impacts that would result from designing to mitigate risk of impact from tsunamis.

240-10

Impact UTIL-2 and Mitigation Measure UTIL-2

Given that it is unknown what volume of wastewater effluent will be able to be feasibly treated using onsite systems, proposed mitigation UTIL-2(a) may result in additional significant impacts to the environment not considered in this DEIR, such as impacts to surface or groundwater quality resulting from effluent disposal at a rate greater than can be naturally absorbed by soils. Failure to consider and mitigate such impacts would be inconsistent with CEQA.

240-11

Impact UTIL-4 and Mitigation Measure UTIL-4

It is inadequate to state that the project will mitigate its questionable ability to comply with State Health Department and RWQCB standards for recycled water and drain field systems by complying with State Health Department and RWQCB standards for recycled water and drain field systems. Clearly, the project's ability to comply with these standards is in question due to the current lack of information about the volume of effluent that will be created, the volume of wastewater effluent available for reuse and the volume that is able to be reused by the project, and other important design, operation, and siting considerations. Failing to describe how the project will meet these standards and assuming that the project will be able to comply with these standards is not sufficient to mitigate the impact under CEQA. Title 22 standards for recycled water are challenging to meet and vary depending on the level of treatment and intended use of the recycled water. If the level of treatment is not commensurate with the intended use, significant impacts to the environment would occur.

240-12

Impact UTIL-5 and Mitigation Measure UTIL-5

The description of the impact identified here, ironically, points out the inadequacy of analysis of wastewater flow estimates as an impact. The root impact, which is the impact of wastewater flows, requires additional analysis (as pointed out) before the impact can be fully understood and appropriately mitigated. As it stands, the mitigation proposed is inadequate; the project plans need to be revised for full consideration in the DEIR.

240-13

Wastewater flows and disposal rates could certainly have significant impacts on the environment, not the least of which would arise from failing to identify disposal methods with the capacity to adequately and appropriately dispose of 100% of wastewater created by the project. As it stands, the DEIR does not fully describe a discreet method of wastewater effluent disposal, and the DEIR does not present substantive evidence that the wastewater alternatives described can treat and dispose of all wastewater created by the project.



Impact UTIL-6 and Mitigation Measure UTIL-6

The proposed mitigation measure must include a requirement that the mitigation prevent sewage over flows and spills. Lift stations can also be risky, especially due to station failure due to loss of power. Failure to mitigate the sewage pipeline's risk of causing over flow would result in an unmitigated significant impact.

240-14

Alternative collection systems (i.e. pressurized) should also be considered to the extent that they would convey sewage from the project to the treatment plant and avoid sewage over flows or spills.

II. Impacts not identified or mitigated in the DEIR

Project's ability to withstand flooding: Both parcels lie within the 100-year flood zone mapped by FEMA (source: <http://gis.abag.ca.gov/website/floodplain/viewer.htm>). Although subsequent documents have been filed which adjust the boundaries of the flood plain and identify the project area as being outside of the flood plain, these documents likely do not consider future sea level rise and how this would alter the flood plain boundaries over time. If the effective Base Flood Elevation for this area is 8.5 feet, sea level rise of 1.5 feet could presumably place parts of the project site in the 100-year flood plain within the economic life expectancy of the project.

240-15

As such, flooding would cause significant impacts to the project infrastructure, as well as project components and mitigation measures that discharge or manage stormwater or wastewater. At minimum, the project must meet FEMA's requirements for construction within the 100-year floodplain. As proposed, this project does not meet these minimum requirements.

Sea Level Rise

The DEIR is wholly inadequate to the extent that it does not consider the effects of sea level rise on hydrology, hazards, or transportation & traffic. In November of 2008, Governor Schwarzenegger issued Executive Order S-13-08, directing, among other things, that "all agencies planning construction projects in areas vulnerable to future sea level rise shall [...] consider sea level rise and [...] reduce expected risks and increase resiliency." This directive only appears to cover construction projects planned by state agencies. However, the governor's intent was clear: the "safety, maintenance, and operational efforts on existing infrastructure projects are critical to the public safety and economy of the state."

240-16

As a practical matter, the effects of sea level rise could drastically impact the project's siting, size, the effectiveness of mitigation measures, and overall project feasibility. These impacts could be both direct (inundation) and indirect (expansion of flood hazard areas). Recent research by Dr. Dan Cayan of Scripps Institution of Oceanography projects a sea-level rise of 1.0 m to 1.4 m for the California coast in the next 100 years.

It is important to note that sea level rise will result in more than just inundation; sea level rise also impacts erosion rates. Since flooding hazard areas are a function of elevation and proximity



to food water sources, sea level rise will significantly change current delineation of flooding hazard areas.

In the absence of analysis which considers future sea level rise, arguably there are potentially significant impacts in the categories of hydrology/water quality, biological resources, and hazards that have not been identified or appropriately mitigated. Specifically, the projects assumptions of ground and surface water hydrology, delineation of wetland flooding, and tsunami need to be evaluated within the context of sea level rise.

240-16

Sludge Disposal:

The DEIR is inconsistent in its description of how sludge will be handled and disposed of. In some instances, the DEIR states that sludge will be disposed of onsite; in other instances, the sludge will be handled by El Granada Sanitary District; in other areas, the sludge will be hauled to Ox Mountain Landfill; and some parts of the DEIR propose using some combination of all three alternatives. A discreet alternative or set of alternatives should be identified and consistently analyzed throughout the document.

240-17

Although the project proponent proposes to dispose sludge (generated by the WWTP) at Ox Mountain Landfill, it is unclear whether or not the landfill is allowed to accept sludge or whether it will agree to accept the sludge. Alternatively, if the project proponent composts the sludge onsite, it is unclear whether or not the sludge would actually be able to be recycled agriculturally. Presumably there are regulations about how sludge can be lawfully composted and disposed of, and other regulations applying to the use of sludge for agricultural purposes. There is no discussion of what these laws might be or how the project plans to comply with such regulations. As such, the impact is not adequately described or mitigated.

