



Gregg Dieguez <mccgreggd@gmail.com>

## Cypress Point EIR section assignments

1 message

Gregg Dieguez <mccgreggd@gmail.com>

Fri, Aug 18, 2023 at 5:09 PM

To: MCC <midcoastcommunitycouncil@gmail.com>

Ann had internet issues today but just forwarded the list below...

We assigned council members to read and comment on specific sections of the EIR, which can be found [HERE](https://www.smcgov.org/planning/cypress-point-affordable-housing-community-project-2023-draft-eir):  
<https://www.smcgov.org/planning/cypress-point-affordable-housing-community-project-2023-draft-eir>

Please email comments to ME ONLY (due to Brown Act) and I will compile by section before the meeting. Whatever I receive by midnight Tuesday I should be able to compile before the Wednesday meeting.

My preference would be for Bullet Point Comments, which we can expand into paragraphs when we assign authors for sectional replies. However, feel free to wax on if you have time and motivation. At least provide bullet point/'section subject subtitles' to allow for rapid browsing.

Thanks for your timely attention to this important matter.

- Gregg

----- Forwarded message -----

From: Ann R <midcoastann@gmail.com>

Date: Fri, Aug 18, 2023 at 4:37 PM

Subject: EIR sections

To: Gregg Dieguez <mccgreggd@gmail.com>

### EIR responsibilities

Executive Summary, Chapter 1, 2 and Appendices related to your sections all to read for background [Dolores Silva flagged Appendix N, Evacuation also]

Chapter 3 for review and comment

- 3.1 Aesthetics Dan
- 3.2 Air Quality Kimberly
- 3.3 Biological Resources Ann
- 3.4 Geology and Soils Ann
- 3.5 Greenhouse Gas Kimberly
- 3.6 Hazards. Gus
- 3.7 Hydrology. Gregg
- 3.8. Land Use. Gus
- 3.9. Noise. Ann
- 3.10 Transportation. Gus & Ann
- 3.11 Utilities. Gregg
- 3.12 Wildfire. Gregg & Ann

Chapter 4 & 5. Claire

All members encouraged to add comments to any section in addition to one assigned that you have interest or expertise in.

**Aesthetics of Cypress Point**

2 messages

**Dan Haggerty** <midcoastdan@gmail.com>  
To: Gregg Dieguez <mccgreggd@gmail.com>

Sun, Aug 20, 2023 at 9:31 PM

Aesthetics,

Design-

The proposed boring, simple, and repetitive design does not blend with the rich and wide variety of character and colors in the surrounding community structures. Mitigation measures need to be applied.

Lighting-

There is no indication that all five principles for responsible outdoor lighting (listed below) will be followed. Mitigation measures need to be applied.

**LIGHT TO PROTECT THE NIGHT**  
Five Principles for Responsible Outdoor Lighting





**USEFUL**



**ALL LIGHT SHOULD HAVE A CLEAR PURPOSE**

Before installing or replacing a light, determine if light is needed. Consider how the use of light will impact the area, including wildlife and the environment. Consider using reflective paints or self-luminous markers for signs, curbs, and steps to reduce the need for permanently installed outdoor lighting.

**TARGETED**



**LIGHT SHOULD BE DIRECTED ONLY TO WHERE NEEDED**

Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.

**LOW LIGHT LEVELS**



**LIGHT SHOULD BE NO BRIGHTER THAN NECESSARY**

Use the lowest light level required. Be mindful of surface conditions as some surfaces may reflect more light into the night sky than intended.

**CONTROLLED**



**LIGHT SHOULD BE USED ONLY WHEN IT IS USEFUL**

Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.

**COLOR**



**USE WARMER COLOR LIGHTS WHERE POSSIBLE**

Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

**Gregg Dieguez** <mccgreggd@gmail.com>  
To: Dan Haggerty <midcoastdan@gmail.com>

Mon, Aug 21, 2023 at 11:50 PM

I noted the use of a "pole light" which was clearly NOT downward facing. One of the fixtures shown was OK.  
[Quoted text hidden]



# Midcoast Community Council

## Cypress Point EIR Review

**GAD portion only: 11 pages of notes, dozens of clarifying emails,  
...condensed into a few bullet points...  
... further inquiry responses pending...  
... outreach to: MWSD, CalFire, CFPD, C\CAG, engineering firms,  
transportation consultant, USGS, RWQCB...**

