



November 10, 2010

David Bomberger, Chair and  
Members of the Planning Commission  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063

**Re: Consideration of Approval of EIR, Use Permit, Vesting Tentative Maps for Major Subdivision and Minor Subdivision, Coastal Development Permit, Design Review Permit, Off-Street Parking Exception, Grading Permit, and a Development Agreement for the Big Wave Wellness Center and Office Park, on Airport Street, in the unincorporated Princeton/Moss Beach area of the Midcoast. PLN 2005-00481 and 2005-00482**

Dear Chair Bomberger and Members of the Planning Commission,

Thank you for extending the public comment period for comments and consideration of the Final EIR for the Big Wave project. On behalf of the over 1,000 family members of Committee for Green Foothills, I am submitting comments on the Final EIR and Staff Report for the proposed Big Wave project. These comments supplement those submitted by Shute, Mihaly and Weinberger on behalf of Committee for Green Foothills and Surfrider Foundation.

Your Commission will be considering eight separate actions in order to approve this controversial project. CGF respectfully urges you NOT to approve the Final EIR, as it does not adequately respond to comments from agencies, organizations, and members of the public. Additionally, due to major revisions to the project, there is significant new information that has not been available to the public or analyzed in the EIR.

**Significant changes in the Project Description since the DEIR require full disclosure to the public and additional review/analysis under CEQA**

The project, as described in the Staff Report, has been significantly revised, yet there is inadequate information to determine whether these revisions may cause significant adverse environmental impacts, and if so, whether these impacts can be reduced to a level of insignificance by adopting mitigation measures. Some examples of inadequate information, and possible impacts thereof, resulting from changes to the project include:

- **Wellness Center Revisions:** The applicant has revised the site plan for the Wellness Center Site to avoid the cultural/archaeological site. The initial seven buildings that were analyzed in the DEIR have been consolidated into two buildings, and moved closer to Airport Street. This location is also closer to the airport runway and increases the hazard to residents from airport operations, and visual impacts. The revised project's three-story, 36-foot high and approximately 300-foot long Building A is a massive structure that is completely out-of-scale with the surrounding neighborhood in Princeton, as well as with the adjacent one-story Building B. Yet it is not possible to adequately understand and evaluate its visual impacts. The skimpy story poles and thin sagging tape that attempt to show the

exterior walls and height of Building A do not include the portion of the building that extends northeast to within approximately 20 feet of Airport Street. There are no views or elevations of Buildings A and B, as revised, included in the Staff Report or Final EIR, so the public is left with outdated and inaccurate views of the original proposal in Attachment X. The public and decision-makers are therefore unable to fully understand and evaluate the visual impacts of the Wellness Center, as revised. Conditions 49, 50, and 57 require further revisions to Buildings A and B. These conditions would only require Design Review by Planning Staff, rather than review by your Commission and the public. Additionally, Condition 57 a, b, and c, requires further revisions to the location and design of Buildings A and B, to reduce the impacts on Project residents from airport noise, with review only by Planning staff, outside the purview of your Commission and the public. CGF objects to delegation of review of these major changes to staff. How can your Commission and the public understand the visual impacts of the Wellness Center, when there are as yet undisclosed, significant new revisions? The three story, 36 foot high Building A is inconsistent with LCP Policy 3.13 that states: ***“Require 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. Limit the height to two stories to mitigate the impact of this development on the surrounding neighborhoods...”*** The Final EIR acknowledged this clear inconsistency, but swept it away by stating that the three story building was “in substantial compliance” with this policy.