Sizing of Water Supply and Wastewater Utilities

Although the project does state how much water will be needed to supply the project and does state a range of wastewater volumes that the project will create, the DEIR does not specify the actual volume of water that will be produced for water supply or the capacity of the wastewater components proposed as part of the project. If the water supply produced is greater than what is needed to serve the project, or if the wastewater treatment plant has a capacity that is larger than what is needed to serve the proposed project, growth-inducing impacts could exist which were not examined by the DEIR. Such impacts are required to be identified and mitigated pursuant to CEQA (CEQA Guidelines Section 15126.2(d)).

240-18

Marine Species

The DEIR dismisses without any analysis the project's potential impacts on special status species—including but not limited to the black abalone, white abalone, and Guadalupe fur seal (DEIR at IV.D-19)—even though these resources are clearly protected by the San Mateo County Local Coastal Program (Policies 7.1 and 7.4, at p. IV.D-12 in the DEIR). Despite the presumption that the project site does not “support habitat used by these species,” the project can impact these species by contributing increased runoff and pollutants to marine waters.

240-19



III. Fundamental Flaws in the DEIR

Identification of Project Life Expectancy

The DEIR does not identify the life expectancy of the proposed project and, therefore, the impacts analysis is fundamentally inadequate pursuant to CEQA Guidelines § 15126 which requires all phases of a project to be considered when evaluating its impact on the environment. Although operational impacts are considered, they are not considered in the context of a changing environment. Without identifying a discrete project life expectancy or a planning horizon on which to examine impacts and mitigate them, the DEIR lacks a key factor for determining the range of reasonably foreseeable changes to the environment that the project may encounter during its operation. Reasonably foreseeable changes in the environment that are known to change over time include, but are not necessarily limited to: sea level rise, location of food hazard areas (due to sea level rise), location of tsunami hazard areas (due to sea level rise), salt water intrusion of groundwater (due to sea level rise), and inundation of marsh areas (and any resulting changes of marsh ecology) due to sea level rise.

240-20

Inclusion of Facilities Plan

The 2009 Facilities Plan that is repeatedly referenced and relied upon for various analysis and project descriptions throughout the DEIR should be incorporated into the document as an appendix. In the absence of incorporating this document or providing specific data from this document where referenced, the reader does not have access to necessary information.

240-21

Wastewater Treatment

The project includes construction of an onsite wastewater treatment plant, yet critical details associated with the design and operation of this plant have not been planned. For example, the DEIR admits that the final design parameters and sizing have not yet been completed (p. IV.N-13). (see above section for related impacts not identified or mitigated)

The San Francisco Regional Water Quality Control Board's Basin Plan requires that, amongst other things, "a public entity with the financial and legal capability to assure that the [wastewater] system provides protection to the quality of the waters of the state for the life of the development" assume the responsibility for the design, construction, operation, maintenance and monitoring of a sewerage system serving new development. Policy on Discrete Sewerage Facilities, pp. 128-129). It is not demonstrated in the DEIR that a public entity that meets these criteria is willing and/or able to assume the responsibilities enumerated. This must be demonstrated to determine that the wastewater treatment alternative proposed is actually feasible.

240-22

Additionally, the policy on Alternative On-Site Systems in the San Francisco Regional Water Quality Control Board's Basin Plan cites that, "While alternative methods [of onsite wastewater treatment] can afford improved practices, the use of alternative systems is not without limitations. The site and soil conditions that preclude conventional practices remain and must be appropriately addressed, since all onsite systems ultimately rely on soil absorption of all or most of the wastewater generated"(pp. 129-130). Since the DEIR does not adequately describe the wastewater treatment component, nor does it identify a discrete wastewater treatment project



(--instead, the DEIR names several potential alternatives for this component), it is not clear that the onsite wastewater treatment component proposed will be feasible or appropriate given the soils present, the depth to groundwater, and the proximity to sensitive habitats.

240-22

Groundwater Recharge Project

Nowhere in the DEIR is there a study or other explicit documentation that demonstrates that the project will be able to feasibly percolate 20,000 gallons of water per day into the groundwater aquifer. In this respect, the DEIR is impermissibly vague, as a sufficient degree of analysis is not provided to allow decision makers to intelligently take account of environmental consequences resulting from the groundwater recharge project. To rectify this deficiency, there needs to be an analysis which considers the interrelationships of soil types, permeability rates, rate of water application (in cases of irrigation) and a range of rates of stormwater flows and velocities. More specifically, the DEIR needs to demonstrate how/if the soils onsite are able to percolate irrigation and stormwater at whatever rates and velocities they are expected to reasonably occur, in whatever weather conditions are reasonably expected to occur.

240-23

Recycled Water for Toilet Flushing

The DEIR seems to assume that some amount of wastewater created by toilet flushing would be treated by the proposed wastewater plant, advanced treated, and then this same amount would be recycled back into the system for toilet flushing. However, through the treatment process, it seems likely that less water would be produced for reuse than the volume of wastewater that sent to the treatment plant. If so, this means that the demand for potable water to supplement recycled water used for toilet flushing is greater than zero and should be accounted for in overall potable water demand.

240-24

Water Supply

The DEIR provides multiple descriptions of combinations of water supply components to serve the project. The DEIR needs to identify and consider the environmental impacts of a discreet water supply alternative (or multiple discreet alternatives), or it will otherwise be incomplete and insufficient.

240-25

IV. Other Issues

Surface Water Quality at Pillar Point Marsh

On page IV.H-22, the DEIR states that there is limited water quality available for Pillar Point Marsh, but acknowledges the recent Resource Conservation District study investigating the sources of fecal contamination. The extent of contamination is not explicitly mentioned, although intensive sampling of the site has been conducted as part of the study, but this information is necessary to determine the appropriate threshold of significance for the project's impact on the marsh caused by increased runoff volumes, increases of pollutants in the runoff, and any

240-26

¹ Gartside, Ellen. Personal communication via electronic mail. December 17, 2009.



proposed wastewater discharges. This data could show that any increases in pollutant loading to the marsh would result in a significant impact to the environment.

240-26

Environmental Setting for Surface Waters

p. IV. G-19, paragraph two, line seven: "The WWTP would be sized to provide a maximum monthly treatment capacity of 0.25 million gpd."

→ This sentence is confusing. Will the capacity of the plant be 0.25 million gpd (250,000 gpd), or will the plant capacity be 0.25 million gallons per month? Consider removing the word "monthly" and adjusting the numerals accordingly to reflect the correct capacity of the plant in the units "gallons per day".