# 3.12 Wildfire

- 0.5 mi to Very High Risk; ember carry
  - Provide details of simulations showing assumptions used
- Pressure in local hydrants with no electricity
- Width of road to GET to driveway
- Turning radii in streets above Lincoln
- Unpaved back roads if wet – support fire trucks?
- No detail of successful evacuation simulations (Appx. B)
  - Provide details showing assumptions and how ER and evac traffic meshed safely
  - Understated car/traffic data invalidates this effort
- Several buildings are 4-plexes, requiring extra FFWS / pressure



# 3.10 Traffic

- Moonridge proves inability of County and MidPen
  - 250 cars parked on road routinely
- How do children safely get from complex to Farallone without busses or trail?
  - Implies more vehicle trips
- No parking for motorcycle, un/loading, deliveries, visitors
  - ?Demand rate invalid due to Kittleson error(s)?
- Expect 300+ residents, not 213...
- Appx. R incomplete, outdated:
  - Missing: "Trip Generation Sources" starting on page 24

# 3.11 Utilities

- MWSD report is 2017, out of date; citation in error
- Water security risk: 3,000 year old water
- Montara creek: CP effect on water quality?
- 39% of Moss Beach hydrants low pressure

# 3.7 Hydrology

- Moonridge proves inability of County and MidPen
- Stormwater runs to Carlos & Stetson?
- Design storms inaccurate, inadequate (4" vs. 8")
- Incomplete: Tsunami risk to Hwy 1 and up to 133 feet
- Increased flooding of Montara Creek
- Fitzgerald downstream of project
  - 3.7.2.3.5 - 3) must not alter natural ocean water quality in the ASBS. • All new point source discharges into the ASBS shall either be retained on-site or treated on-site before entering a County storm drain.
- 140,000+ impermeable surfaces – unproven mitigation
  - Policy 15.47 Wherever possible, retain natural floodplains and guide development to areas outside of areas of special flood hazard.
- Conflict in public interest from discharge: 3.7.2.2.5

# Science and Engineering Flaws

- “Design Storm” is 90%, 10 year, about 4” in 24 hours
- Our storms are 6”, 7”, 8” every year
- The cumulative probability of protection with current designs is about Zero % over 10 years.
- Standards imply accepting failure, due to cost factors\*
- Need to include cost of Failure in the analysis

Stormwater treatment measures on regulated projects<sup>17</sup> are sized to treat runoff from *relatively small sized storms* that comprise the vast majority of storms. The intent is to treat most of the stormwater runoff, recognizing that it would be infeasible to size stormwater treatment measures to treat runoff from large storms that occur every few years. (See Section 5.6 for more information on how stormwater treatment

\*C.3 Regulated Projects Guide

Chapter 5: General Technical Guidance for Treatment Measures

# Hydrology (cont'd)

- Where is the study that shows the retention ponds would be sufficient, and under what design storm conditions?
- ...relying upon (242) BKF Engineers, 2018. No more than 25 year storm events.
- CONFIRM THIS: “The geology of the site is not susceptible to landslides or mudflow.”
  - “It’s an interesting site as there are several faults that have been mapped in the area, but it remains uncertain whether they are ‘active’ faults.
  - One thing that stands out to me is it appears that **no Certified Engineering Geologist (CEG) has reviewed (and/or stamped) the EIR.**”



# Moss Beach: Not Singing in the Rain



# Moss Beach: An Undue Burden

- No organized management of water accumulation
- Stetson and Carlos drainage damage homes, flood streets
- Impacted traffic safety, homes, MWSD & SAM sewer system
- Culverts plugged & overwhelmed
- Gutter filters not cleaned and overwhelmed in heavy rains.
- *“...overwhelming infiltration which added extra water pressure in the sewer pumping system and contributed to significant extra stresses in the IPS pipeline SAM owns. This water backing up the neighborhoods ultimately has to be treated and pumped out the SAM sewer plan, a function for which the sewer system was not designed to handle.”*
  - MWSD sewer engineer



# Half Moon Bay: Unmanaged Runoff

- Wavecrest efforts a couple of years ago demonstrate some awareness, but ...
- PG&E did pipe survey; results not disclosed
- Property around SAM likely a problem, and a solution
- Still awaiting SAM studies of causes of plant overflows, even when sewage from north held back