- **Office Park Revisions:** Staff has proposed revisions to the Office Park Alternative C and is recommending this Alternative as the Environmentally Superior Alternative. The Office Park, as revised by Staff, proposes eight buildings instead of four but the same square footage would be maintained overall. Four of the eight buildings would be two stories, (36 feet high), and four would be three stories, (46 feet high). The Community Design Manual requires that structures relate in size and scale to adjacent buildings and to the neighborhood in which they are located. . The only neighborhood of the Office Park is the Pillar Ridge Community, which consists of one-story homes. Beyond Pillar Ridge to the north, existing buildings on Airport Road in the M-1 zone are no taller than two-stories, 24 feet high. The skimpy story poles and single sagging tape connecting them that address only four of the eight buildings are wholly inadequate for decision-makers and the public to evaluate visual impacts, as were the depictions of views in the Draft EIR. Additional revisions to the design of buildings in the Office Park are deferred to Planning Staff (Condition 48). How can the Commission and the public evaluate the mass, bulk, design, and overall appearance of the revised Office Park?
- **Traffic and Circulation/Access to Site:** Staff has proposed an “Alternate Office Park Traffic Circulation Option” under Modified Alternative C, which would prohibit all project related traffic from using Cypress Avenue to the north, and instead would require all traffic to access the site from the south, through the working waterfront and visitor serving commercial area of Princeton. CGF believes this alternative routing is unenforceable. The Hexagon Traffic Report assumed that 50% of the traffic for the Office Park would come from the north, which would require these vehicles to go beyond the project site to the south, and then backtrack through the narrow substandard streets in Princeton and the chokepoint block of Prospect between Capistrano and Broadway/Cornell. Drivers coming from the north will most likely seek creative ways to defeat the “No Right Turn” into the project site rather than take a more circuitous route. The Staff Report, in Attachment L, concludes that with the addition of an off-site parking agreement and shuttle for a minimum of 50 cars, the intersections in Princeton would not exceed LOS “C”. There is no information as to where this

parking and shuttle would be located, the frequency of shuttle service, and how such alternative shuttles would be managed to be convenient for office workers to use. Therefore, this conclusion is entirely speculative. Princeton is an important visitor serving/recreation and marine related commercial destination. Additional traffic directed through this area from a non-priority (commercial office park) land use could potentially impact the ability of the public to access the coast, contrary to the Public Access Policies of the Coastal Act.

- **Membrane Bio Reactor (MBR) Plant:** The single wastewater treatment plant has been replaced by three separate smaller plants, which are proposed to be located in separate below-ground areas of the project sites to allow for project phasing. There is no information in the EIR or Staff Report as to where these below ground MBR plants would be located. Would they be within the buildings? Under the parking lots? Within the 100 foot wetlands buffer zone? Nor is there information as to how odors would be controlled, where any chemicals used in the treatment of wastewater would be located, and how potential risks to public health and air quality and odor impacts would be addressed.
- **Use of recycled water for landscaping; landscape species are not suitable for climate, soil, and ecological characteristics of the site.** Table 7, page 58 of the Staff Report (taken from Appendix K of the DEIR, and revised in the FEIR in “Addition to Appendix K of the DEIR”) claims that the winter irrigation demand for Uplands Landscaping trees and shrubs would be double (11,000 gpd) the summer demand (5,500 gpd). Winter demand for Uplands Landscaping irrigation should be zero. In our California Mediterranean climate, Uplands species are drought adapted, and certainly do not need irrigation during the winter rainy season. As CGF previously has commented on the DEIR, which has not changed the Planting Plan, the two Uplands tree species specified for the Palustrine Forest II – Live Oak Riparian Forest in the WSP “Draft Planting Plan” are Coast Live Oak and California Buckeye. These trees occur naturally in hot, dry inland locations. Coast Live Oak is highly susceptible to Sudden Oak Death and Armillaria root rot, and as such is not appropriate for this site that is underlain by an impermeable clay layer, saturated soils and a high water table. Coast Live Oaks, Madrone, and California Buckeye are shown on the Planting Plans as perimeter landscaping in Attachment Q of the Staff Report – which does not reflect the revised Wellness Center Site Plan. The Draft Planting Plan (Revised Figure III-23 of the DEIR) for the Office Park shows Western Sycamore, Madrone, and California Buckeye as perimeter landscaping. California Live Oak, Madrone, Big Leaf Maple and California Buckeye are not appropriate species for landscaping of the perimeter and parking lots. Madrone is difficult to grow, does not tolerate irrigation, and is susceptible to Sudden Oak Death and several fungus diseases including crown rot and root rot. Western Sycamore and Big Leaf Maple achieve heights of 75 feet or more, and would thus be inappropriate for location near the airport, and adjacent to the Pillar Ridge community. The selected tree and shrub species are inconsistent with LCP Policy 8.10 which requires that vegetation removed during construction is replaced with plant materials that are compatible with surrounding vegetation and are suitable to the climate, soil, and ecological characteristics of the site. These unsuitable tree species need to be replaced. The calculations of wet season demand by landscaping of the recycled wastewater need to be re-analyzed. It appears that the project will necessitate much greater wastewater capacity than estimated in order for the GSD to handle wet weather flows.
- **Stormwater Drainage Facilities:** The Staff Report, page 12, discusses the changes to the stormwater drainage facilities. Instead of directing roof drainage into “rain gardens”, this runoff would instead be directed into perforated pipes and an infiltration system in trenches beneath the parking lots. All surface water from parking lots would also be infiltrated into the same underground system. According to Appendix K, page 1, “the project site is underlain by an impermeable layer of