240-27

Sincerely,

/S/

Sarah Damron

Central California Regional Manager

Surfrider Foundation

Response to Comment Letter 240
Surfrider Foundation

Response to Comment 240-1

Surfrider is devoted to protecting the world's oceans, waves and beaches through activism, research and education.

This statement is introductory. See responses to specific comments below.*

Response to Comment 240-2

The commenter states that the Mitigation Measure HAZ-2 of the DEIR proposes to identify pesticides and ground water pollutants rather than mitigate their impacts as required by CEQA.

The analysis contained in Impact HAZ-2 is based on the Phase I Environmental Site Assessment for the Big Wave Site (Phase I ESA), prepared by Treadwell & Rollo, March 26, 2007 (refer to Appendix G of the DEIR). The Phase I ESA was performed in general conformance with guidelines of the American Society for Testing and Materials (ASTM) E 1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, November 2005. As stated on page IV. G-22 of the DEIR, the Phase I ESA found no evidence to suggest a material threat of hazardous substances release onto the project site.

Also, as stated on pages IV. G-22 and 23, the section includes an analysis of quarterly groundwater samples from the Corona, Culebra, and Retiro Wells located on these properties, which revealed historic detections of PCE and TCE (chlorinated solvents) in groundwater that steadily decreased from 1994 to 2003. Based on the lack of detections in the Retiro Well and significant decreases in PCE and TCE concentrations in groundwater from the Corona and Culebra Wells, the San Mateo County Health Department indicated that the migration of chlorinated solvents onto the project site is unlikely. Therefore, this does not qualify as a recognized environmental condition, and the impact associated with these properties would be less than significant and no mitigation measures are required.

Based on the aforementioned research and analysis contained in Impact HAZ-2, impacts related to the release of hazardous materials is less than significant. As stated within section Impact HAZ-2 of the DEIR, the environmental site condition identified by the Phase I study generally does not represent a threat to human health or the environment and generally would not be the subject of an enforcement action. Therefore, this does not qualify as a recognized environmental condition, the impact is less than significant, and no mitigation measures are required. The Phase II ESA is only a recommendation and compliance is not required in order to mitigate any potential significant effect of the project within the meaning of CEQA.

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

Response to Comment 240-3

The commenter states that the DEIR does not address tsunami evacuation.

Please refer to Topical Response 9, Tsunami Hazards.

Response to Comment 240-4

The commenter states Impact HYDRO-4 is not fully evaluated or fully mitigated because the applicant has not prepared a drainage report. Impact HYDRO-1 cannot be fully defined and may be potentially significant and may warrant mitigation.

The Grading, Drainage and Utility Plans are provided in Figures III-25 and III-26 of the DEIR. The drainage proposal is clarified in Section III of the FEIR. All subsurface wastewater disposal has been eliminated from the project, including the three drainfields. Both properties would include drainage systems that collect water from rooftops and terminate in detention areas in pervious paved areas to allow for infiltration. Mitigation Measure HYDRO-4 minimizes impacts to drainage patterns by requiring the preparation of a drainage report and plan to the County. In doing so, the mitigation measure applies performance standards (required drainage plan compliance with County Drainage Policy and NPDES requirements), thereby mitigating any potential significant effect of the project.

Response to Comment 240-5

The commenter states that the DEIR incorrectly characterizes the impact of HYDRO-2 by anticipating that groundwater recharge with the project will be similar to existing recharge since impervious areas will be drained to pervious areas.

Page IV.H-51 of the DEIR states that all walkways and parking lots will be permeable concrete. Section III.B of the FEIR clarifies that impacts discussed in the DEIR related to wastewater disposal in leachfields and surface runoff drainage to wetlands via rain gardens, including potential groundwater and surface water contamination, have been further reduced. Instead of flowing to rain gardens located within the restored wetland areas, rainwater from surfaces and roof gutters will be directed to underground storage systems below the parking lot. Roof runoff will be directed through a piped storage system below the parking lots that are sized for a 10-year storm. Likewise, all surface water in the parking lot would be absorbed into the permeable pavers and directed into the same system. See Section III.B of the FEIR for additional information.

Response to Comment 240-6

The commenter states that the storm drainage system is designed to handle only 2 and 10 year storms which accounts for about 9% of all storm events. Thus, the impacts of runoff are significant.

This statement is incorrect. In being designed to handle the 10-year storm, the system would not result in runoff more than once every 10 years. The current conditions allow run off to occur for every storm.

The commenter states a great concern that no modeling of the storm drainage system has occurred.

Storm drain modeling was prepared by Schaaf and Wheeler in Technical Appendix H of the DEIR and includes the Hydrologic Analysis for the Big Wave Project. Additional calculations are provided in Section III.B of this FEIR, as an addition to Appendix H of the DEIR.

The commenter states that proposed mitigations such as pervious pavement have not demonstrated their feasibility. Therefore, Impact HYDRO-3 remains unmitigated and significant.

As described in the DEIR and clarified in Section III.B of the FEIR, the project stormwater treatment and infiltration system design is based on criteria from San Mateo County and NPDES.

The commenter states that the NPDES Provision C.3 requirements call for 100% of runoff to be treated by the project and therefore Mitigation HYDRO-3 is inadequate.

The Hydro Modification Plan (HMP) as described in Provision C.3 requires that the additional runoff by the project be managed to avoid increases in stream channel flow and degradation of water quality. As described in Section III.B of the FEIR, the project complies with Provision C.3 and would not result in surface runoff below a 10-year interval. No additional mitigation is necessary.

Response to Comment 240-7

The commenter states that there is no drainage report and it is impossible to speculate whether or not the drainage plan will mitigate impacts of drainage and flooding to a less than significant level. The commenter asserts a drainage report must be issued to satisfy CEQA.

Refer to Response to Comment 240-4.

The commenter states that the 15% -22% impervious surfaces will cause significant impacts to runoff.

Page IV. H-42 states that newly created impervious area would cover a moderate (13 to 22%) part of the entire project site. As clarified in Section III. B of the FEIR, all roof runoff is designed to be infiltrated, thereby generating no runoff more than once every 10 years. Drainage is no longer directed to rain gardens located within the restored wetland areas.