# SAM Impact: Overwhelming

- Infiltration & Inflow overburdens plant
  - Moss Beach, cited above
  - Half Moon Bay near plant
- Plant exceeded theoretical capacity last two Decembers
  - HMB required 100% of plant during peak storms
- Connecting IPS was broken due to excess pressure, holding back flows to save the plant
- Spills equivalent to \$30-40M in fines, if enforced
- Reinvestment in dispute with HMB
- Awaiting FEMA funds for some direct damages

# Stormwater Situation Summary

- Homes and roads are being flooded regularly in the newly severe storms.
- The sewer plant nearly failed the last 2 Decembers
- Trees are falling due to soil weakened by saturation, crushing homes and blocking evacuation routes
- Decades of permitting construction of impermeable surfaces,...
- ...Coupled with escalating Climate Change,...
- ...Have created **unsafe conditions** for living and travel in the Midcoast
- ... And compromised Emergency Response...
- ... Not to mention the impact on water quality going forward...



# What's Missing

- **Public Safety:** on roads, in homes
- A Stormwater Master Plan for the Midcoast, and the County
  - Even a stormwater asset inventory
- The Stormwater Manager in DPW
- Funding
  - No stormwater infrastructure fees are collected
    - ✓ Permitting, inspection costs are charged
- Visible Process, Visible Progress
- Someone at County who owns this problem

# Who's In Charge Here?

- SMC DPW: has stormwater department, without head for months.
- Planning: approves permits, collects fees
- C\CAG: coordinates County discharge permit; advises on best practice; advisory focus
- OneShoreline: legal charter for County flooding, but no staff/funding for stormwater; Bay-side focus
- HMB: stormwater Capex plan is \$10M unfunded and may need more...
- RCD: helps upon request; grant driven

# Potential Solutions

- Stop constructing impermeable surfaces until a validated stormwater management system exists
- Management Reorganization
- Redefine & Improve Planning
- Focus on Priority Problem Areas Immediately
- Create fiscally sustainable funding for stormwater management
- Escalate concerns above County level for funding and enforcement

# Why Stop Building?

- Avoid adding to an infrastructure deficit
- Prevent increasing County liability
- Reducing salt water intrusion and water table damage
- Providing land for Regenerative Water Retention
- Take the time to price the stormwater solution, establish a 'hold harmless' approach, and charge related impact fees - before doing more damage.
- County has proven incapable of safely managing stormwater
- Already losing home insurance; don't increase the risk



# CP Project Prerequisites

- Stormwater solution in place and proven at SAM
- Adjust & reconsider traffic study for realistic vehicle counts
- Parking: add spaces – visitors, delivery, caregivers
- Respecify “Design Storm” and re-evaluate stormwater management proposed
- Was MWSD involved? Will there be pressure in absence of electricity?
- Extra hydrant in the complex? Or two?
- Stormwater management master plan
  - Impact fees on this and all projects, new or remodeled

# Proposed Next Steps & Timing

- Incorporate comments from this meeting and emails
- Prepare written report to County; email to stakeholders
  - Need authors for sections: community or Council
  - Probably between 10 and 100 pages long
  - Deadline 9/25 5pm
- Publish draft for Council review by 9/10; meeting 9/13
  - Need Special or Work Group meetings by 8/30?
  - Submissions for compilation & editing by 9/6 (midnight)
- ?Gather endorsement from local agencies & stakeholders
- Forward report 9/14
  - ?endorsements? requesting action
- Escalation strategy?
  - Caltrans, CalFire, SAM, MWSD, RWQCB, C\CAG, more?
- More...?

# What's the ask?

- Stop making things worse, until you make them safe.
- Stormwater Master Plan
- Sustainable County Drainage Manual
- Funding by County to solve the problem and manage it forever
- Local agency veto over selection of stormwater consultant:  
HMB, GCSD, MWSD, SAM, MCC
  - And ongoing participation in proposed plans...
- Start fixing problem areas NOW
  - Use the \$25-50M we annually pay the County to protect the tax base
  - Then follow the new Stormwater Master Plan

# Social Justice Imperative

- The first Social Justice is Sustainability
  - If we cannot pass on to our descendants a sustainable world, we fail our primary purpose
- Unmanaged stormwater threatens the health, safety, and affordability of (human) life on the Midcoast
- ...The Midcoast is uniquely vulnerable...
  - Farmworkers, mobile home parks, and seniors
  - Tsunami, earthquakes, sea level rise, wildfire, flooding
  - One (1), tenuous, evacuation route
- New Tenant Protection Ordinance:
  - Let's keep the housing we already have...
  - And prevent the next generation of homelessness.