clay that is eighteen to thirty six inches thick that allows virtually no infiltration.” According to the BAGG Preliminary Geotechnical Investigations dated June 13, 2000 and May 7, 2002, based on borings on the two sites, the clay layer may be several feet thick, and is generally beneath one foot of topsoil. There appears to be inadequate filtration capacity within the topsoil area above the clay layer to fully absorb and store the rainwater runoff in order to achieve the stated “gradual infiltration providing biological treatment”, particularly if the landscaping around the buildings and parking lots is receiving recycled irrigation water during the winter (rainy) season. This lack of capacity to absorb and store the rainwater runoff could create adverse environmental impacts.

- **Phasing of Project:** The stated intent for the project overall is for the Office Park to support the Wellness Center, so that the residential units will be affordable. In order for this to happen, the Office Park would have to be built first. Instead, the Development Agreement shows the Wellness Center would be built in Phase 1 and 2, and Office Park phased development would be subject to economic conditions. The initial three-year buildout period has been extended to 20 years. The assumptions as to affordability of the housing units are thus merely speculative. Discussion of project compliance with LCP Policy 3.1 (Staff Report, page 28) does not provide any supporting data for the conclusion that if there is no demand for office space, the Wellness Center would still be affordable to all but the “extremely low income” category. Phasing of construction proposes to rough grade and install utilities on both sites, then construct each of the office park buildings, and associated parking areas and other infrastructure in phases, according to demand. It is not clear how the underground stormwater infiltration system would operate if constructed in segments, and how a partially completed system would be able to retain and slowly release the stormwater runoff from roofs and parking lots without causing adverse impacts or adding to runoff from the rough graded but uncompleted Project areas.
- **Wetland Restoration Areas:** The project proposes restoration of wetlands within the Riparian Area/Wetlands 100 foot buffer zone. The Draft Planting Plans have not been revised to reflect the changes in Site Plans and building locations. There is conflicting information as to how the wetland restoration would be accomplished. The Draft #2 Facilities Plan (1/1/09) states (page 79) that the majority of surface soils are organic clayey silts with low levels of permeability and high levels of expansion, which are “ideal for the proposed wetlands restoration but will not function for the parking lot and building foundations”. The Facilities Plan proposes to remove these soils from the parking lot and rainwater infiltration areas and “all surface soils due to their high organic concentrations will be utilized in the restored wetlands...” The August 4, 2008 “Draft 90% Basis of Design Report” by WSP (page 8) prescribes mass grading in the wetlands restoration areas to remove all existing weeds and seed source in the upper six inches of soil. There is no information as to where and how this top six inches of soil and its seed bank would be disposed of. Is this removal included in the grading quantities? Would the aforementioned surface soils, which also presumably harbor a seed bank of weedy species, replace the soil removed from the wetland restoration areas? There is no information in the WSP report as to whether, where and how the organic clayey material (which is generally a foot beneath the top soil) from the parking lot areas would be stockpiled and used in the wetlands restoration. Completion of the Office Park has been extended to up to 20 years per the proposed Development Agreement. Condition 28 (Staff Report, page 96) defers any specific plan for the implementation of the wetland restoration, including grading, stockpiling, and disposal of topsoil until after the first buildings on each site are completed (at the Certificate of Occupancy). This deferral of submittal of the restoration plan that includes milestones for implementation, monitoring, and reporting, is impermissible under CEQA. The Development Agreement (Attachment S of Staff

Report) does not even mention any restoration of wetlands on the Office Park, nor is there any Condition of Approval that requires restoration of wetlands with enforceable triggers and/or milestones. The WSP report (page 9) specifies a ten-year monitoring program that includes maintenance and adaptive management. There is no requirement for bonding to ensure the wetland restoration, maintenance, and monitoring, which was estimated to cost \$1.2 million in the Facilities Plan Draft #2, will actually be carried out.