The commenter quotes the language in the County Storm Water Permits regarding “increases in runoff” and the effect this can have on erosion potential. The commenter states that the project is not an exempt watershed and that an increase in runoff must be appropriately mitigated.

As clarified in Section III. B of the FEIR, all roof runoff is designed to be infiltrated, thereby generating no runoff more than once every 10 years. Refer to Response to Comment 240-4 to 240-6 for more information.

Response to Comment 240-8

The commenter states that BMPs required by Mitigation Measure HYDRO -5 promote infiltration of stormwater. The commenter states that modeling in the context of a hydrological study prior to the preparation of a SWPPP is required.

Page 8 of the hydrological analysis (TM#1) performed by Schaaf and Wheeler in Appendix H of the DEIR identifies that a Rational Method model was used for the calculation of hydraulic flows. For the purpose of this EIR, the analysis contained in TM#1 and Section IV.H of the DEIR is adequate to determine that the normal use of BMPs is feasible to reduce project impact to surface water runoff quality to a less than significant level.

The commenter notes that the surface soils have a permeability of .6 to 2.0 inches per hour and has standing water during the rainy season. The commenter also states that the project will increase impermeable surface pollutants; therefore, it may not be adequate to merely reduce stormwater flows to existing levels.

Appendix F of the DEIR includes the boring logs for 23 borings. The boring logs show an impermeable clay layer of 12 to 18 inches above permeable soils. As stated in Section III.B of the DEIR, the project will comply with Mitigation Measure GEO-7 by removing the top 12 to 18 inches of clay and replacing this layer with permeable soils and gravel. The applicant proposes under-drains beneath the parking lots to divert roof runoff into the permeable soils and to divert parking lot infiltration away from the buildings. As stated in Response to Comment 240-6, the project reduces the total runoff levels from the existing levels. It should also be noted that the infiltration system is an aerobic system that will treat organic materials in storm water prior to that water entering the ground water table.

The commenter states that the BMP will not reduce the potential for pollutants reaching the surface waters.

As stated in Response to Comment 240-6, there is no surface water runoff for all storms below a 10-year interval. Storms that exceed this level usually occur after the surfaces have been cleaned and flushed. As stated in Impact HYDRO-5, project impact to surface water runoff quality would be reduced to a less than significant level with mitigation.

The commenter states that TMDLs and Maximum Chemical Levels (MCLs for the receiving water limits) identified by the RWQCB are the appropriate threshold of significance and are not pre-development levels. The presence of pesticides in the agricultural soils may cause a violation of these limits.

As discussed in Impact HYDRO-5, Mitigation Measure HYDRO-5 would mitigate potential impacts to surface water runoff quality from pollutants other than sediment which might typically degrade surface-water quality during project construction, such as petroleum products (gasoline, diesel, kerosene, oil, and grease), hydrocarbons from asphalt paving, paints, and solvents, detergents, nutrients (fertilizers), pesticides (insecticides, fungicides, herbicides, rodenticides), and litter, to a less than significant level.

As mentioned in Response to Comment 240-8 and the attached 90% Design Report for the Wetlands Restoration, the project provides a reduction in surface runoff and improves biochemical characteristics of the soil for improved pollutant removal through particle retention and detention.

Response to Comment 240-9

The commenter states that project impacts to groundwater are impermissibly vague and should include the volume of water pumped, the water quality, and the amount of wastewater discharged.

According to the DEIR, the estimated wastewater flows from the project are approximately 26,000 gallons per day.¹ The applicant proposes to treat all 26,000 gpd through an on-site membrane bioreactor (MBP) wastewater treatment facility designed to meet the requirements of Title 22 of the California Code of Regulations. As described in Section III. B of the FEIR and in Topical Response 15, Project Potable and Recycled Water Demand, the applicant plans to recycle up to 16,000 gpd through toilet flushing and surface and solar panel washdown uses and use the remaining 10,000 gpd for on-site landscape watering. Therefore, under normal conditions, no wastewater will be directed to the GSD system. However, the applicant proposes to connect to the GSD sewer system for 8 equivalent dwelling units (EDUs), where 8 EDUs is equivalent to 1,768 gallons per day, for the discharge of unused Title 22-treated water, as needed.² The applicant also proposes an emergency connection to provide for a back-up wastewater management system in the instance that the on-site wastewater treatment systems fails or is over capacity.

The well is described on page IV.N-23 of the DEIR. The DEIR states on page IV.N-33 that the potable water demand is 10,000 gallons per day (11-acre feet per year). As stated in the Technical Memorandum #1 (TM #1), dated May 15, 2009, prepared by Schaaf & Wheeler (included in Appendix H of the DEIR), the groundwater withdrawals for the project will be less than existing withdrawals for agricultural production, reducing the amount of net groundwater withdrawals. Also, projected groundwater pumpage volumes are expected to fall well below the threshold of significance for either normal or drought-year conditions. Therefore, impacts to the local and regional aquifers would be less than significant. In summary, TM #1 states that hydrologic impacts to the Pillar Point Marsh based on conditions in the entire marsh watershed appear to be minor. Also, refer to Topical Response 15, Project Potable and Recycled Water Demand.

The commenter states that in the absence of a hydrological report, proper mitigation cannot be proposed.

TM #1, prepared by Schaaf & Wheeler is included in Appendix H of the DEIR.

The commenter states that LCP Section 2.33 requires the project to participate in the groundwater study that impacts the Pillar Point Marsh and accept the restrictions of the study.

The County is completing the ground study. The project will accept any restrictions. The ground water study shows that approximately 500 acre feet/year of ground water pass under and through the marsh.

The commenter states that there is no estimate on how much groundwater will be needed to supplement irrigation water, and without this information it is impossible to calculate the impacts to groundwater.

¹ Project water demand calculation is provided in Table IV.N-2 on Page IV.N-33 of the DEIR.

² EDUs are used to calculate the connection fee charged by the Granada Sanitary District. Taxes for eight (8) EDUs have been assessed by GSD to the property. One (1) EDU is equivalent to 221 gallons per day.

Refer to Response to Comment 240-9.