### 3.10 Transportation

Traffic Impact Analysis and Mitigation Plan changed to reflect vehicle miles traveled.

Kelmore Street was completely left out of any analysis even though it runs parallel to Stetson St and is expected to get just as much use. It needs to be included in any transportation study. At the Moss Beach Fire Station 44 the street splits into Stetson on the right and Kelmore on the left with both roads equally utilized and both would be adversely affected by additional traffic conditions.

If Carlos St becomes 1 way and the road begins to back up cars will be diverted to Kelmore as well as Stetson. This traffic will pass directly in front of the fire station and potentially interfere with fire response. Stetson and Kelmore Streets have 2 way traffic on narrow roadways. If the streets become filled with parked cars there will be no way to pull over to get out of the way of the fire trucks. Furthermore at peak travel times California Avenue will back up and thus so will Stetson and Kelmore. There simply isn't enough room for the fire trucks to exit the neighborhood quickly thus increasing response times and potentially causing life threatening situations.

Similarly if there is an evacuation of the neighborhood the fire trucks will be trapped as well as residents who have driveways that go up hillsides. They will not be able to exit their properties as cars exit Cypress Point and make their way down Carlos, Kelmore and Stetson Streets.

Carlos and California Avenue have hills with greater than 8% slope making them impossible for use by wheelchair bound individuals. There is no way for anyone in a wheelchair to access the bus stop at Etheldore St due to the hills.

Sam Trans on demand is not operating in Moss Beach at this time.

Connect the Coastside application for grant funding does not include the entirety of Carlos St. Funding will only study the feasibility of connecting Carlos to 16<sup>th</sup> Street however earthquake liquefaction zone designation at 16<sup>th</sup> Street may make road improvements and walking paths unsafe. Further evaluation will be needed. If improvements can't be made Cypress Point mitigation will be void.

The number of residents proposed by MidPen does not utilize the 2+1 rule which allows 2 adults per bedroom plus 1. It should be expected this will happen as other rental sites have seen this rule utilized. That brings the number of residents to 359 not the 213 that MidPen is calculating.

The number of parking places at 142 is underestimated for the number of adults that could occupy the units.

The multimodal trail is not funded or included in the next grant request thus suggesting people will walk or bike to work or amenities is not realistic. In order to access food shopping one must drive to Pacifica or Half Moon Bay. Most residents on the coast must travel to the peninsula for medical and dental care as well as hospital tests.

Moss Beach is a car dependent community.

There is no school bus service.



Notice the narrow road. Stetson St goes to the right and Kelmore to the left. Note that the black car is parked and the white car takes the remaining roadway to safely drive.





Hill at Stetson and California Avenue facing highway Etheldore at the stop sign and next hwy 1

### 3.12 Wildfire

The focus of the EIR on Wildfire risk is about the development itself not the impact on the surrounding neighborhood.

The need for evacuation is discussed in terms of exiting the development and ability of 1<sup>st</sup> responders to enter the development. There is no discussion of how the surrounding neighborhood would be impacted by an evacuation. Neighbors could find themselves trapped in their driveways.

There is no discussion of how fleeing cars from the development would potentially hinder or outright block fire response from Coastside Fire Station 44.