This list of deficiencies is not exhaustive, but rather illustrative of some of the significant issues that the revisions to the project have raised.

**The necessary Findings for Approval of the Coastal Development Permit (CDP) and Use Permit cannot be made for the following reasons:**

- 1. Major revisions to the project require analysis of its compliance with the Coastal Development District requirements.** At a minimum, a Revised Site Plan must be prepared for your Commission's review and approval, with copies available to the public. The Revised Site Plan must include the revised locations of all proposed structures, roads, utility lines, signs, fences, and other improvements, and revised building elevations showing existing and proposed finish grades, all exterior walls for both the proposed Wellness Center, as revised by the Applicant, and the Staff Recommended Modified Alternative C for the Office Park, per Zoning Regulations Section 6328.7, Application Requirements. The square footage for the Wellness Center buildings is missing and is incorrect for the Office Park Modified Alternative C. The public and decision makers cannot properly evaluate the project's impacts without this information.
- 2. The Wellness Center is not a permitted use by right, or a conditionally permitted use under the General Plan, LCP, and Zoning Regulations.** Most of the site is designated as General Industrial in the General Plan and LCP Land Use Plan, and is zoned Waterfront/Design Review/Coastal Development District. A small area comprised of wetlands is designated Open Space and zoned Resource Management. The Waterfront (W) District's purpose is to 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. The only residential uses allowed in the W District are single unit "caretakers quarters" on no more than 20% of the developed parcels.
- 3. The Wellness Center is not a Sanitarium.** In order to avoid amending the County General Plan, LCP, and Zoning Regulations, the applicants have attempted to characterize the Wellness Center as a "Sanitarium". Section 6500 of the Zoning Regulations allows a Use Permit to be issued for certain specified medical institutions - Hospitals, Rest Homes, or Sanitaria - in any zoning district within the Urban Area when found to be "necessary for the public health, safety, convenience, or welfare". A Sanitarium is generally defined as an institution intended for short-term rest, recuperation, treatment of the chronically ill, or therapy for rehabilitation. As such, a Sanitarium has an essential medical purpose, as do Hospitals and Rest Homes. In contrast, the Big Wave Wellness Center is a "community development that provides housing and employment opportunities for low-income developmentally disabled adults..." (Project Description, DEIR page III-18). Big Wave is not intended for "short-term rest," but rather long-term residence. Moreover, the residents are not "chronically ill," nor will they be receiving treatment. Unlike Sanitaria, which are typically located in quiet, rural or mountain settings, where clean air and peaceful surroundings can help speed recuperation, Big Wave would be located adjacent to the Half Moon Bay Airport and within the

Waterfront Industrial District where all but the most extremely hazardous chemicals are allowed to be stored and used - indoors or outdoors. Noise, dust, odors, vibrations, and other hazards associated with manufacturing, fish processing, boat building, and other industrial uses, are typical impacts from land uses and activities in the Waterfront District. Thus, it is clear that the Big Wave Wellness Center is not a sanitarium, and this particular site is not an appropriate location for a medical institution, if it were. The Findings for the Use Permit therefore cannot be made.