Response to Comment 240-10

The commenter states that the DEIR does not include the assumptions underlying the ABAG tsunami evacuation map associated with Mitigation HYDRO--9. The commenter asserts that it should account for sea level rise and states that the evacuation/inundation level should be at elevation 47 feet instead of 42 to include the impacts of sea level rise.

Page IV.H-19 provides a detailed description of tsunami conditions. Regarding project design considerations for tsunami and sea level rise, refer to Topical Response 9, Tsunami Hazards and Responses to Comment Letter 162.

Response to Comment 240-11

The commenter states that without knowing the volume of wastewater to be treated, the impacts of treating the wastewater cannot be determined including the impacts to surface and groundwater.

Refer to Response to Comment 240-9.

Response to Comment 240-12

The commenter questions the project's ability to comply with the Health Department and RWQCB Standards for recycled water and drain field systems.

As described on page IV.N-12, the proposed MBR plant proposed for the project would be constructed by Enviroquip, using processes and equipment recognized by CDPH as compliant with Title 22 requirements for tertiary recycled water. The drainfields have been eliminated from the proposal and any excess treated wastewater or water not meeting Title 22 will be discharged into the GSD sewer system.

Response to Comment 240-13

The commenter again states that the wastewater flow estimates are inadequate.

Refer to Response to Comment 240-9.

Response to Comment 240-14

The commenter states that Impact UTIL-6 must require mitigation to prevent sewage overflows and spills.

The applicant indicates that the sewer line can be bored under the creek without pumping. Sewer line improvements would be subject to Granada Sanitary District review and approval during the permitting process.

Response to Comment 240-15

The commenter states that the project is within the 100 -year flood zone.

As shown on Figure IV.H-6, both sites lie outside the 100-year flood zone based on the LOMA line. As described in Topical Response 9, Tsunami Hazards, project first floor elevations are based on a Base Flood Elevation (BFE) of 8.5 feet NGVD (refer to pages IV.H-17 and 18 and Figure IV.H-6 of the DEIR), a maximum recorded wave run-up elevation of 14.35 feet NGVD in 273 years, and a highest projected sea level rise over the next century of 5 feet from the current mean high tide. (Currently, mean high tide is at 3.49 feet NGVD.) Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD).

Response to Comment 240-16

The commenter states that the project does not consider the impacts of sea level rise. The commenter states that sea level rise could drastically impact the project siting etc. The commenter states that at a minimum the project must meet the FEMA requirements for construction within the 100 year flood plain. The commenter states that sea level rise will increase erosion and change the current delineation of flooding hazards. Again the commenter states that in the absence of considering sea level rise, there could be significant impacts that include flooding, delineation of wetlands, and tsunami destruction.

Refer to Response to Comment 240-15.

Response to Comment 240-17

The commenter questions whether or not Ox Mountain will accept sewage sludge produced by the water recycling system. The commenter also questions whether the sludge will be able to be recycled agriculturally.

The proposed recycling system produces 10 pounds of sludge per day. The project has a goal of recycling over 90% of its waste. The proposed system for sludge handling is worm composting with paper and food waste. Composting will be subject to the permit requirements of the Regional Board. If composting is not approved, sludge will be hauled to Ox Mountain or disposed of by Sea Coast Disposal, as described in Section IV.N.3 of the DEIR.

Response to Comment 240-18

The commenter again states the amount of wastewater produced is unknown and states that the DEIR does not state the amount of water produced or the capacity of the wastewater system. According to the commenter, If the systems are oversized they will have growth inducing impacts.

Please refer to Response to Comment 240-9.

Response to Comment 240-19

The commenter states that the project fails to analyze potential impacts from project runoff to the black and white abalone and Guadalupe fur seal.

As clarified in Section III. B of the FEIR, all roof runoff is designed to be infiltrated, thereby generating no runoff more than once every 10 years. Refer to Response to Comment 240-4 to 240-6 for more information.

Response to Comment 240-20

The commenter states that the project does not identify a project life expectancy and how the project may be impacted by environmental change including salt water intrusion into the aquifer and sea level rise.

As described in Topical Response 9, Tsunami Hazard, the project is designed for the 200 year Tsunami event and the 100 year maximum sea level rise. The project is currently supplied by a well but intends to connect to a municipal source when available.

Response to Comment 240-21

The commenter requests for the 2009 Facilities Plan to be included into the EIR as an appendix.

The DEIR and FEIR contain the current project description. The applicant's Facilities Plan has been available since project application at the County Planning and Building Department.

Response to Comment 240-22

The commenter states that the details of the water recycling plant are inadequate. The commenter states that the project must comply with the policies of the RWQCB.

Details adequate for impact evaluation are provided in the DEIR on page III-54, IV.N-15 and in Impact UTIL-4 of the DEIR. Additional design details are provided in Section III.B of the FEIR, as an addition to Appendix K of the DEIR. The system is required to comply with applicable local, state and Federal laws, as required by Mitigation Measure UTIL-4. As clarified in Section III of the FEIR, recycled water will be used on-site for building uses (e.g., toilet flushing, solar panel and surface washing) and for irrigation, with the excess recycled water discharged into the municipal sewage system.

The commenter states concern about the soil type, depth of ground water and proximity of sensitive habitats.

As stated on page IV.N-14 of the DEIR, the wastewater system for the project is planned to serve the Wellness Center and Office Park properties, which will be under separate ownership. As a consequence of serving multiple dischargers under separate ownership, the wastewater system will be classified a "community system". However, due to the elimination of on-site discharge and disposal of sewage, the system is no longer considered a "discrete sewerage system" as defined by the RWQCB. All wastewater will be treated to Title 22 requirements and recycled on-site. Any excess treated wastewater or wastewater not meeting Title 22 requirements will be disposed of through the proposed GSD connection. Therefore, this regulation no longer applies to the project.

Response to Comment 240-23

The commenter states that nowhere in the DEIR is it stated that the project will be able to infiltrate 20,000 gallons of water per day into the aquifer.

As described in Section III, the project is not designed to infiltrate treated wastewater but only rain water from building rooftops and parking lots. As described in the DEIR and clarified in Section III.B of the FEIR, the project stormwater treatment and infiltration system design is based on criteria from San Mateo County and NPDES. Storage system below the parking lots will be sized for a 10-year storm. See Section III.B of the FEIR for additional information.