4. **The Wellness Center's height is not in compliance with LCP Policy 3.13 which is intended to ensure the maintenance of community character.** Even if the Wellness Center were an allowable use in the Waterfront zoning district, the revised project's Building A – at three stories and 36 feet of height - is not in compliance with LCP Policy 3.13 which requires that new development providing significant housing opportunities for low and moderate income persons must maintain community character by being of compatible scale, size, and design, and the height shall be **limited to two stories** to mitigate impacts on the surrounding neighborhoods. As previously stated, the project's compliance with other Visual Resource policies of the LCP, including with the Community Design Manual, cannot be completely evaluated, due to lack of complete story poles and netting to outline the buildings, incorrect visual depictions, and inappropriate exterior colors, particularly bright orange, for the Wellness Center.
5. **All use(s) within the 125 foot wide Airport Overlay (AO) on the Wellness Center site require a Use Permit.** The proposed uses within the Airport Overlay include commercial storage, parking lots, and a nursery and/or farming, although the location of these latter two uses have not been specifically depicted on the Tentative Subdivision Map. Per the AO Overlay Zone Regulations (Section 6288.2), no residential uses nor more than three persons may occupy the site at any one time, and **permitted uses shall require a Use Permit**, in order to provide an extra margin of safety for airport operations. The Staff Report lumps the commercial storage area together with the Use Permit for the "sanitarium", and does not include the other uses proposed in the AO zone, including parking, nursery/farming, and possible recreation/sports facilities such as basketball courts. The Use Permit Findings do not address the required limits on the number of people who would occupy the site within the AO zone. The Use Permit makes unsupported and/or erroneous Findings regarding the Wellness Center's compliance with the Visual Resources, Housing, Hazards, Sensitive Habitats, and Shoreline Access components of the LCP.
6. **Grading for the Wellness Center revised plan would impermissibly allow grading and placement of fill within the 100' wetlands buffer zone.** The 5/17/10 Preliminary Grading Plans (Attachment P of the Staff Report, Figure J of FEIR) for the revised Wellness Center show the buildings have a finished floor elevation of 20 feet. The existing grade elevation beneath Buildings A and B is 12 to 15 feet. In order to raise the grade beneath the buildings to 18 feet, as shown in the Grading Plan, the fill would extend well into the 100-foot wetlands buffer zone. It is likely that the Fire Regulations will require a fire road beyond the buildings, which is not currently in the revised site plan. LCP Policies 7.16 and 7.19 do not allow filling of wetlands and buffer areas to accommodate buildings and their associated parking areas, driveways, and fire access roads. LCP Policy 7.3 requires development adjacent to sensitive habitats to be sited and designed to prevent significant adverse impacts to and maintain the biologic productivity of sensitive habitats. Policy 8.6.d. requires: "Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land." The "restoration" of wetlands is not necessary, as the wetlands and buffer areas would naturally recover and reestablish wetlands

vegetation including cattails, rushes, and horsetail that were destroyed by agricultural activities if left alone (see item 8 below).

7. **Grading for the Office Park Modified Alternative C would impermissibly allow grading and placement of fill within the 100' wetlands buffer zone.** The Preliminary Grading Plan (Attachment I of the Staff Report, Figure J of FEIR) for the Office Park Modified Alternative C shows finished floor elevations of the eight buildings range from 21.5 to 23 feet. The existing grade elevation beneath the buildings is 17 to 22 feet. In order to raise the grade beneath the buildings and the fire road to 20 feet as shown on the Grading Plan, up to three feet of fill is necessary along the south and west side of the Office Park buildings, fire road and parking area. This fill would extend into the 100' wetlands buffer zone, which would similarly be out of compliance with LCP Policies 7.16, 7.19 and 7.3.
8. **Wetlands as delineated and mapped on June 20, 1994 by the Army Corps of Engineers on the proposed Wellness Center site, would be permanently destroyed, contrary to LCP and Coastal Act resource protection policies.** Please see CGF's letter of March 9, 2009 (attached) and presentation at the Planning Commission's November 18, 2009 meeting regarding disking and filling of wetlands on the southern parcel. Some of the impacted wetlands may be within the Coastal Commission's area of retained jurisdiction, yet the jurisdictional determination is left to the Applicant to work out separately with the Coastal Commission (Condition 5z). The Coastal Commission has an open violation file on the disking and filling of wetlands. The wetlands and 100 foot buffer delineated by the Army Corps on the southern parcel should be restored rather than paved over. Agricultural use of the southern parcel has been sporadic; no crops were planted this year, yet the land has continued to be plowed and disked. This activity is likely designed to prevent the reestablishment of wetland plants in the areas previously delineated by the Army Corps. LCP housing policies do not override resource protection policies of the LCP and Coastal Act. More specifically, affordable housing law does not supersede the requirements of the Coastal Act, and nothing in the LCP housing policies supersede or overrule its resource protection policies.
9. **The project would impermissibly convert prime agricultural soils on both parcels to non-agricultural uses.** While the LCP does not designate or zone the two sites as prime agricultural lands due to their location within an urban area, Coastal Act Section 30241 requires that the maximum amount of prime agricultural land shall be protected as a resource and maintained in agricultural production. Wetlands and other Environmentally Sensitive Habitat Areas (ESHAs) within the urban area are similarly protected as a resource. LCP Policy 1.3.b. recognizes that in order to make a logical urban rural boundary, some land, specifically prime agricultural soils and sensitive habitats, has been included within the urban boundary which should be restricted to open spaces uses. All of both sites are mapped as prime soils; a portion of both sites comprises wetlands as well.
10. **The project proposes to locate new development in areas of geologic hazard**, which includes very strong to very violent shaking during an earthquake due to the close proximity to the Seal Cove/San Gregorio fault, seismic hazards, including the potential for liquefaction, sand boils, and cyclic densification, and the presence of expansive near-surface soil. The EIR identified possible mitigation measures, but impermissibly deferred specific mitigation measures to future studies. Without this information, it is not possible to adequately evaluate either the adequacy of measures or whether they would create additional impacts. Therefore, the County cannot make the findings necessary that the project complies with the Hazards component of the LCP.