Response to Comment 240-24

The commenter states that the amount of recycled water created by toilet flushing will be less than the amount sent to the treatment plant. The commenter asserts that this raises the demand for potable water to greater than zero and it should be accounted for in the overall potable water demand.

Refer to Topical Response 15, Project Potable and Recycled Water Demand.

Response to Comment 240-25

The commenter states that the DEIR provides multiple combinations of water supply alternatives and the EIR must be more specific.

As described by the DEIR and clarified in Section III.A of the FEIR, the project will use an on-site well and water treatment system to provide water for domestic purposes, and a wastewater treatment and recycling system to provide water for toilet flushing and other non-potable purposes. Water for fire protection and emergency domestic backup will be obtained by securing a municipal connection to the Coastside County Water District (CCWD) or on-site water storage, or a combination of both.

Response to Comment 240-26

The commenter states that more information on the surface water quality at the Pillar Point Marsh is required to assess the project impacts on the water quality of Pillar Point Marsh.

Existing surface water quality at Pillar Point Marsh is provided on page IV.H-22 of the DEIR. This section states that water quality is degraded due to sediment from surrounding area, urban runoff and chemicals from agricultural practices in the area. Fecal contamination is identified as a continual problem. As revised, the project does not propose to discharge stormwater or untreated wastewater into the marsh. The project also proposes to convert existing conventional farming to organic farming.

Response to Comment 240-27

The commenter is concerned that the DEIR states on page IV.6-19 that the monthly treatment capacity is 0.25 million gallons per month and should be corrected to 0.25 million gallons per day.

As stated in Section III.B of the FEIR, as an addition to Appendix K of the DEIR, treatment capacity is 0.25 Maximum Monthly Flow (MGD).

"Terrence Gossett" <texterry@pacbell.net> 12/24/2009 1:17 PM
Camille Leung, Planner
San Mateo Planning Department
Subject: Big Wave DEIR

Dear Camille,

I support the needs of the developmentally disabled, I have read the DEIR, and I noted that all areas in the DEIR had less than significant impact.

The Big Wave project is a long needed and very welcome addition to our community. As you well know, our coastal community has long suffered from obstructionists to any improvement in our coastal infrastructure. Constructive improvements to our coastal community are critical to our future, especially in these trying times.

Please support the Big Wave project for the sake of our coastal community.

Terry Gossett
Moss Beach, California

241-1

Response to Comment Letter 241
Terry Gossett

Response to Comment 241-1

The commenter expresses their support for the project.

Comment is noted.*

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

1001 Ocean Blvd.
Moss Beach, CA 94038
December 24, 2009

San Mateo County Planning Dept.
Attn: Camille Leung, Planner
455 County Center, 2nd Floor
Redwood City, CA 94036

RE: Big Wave Project DEIR

Dear Planning Department:

We live in the Seal Cove area and are neighbors of the proposed Big Wave Project. We appreciate the massive environmental impact report that was done, but like many of our neighbors we are concerned about several aspects of the report and the proposed project. We know that many people have submitted detailed technical questions, as well as pointing out inconsistencies and inaccuracies in the analyses that have been performed so far. It is very important to see the answers to these critiques before any final recommendations or decisions are made.

242-1

We are fully supportive of meeting the needs of the mentally disabled on the Coastsides, both personally because we have a grown son with mental disabilities, and because of the general well-being of our entire community. We would appreciate the opportunity to have a public meeting where everyone could really focus discussion on the zoning, size, traffic, environmental, and other related issues. Unfortunately, it seems to us that the DEIR meetings that have been held to date have focused far too much on the need for services for the mentally disabled, which has already been widely-recognized.

242-2

We have a number of concerns about the project, but want to emphasize five that are most important to us:

- Uncertainty about whether the wellness center will ever be built. We recommend that the county insist upon a written guarantee that the wellness center will be built and maintained permanently, if the commercial buildings are built. We are concerned that the building time could take 15 years with the wellness center uncertain until the very end of that period.
- The overall scale of the project, including the size and height of the buildings. To the extent that the county has authority to limit these, we recommend doing so to maintain better consistency with the other development in the area.
- Traffic impacts and mitigation measures. Airport Avenue is a rural road with no sidewalks. It will need significant upgrades to safely handle the greatly increased traffic this would bring. In addition, the intersection of Cypress Road and Route 1 should have a stop light added early on.
- Water supply and wastewater treatment. The coast has very limited water resources already, and is currently conducting a groundwater study. This project

242-3

242-4

242-5

242-6

should not be allowed to tap into the aquifer for its water supply without an affirmative determination by the county and the appropriate water authorities that there are sufficient resources to support the project without significant impacts on other users in the area.

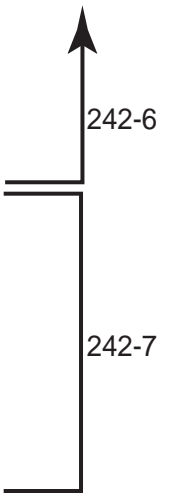
- Earthquake and tsunami safety. There should be protection and response features of the development that exceed normal levels because of the special needs population that is planned to be housed at the wellness facility, located in an area that is highly vulnerable to both earthquake and tsunami hazards.

Thank you for the staff time and effort this involves and we look forward to further discussions.

Sincerely,

TJ Glauthier M. Brigid O'Farrell

TJ Glauthier and Brigid O'Farrell



Response to Comment Letter 242
TJ Glauthier & Brigid O'Farrell

Response to Comment 242-1

The commenter provides an introduction.

This statement is introductory. See responses to specific comments below.*

Response to Comment 242-2

The commenter provides another introductory statement.

This statement is introductory. See responses to specific comments below.*

Response to Comment 242-3

The commenter expresses uncertainty about whether the Wellness Center will be built.

The Wellness Center is proposed to be constructed immediately after project entitlements are granted. For construction phasing, refer to Topical Response 12, Construction Phasing for the Office Park.

Response to Comment 242-4

The commenter requests height limitations for the project.