11. **Buildings or development that are used primarily by “physically or mentally infirm persons”, as well as hospitals, nursing homes, and schools are not allowed in a Tsunami Inundation Hazard Area per Section 6326.2 of the County’s Zoning Regulations and LCP Policy 9.3.** This Zoning Regulation is clearly for protection of these special needs people, as well as persons in schools and medical facilities and is not discrimination against them. The Wellness Center, whether a housing site or a Sanitarium, is prohibited from locating in the tsunami inundation hazard area.
12. **The Wellness Center and Office Park do not comply with the Visual Resource Policies of the LCP.** LCP Policy 8.5 requires that new development be located where it is least visible from State and County scenic roads to reduce impacts on views from public viewpoints, and to best preserve the visual and open space qualities of the parcel overall. Policy 8.6 requires new development to retain the open space natural qualities of streams, wetlands, riparian habitats, and estuaries, such as Pillar Point Marsh and adjacent wetlands and riparian areas. Massive three-story buildings up to 46 feet high, adjacent to these biologically and visually sensitive areas are inconsistent with the visual resource policies, and are in direct conflict with LCP Policy 3.13 addressed in #4 above.

**The necessary Findings that the use of an on-site well, water treatment system, and onsite sewage treatment plant are in compliance with the General Plan and LCP cannot be made.**

General Plan Policy 10.10 discourages the use of wells to serve urban uses; and Policy 11.5 considers sewerage systems to be the appropriate method of wastewater treatment in urban areas. LCP Policy 1.3 defines urban areas as “served by sewer and water utilities” and Policy 1.18 directs new development to urban areas to (2) “maximize the efficiency of public facilities, services, and utilities.” The on-site water and sewer systems duplicate existing public community water and sewer systems that serve the area. The project is within the General Plan and LCP-mapped service areas of the Montara Water and Sanitary District, (MWSD) and the Granada Sanitary District (GSD). The project proposes to connect to GSD but only pay for eight ERU’s (1,768 gallons per day) which is wholly inadequate considering the Project proposes that the GSD provide for emergency backup wastewater treatment and disposal of 26,000 gallons per day. The MWSD serves the adjacent Pillar Ridge Mobile Home community, and has stated its interest in serving this project. Duplication of public services is redundant and does not “maximize the efficiency of public facilities, services, and utilities” as required by LCP Policy 1.18. Approval of on-site water and sewage treatment systems for this project could become an unwise precedent for approval of other on-site plants within the service areas of the Midcoast’s sewer and water agencies. This would place an unfair burden on public agency customers, who would end up paying an excessive share of the capital and operational costs of the public systems.