As stated in Section III.B of the FEIR, the proposed project would be designed and constructed in conformance with all applicable development regulations of the Community Design Manual and would be subject to Design Review by the County's Coastsides Design Review Officer. Therefore, impacts would be less than significant and no mitigation measures are required. However, the following recommended mitigation measure has been added to improve compliance with the design review requirement:

New Recommended Mitigation Measure LU-4

The applicant shall comply with the recommendations of the County's Coastsides Design Review Officer to implement changes to the Office Park buildings that improve consistency with applicable policies of the LCP and the Community Design Manual, prior to the project approval by the Planning Commission. Design overlays for the Office Park, as reviewed and approved by the Coastsides Design Review Officer, are provided in Figure E of the FEIR.

Response to Comment 242-5

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

The commenter requests traffic upgrades for Airport Road and the corner of Cypress and Highway 1.

Refer to Topical Response 8, Traffic and Parking Impacts. The applicant proposes a 10-foot wide Class 1 sidewalk along Airport Road. Existing road conditions were studied in the traffic report prepared for this project; no improvements other than those required by Mitigation Measure TRANS-1 were required to mitigate project construction and operational traffic impacts.

Response to Comment 242-6

The commenter states that the project needs an affirmative determination by the County and appropriate water authorities proving that there is a sufficient water supply.

In regard to water, refer to Response to Comment 193-11. In regard to sewage, refer to Response to Comment 193-12.

Response to Comment 242-7

The commenter states that additional mitigation measures concerning earthquake and tsunami activity should be required considering the disposition of the residents.

Refer to Topical Response 9, Tsunami Hazards and Topical Response 10, Final Geotechnical Report.



STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

December 28, 2009

Camille Leung
San Mateo County
455 County Center, 2nd Floor
Redwood City, CA 94063

Subject: Big Wave Wellness Center and Office Park
SCH#: 2008102109

Dear Camille Leung:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 24, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

243-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008102109
Project Title Big Wave Wellness Center and Office Park
Lead Agency San Mateo County

Type EIR Draft EIR
Description NOTE: Extended to 12-24-09.

The proposed Big Wave Wellness Center and Office Park project proposes development of residential, limited commercial, office, and limited recreational uses. The proposed project is designed as an economically and environmentally sustainable community development that provides housing and employment opportunities for low-income developmentally disabled (DD) adults at the Wellness Center whereas the Office Park would be occupied by private firms with their own workers (not DD residents).

The two primary components of the proposed project include: Office Park property (norther parcel) development to be subdivided into 5 lots (Lots 1-5); Wellness Center property (southern parcel) development to be subdivided into three separate lots (Lots 1-3).

Lead Agency Contact

Name	Camille Leung	
Agency	San Mateo County	
Phone	(650) 363-1826	Fax
email		
Address	455 County Center, 2nd Floor	
City	Redwood City	State CA Zip 94063

Project Location

County	San Mateo				
City	Half Moon Bay				
Region					
Lat / Long	37° 30' 21" N / 122° 29' 41" W				
Cross Streets	Airport Street				
Parcel No.	047-311-060, 312-040				
Township	T5S	Range	R6W	Section	14
				Base	MDB&M

Proximity to:

Highways	1
Airports	Half Moon Bay
Railways	
Waterways	Pacific Ocean, Denison Creek
Schools	Wilkinson, El Granada ES
Land Use	PLU: Agricultural Z: (Northern Parcel) Light Industrial/Design Review/Coastal Development District (M-1/DR/CD) Light Industrial/Airport Overlay/Design Review/Coastal Development District (M-1/AO/DR/CD) (Southern Parcel) Waterfront/Design Review/Coastal Development District (W/DR/CD) Waterfront/Airport Overlay Design Review/Coastal Development District (W/AO/DR/CD) GP: General Industrial

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Job Generation; Landuse; Housing; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Cumulative Effects; Aesthetic/Visual

**Document Details Report
State Clearinghouse Data Base**

Reviewing Agencies	Resources Agency; California Coastal Commission; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission
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Date Received	10/22/2009	Start of Review	10/22/2009	End of Review	12/24/2009
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Response to Comment Letter 243
State Clearinghouse

Response to Comment 243-1

The commenter states that the project has complied with the State Clearinghouse requirements.

This letter from the State Clearinghouse has been included for reference purposes. No response is required.*

* *The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.*

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 622-5491
 FAX (510) 286-5559
 TTY 711



*Flex your power!
 Be energy efficient!*

January 5, 2010

SM001376
 SCH# 2008102109
 SM-001-34.885

Ms. Camille Leung
 Planning and Building Division
 County of San Mateo
 455 County Center
 Redwood City, CA 94063

Dear Ms. Leung:

**BIG WAVE WELLNESS CENTER AND OFFICE PARK – DRAFT
 ENVIRONMENTAL IMPACT REPORT**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Big Wave Wellness Center and Office Park project. The following comments are based on the Draft Environment Impact Report (DEIR). Our previous comments still apply and are incorporated here by reference.

Highway Operations

1. The Department recommends that the Traffic Impact Study (TIS) be augmented to include traffic volumes during the summer season when recreational vehicles are more prevalent in the area. Also, we recommend updating the January counts during the high season.
2. Please provide a regional map that provides a better visual orientation of the project. The map should include State Route (SR) 1, SR 92, Interstate (I) 280, other major roadways, the Half Moon Bay Airport, and other landmarks.
3. The TIS shows an increase in traffic from the proposed project in the Background, Project, and Cumulative conditions yet some of the study intersections Average Delays in Tables IV.M-5, 8 and 11 show a decrease. Please explain and verify the information for the following intersections:
 - a. Table IV.M-5:
 - Existing: Intersection #1: Delay 7.0-AM and 7.4-PM compared to Background 6.9-AM, 7.3-PM.
 - Existing: Intersection #3: Delay 9.6-AM compared to Background 9.5-AM.
 - Existing: Intersection #4: Delay 6.8-AM and 5.1-PM compared to Background 6.6-AM, 5.0-PM.