**The necessary Findings for Approval of the Vesting Tentative Maps for both parcels cannot be made under the County Subdivision Regulations.**

The Subdivision Regulations, Chapter 3, Article 7, Section 7027 “Requirements for Sewage Disposal (GSD) states that for subdivisions in urban areas, connection to an existing sanitary sewer system shall be required. (Section 7027.2.a.(1) ) **Exceptions to this requirement may only be granted by the Planning Commission if all of the following Findings can be made:** (Chapter 5, Article 3, Section 7096)

1. That there are special circumstances or conditions affecting the property, or the exception is necessary for the preservation and enjoyment of substantial property rights of the owner/subdivision;
2. That the exception is appropriate for the proper design and/or function of the subdivision; and

3. That the granting of the exception will not be detrimental to the public health, safety, or welfare or injurious to other property or uses in the area in which the property is located. Finding #1 above cannot be made. There are no special circumstances affecting the property, nor is the exception necessary for the enjoyment of substantial property rights. The project proposes to build up to three Membrane Bio Reactor (MBR) on-site sewage treatment plants, direct any excess recycled wastewater into the GSD system, and rely on the GSD for emergency backup wastewater treatment of up to 26,000 gallons per day, while only paying for 8 ERU's (221 gallons per ERU which equals 1,768 gallons). Presumably the requirement for connection to the sanitary system carries an obligation to fully pay for the service, which in this case is not being adhered to. Granting an exception that allows a duplicative on-site sewage treatment system would place an unfair burden on GSD customers, as stated above.

Similarly, the Subdivision Regulations, Chapter 3, Article 3, Section 7024 "Requirements for Water Supply" requires an adequate and safe supply of water to all parcels in the subdivision. In urban areas domestic water shall be supplied by connection to an existing water supply system, unless infeasible. The Staff Report allows formation of a mutual water system and conversion of an agricultural well to domestic use unless and until connection to CCWD (which is not the correct provider under the LCP – see previous comments). Once the project installs expensive water supply, treatment, and distribution systems under a mutual water company, there will be no incentive to connect to the public system.

The Subdivision Regulations require that the subdivider provide all facilities needed to provide water supply of sufficient volume and pressure for fire protection in conformance with the Fire District's requirements. The Fire Marshall has commented on the DEIR stating that swimming pools and underground cisterns shall not be considered as a primary water storage source for fire protection. Appendix K of the Final EIR proposes using the indoor swimming pool as the water storage source.

**The necessary Findings regarding the Project's compatibility with the Airport Land Use Plan and California Land Use Planning Handbook cannot be made; approval of the Wellness Center would jeopardize federal funding for the Airport**

The Staff Report does not include any Findings regarding project compatibility with the County Airport Land Use Plan. The ALUC staff has deferred any review by ALUC to the Planning Commission regarding compatibility. The Wellness Center's location is incompatible with the safe operation of the Half Moon Bay Airport; County approval could jeopardize federal funding for the airport. Both the FAA and Caltrans Division of Aeronautics have objected to placing housing for developmentally disabled individuals so close to the airport, and further cite the **County's acceptance of the FAA grant assurances which could jeopardize future FAA funding for airport improvements if the County approves this project.** Ms. Sandy Hesnard of the Caltrans Division of Aeronautics also points out that the developmentally disabled individuals who would reside in the units are considered a "sensitive use" according to the California Airport Land Use Planning Handbook, which states: "certain types of land uses are also regarded as requiring special protection from hazards such as potential aircraft accidents". The Handbook recognizes that "society normally seeks a high degree of protection for certain groups of people, especially children and the infirm." Ms. Hesnard further states: "a common characteristic among these groups is the inability to move out of harm's way, either due to inexperience or physical limitations." The FAA and Caltrans Division of Aeronautics comments regarding the incompatibility of the Wellness Center with the Half Moon Bay Airport are compelling.

In summary, CGF believes that the EIR is fundamentally incomplete and inadequate, is nonresponsive to numerous comments and questions from the public and responsible agencies, and must be revised and recirculated. Unless the Project is substantially revised, and a complete and accurate revised EIR is prepared and recirculated, your Commission cannot make the necessary Findings that the Project complies with the General Plan, the Local Coastal Program and the Zoning Regulations, including Design Review. Furthermore, the Findings for approval of the Use Permit and Vesting Tentative Maps cannot be made. Finally, the project is fundamentally incompatible with airport safety and operations, and would place a vulnerable population at risk of both manmade and natural hazards.

Therefore, CGF urges you NOT to approve the Project as currently proposed.

Thank you for your careful attention and consideration of our comments.

Sincerely,

Lennie Roberts, Legislative Advocate