244-1

244-2

244-3

244-4

- b. Table IV.M-8:
Background: Intersection #4: Delay 6.6-AM, 5.0-PM compared to Project 4.6-AM, 3.7-PM.
Background: Intersection #5: Delay 3.1-AM, 1.6-PM compared to 2.2-AM, 1.4-PM.
- c. Table IV.M-11:
Cumulative without Project: Intersection #4: Delay 6.7-AM, 5.1-PM compared to Cumulative with Project 5.0-AM, 4.0-PM.
Cumulative without Project: Intersection #5: Delay 3.1-AM, 1.7-PM compared to 2.4-AM, 1.5-PM.
4. Please provide the names of the responsible funding partners and a timeline for all traffic mitigation measures.
5. Please provide traffic and queuing analysis for the SR 1/Capistrano intersection with proposed signalization. Who will fund the signalization?

244-4

244-5

244-6

244-7

Encroachment Permit

Please be advised that all work that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating state ROW, must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please feel free to call or email Sandra Finegan of my staff at (510) 622-1644 or sandra_finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Response to Comment Letter 244
Department of Transportation

Response to Comment 244-1

The commenter provides a brief introduction and notes that her comments are in addition to previous comments that still apply.

This statement is introductory. See responses to specific comments below.*

Response to Comment 244-2

The commenter requests that the Traffic Impact Study (TIS) be augmented to include traffic volumes during the summer season, and update the January counts during the high season.

Please refer to revised Mitigation Measure TRANS-1 of Section III.B of the FEIR, which requires a new traffic report to be submitted upon occupancy of every 60,000 sq. ft. of office space, until full project occupancy, and to require traffic reports to be submitted bi-annually after full project occupancy. Also, the revised mitigation measure addresses traffic conditions at the Highway 1 and Cypress Avenue intersection, along with the following additional intersections to evaluate if they maintain a LOS level “C” or better: Airport Street and Stanford/Cornell (Study Intersection 3 of DEIR), Broadway and Prospect Way (Study Intersection 2), Prospect Way and Capistrano (Study Intersection 1), and State Route 1 and Capistrano (Study Intersection 8). The revised mitigation measure shortens the timeframe for the implementation of the recommendations of the traffic report, including signal installation, from 5 years to 1 year of the date of the report.

Response to Comment 244-3

The commenter requests a more detailed map that would provide a better visual orientation of the project, and should include SR 1, SR 92, Interstate 280, other major roadways, the HMB Airport, and other landmarks.

Comment is noted. Section IV.M (Transportation/Traffic) presents a narrative discussion including roadways and landmarks listed by the commenter.

Response to Comment 244-4

The commenter notes that the Traffic Impact Study shows conflicting traffic numbers in Table IV.M-5, Table IV.M-8, and Table IV.M-11 for Intersections 1, 3, 4, and 5.

* The comment does not identify a significant environmental issue for which CEQA requires a response by the Lead Agency. Refer to Topical Response 3, Standards for Responses to Comments and Focus of Review of Commenters. The comment is noted for the record and is included in the FEIR for the consideration of decision-making bodies in reviewing the project.

Based on a phone conversation between County Planning staff and Gary Black, President of Hexagon Transportation Consultants, Inc., on October 13, 2010, due to the use of weighted averages, average delay can actually decrease with the addition of Background Traffic to Existing Traffic or with the addition of Project Traffic to Background Traffic if traffic is added to a movement with low delay (i.e., off peak direction). No correction to Table IV.M-5, Table IV.M-8, and Table IV.M-11 is needed.

Response to Comment 244-5

The commenter requests the names of the responsible funding partners and timeline for all traffic mitigation measures.

As stated in revised Mitigation Measure TRANS-1, the timeframe for the implementation of the recommendations of the traffic report, including signal installation, is shortened from 5 years to 1 year of the date of the report. The mitigation measure states that the applicant shall coordinate with Caltrans to pay a fair share for the installation of a signal as necessary to ensure that the signal will be installed within 1 year of the date of that report. In the time it takes to meet the signal warrant, the County may require other pending developments that would contribute traffic to the affected intersection to become “fair share” funding partners.

Response to Comment 244-6

The commenter requests traffic and queuing analysis for the SR 1/Capistrano intersection with proposed signalization. Who will fund the signalization?

Refer to Response to Comment 244-5. Prior to the installation of a traffic signal, a queuing analysis will be completed. The project is phased over 20 years and subsequent traffic analyses may not require a signal at Cypress Avenue or Capistrano Road.

Response to Comment 244-7

The commenter advises that all work that encroaches onto the state ROW requires an encroachment permit that is issued by the DOT, and provides steps to do so. Traffic mitigation measures should be incorporated into the construction plans during this process.

Comment is noted.

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

WITTWER & PARKIN, LLP

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E-MAIL: office@wittwerparkin.com

OF COUNSEL
Gary A. Patton

December ~~22~~³⁰, 2009

VIA REGULAR MAIL AND E-MAIL

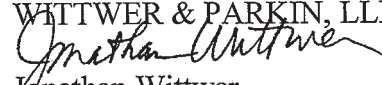
Camille Leung, Planner III
Planning and Building Department
County of San Mateo
455 County Center, Second Floor
Redwood City, CA 94063

**Re: Errata to Granada Sanitary District Responsible Agency Comments
on DEIR and Proposed Wastewater-Related Mitigation Measures for
Big Wave Wellness Center and Office Park**

Dear Ms. Leung:

This errata letter is intended to correct one error in the December 22, 2009 Letter to you from the Granada Sanitary District ("District" or "GSD"). At page 3 of GSD's letter, the next to the last paragraph begins: "One example of the foregoing is District Ordinance No. 146 (Code Sections 602 and 603) which precludes GSD from issuing a sewer connection permit for: any proposed dwelling unit not included in buildout calculations under the County of San Mateo Local Coastal Program, unless a variance is obtained." The Ordinance No. should be 145.

245-1

Sincerely,
WITTWER & PARKIN, LLP

Jonathan Wittwer
District Counsel
Granada Sanitary District

cc: Applicant (via E-mail)
GSD Board of Directors (via E-mail)
GSD General Manager (via E-mail)
County of San Mateo Planning Commission (via E-mail)
Lisa Grote, County of San Mateo Planning Director (via E-mail)
John Nibbelin, Deputy County Counsel (via E-mail)
Blair Allen SFRWQCB (via E-mail)

Response to Comment Letter 245

Wittwer & Parking, LLP., Jonathan Wittwer

This comment provides a correction to the December 22, 2009 letter from the Granada Sanitary District.

Comment is noted. Refer to Response to Comment Letter 209.