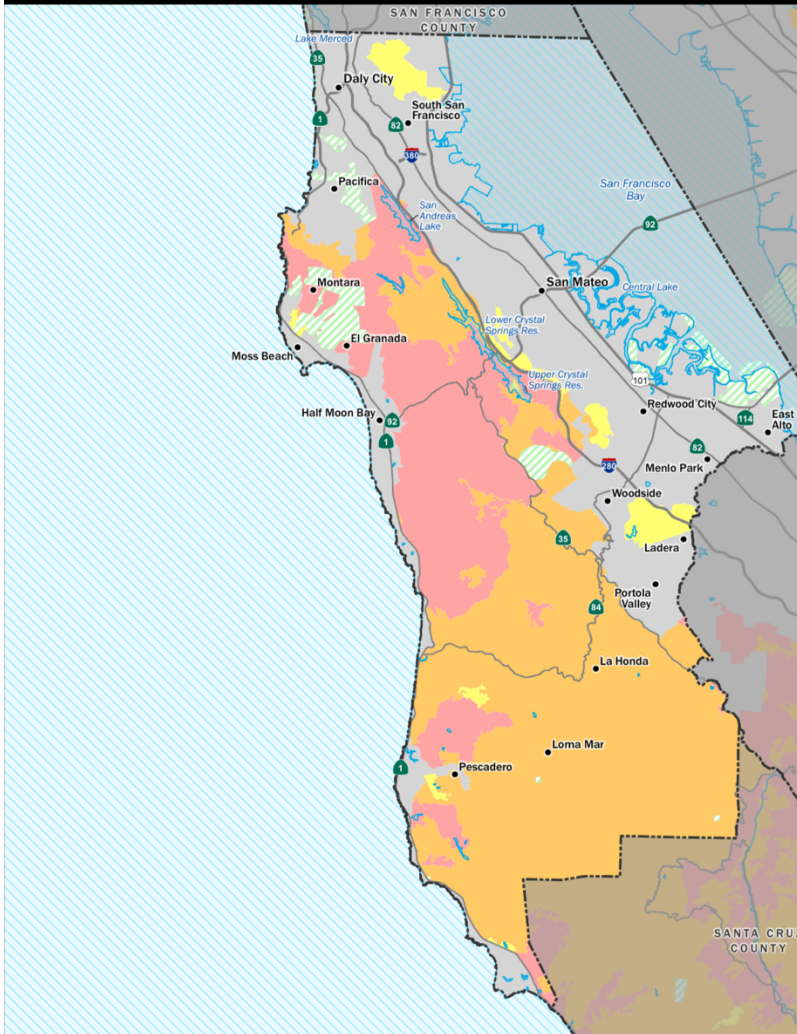
Although the development itself is not in a high fire danger zone the entire roadway north on highway 1 from Montara mountain across highway 1 is in a very high fire danger zone. El Granada is surrounded by very high fire danger. Highway 92 is also in a very high fire danger zone. It is possible that both roadways become blocked and evacuation may be impossible.

Without proper internet connectivity all communication can fail as it did this winter making it impossible for even 1<sup>st</sup> responders to communicate with the outside. What happened in Lahaina can easily happen here on the coast. Now that broadband funding for the coast has been cancelled the coast remains significantly vulnerable. Cypress Point would significantly strain the roadway system and water supply. Zone Haven and County Emergency services rely on internet and cell service to notify residents who are registered.

The water hookup for fire fighting is supposedly sufficient for the development according to the EIR but what about the rest of the neighborhood? How will fire hydrant pressure be affected elsewhere? Is there enough water in storage for fire fighting in the Montara Water and Sanitary District service area?

See map of fire risk below.

# State Responsibility Area Fire Hazard Severity Zones



### Fire Hazard Severity Zones in State Responsibility Area (SRA)

Very High	53,782 Acres
High	114,232 Acres
Moderate	8,422 Acres

### Fire Protection Responsibility Areas (non-SRA)

Federal Responsibility Area (FRA)
Local Responsibility Area (LRA)
Waterbody

Public Resources Code 4201-4204 directs the California Department of Forestry and Fire Protection (CAL FIRE) to map fire hazard within State Responsibility Areas (SRA) based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the department as a major cause of wildfire spread. These zones, referred to as Fire Hazard Severity Zones (FHSZ), classify a wildland zone as Moderate, High, or Very High fire hazard based on the average hazard across the area included in the zone.

Access PDF versions of the maps at <https://osfm.fire.ca.gov/fhsz-maps>. For more information, please visit the Frequently Asked Questions document for the 2023 Fire Hazard Severity Zones at <https://osfm.fire.ca.gov/fhsz> or scan the QR code at right. If you have further questions,

### 3.9 Noise

Construction days and times are too much to expose residents to nonstop noise from 7am until 6pm Monday-Friday and 9am-5pm Saturday.

No construction should be allowed on weekends and daily start time should be 8am to 5pm so as not to interfere with meal times and children trying to go to school. Proper sleep is extremely important at all ages but especially for children, chronically ill and elderly. Cumulative and repetitive noise most negatively impacts children, elderly and those with chronic health problems. Noise is linked to increases in blood pressure, heart rate and breathing rates all causing significant health risks.

According to the CDC noise above 70dB over a prolonged period may start to damage your hearing. Loud noise above 120dB can cause immediate harm to your ears.

At 80-85 decibels you can damage hearing within 2 hours

According to OSHA exposure to 80 decibels or greater for 15 minutes a day can lead to long term hearing loss.

Mitigation is not adequate as proposed. Instead, mitigation should require MidPen to install noise barriers around the construction site. Sound curtains can be attached to fencing to provide a barrier.

Various sound barrier products can be found online.

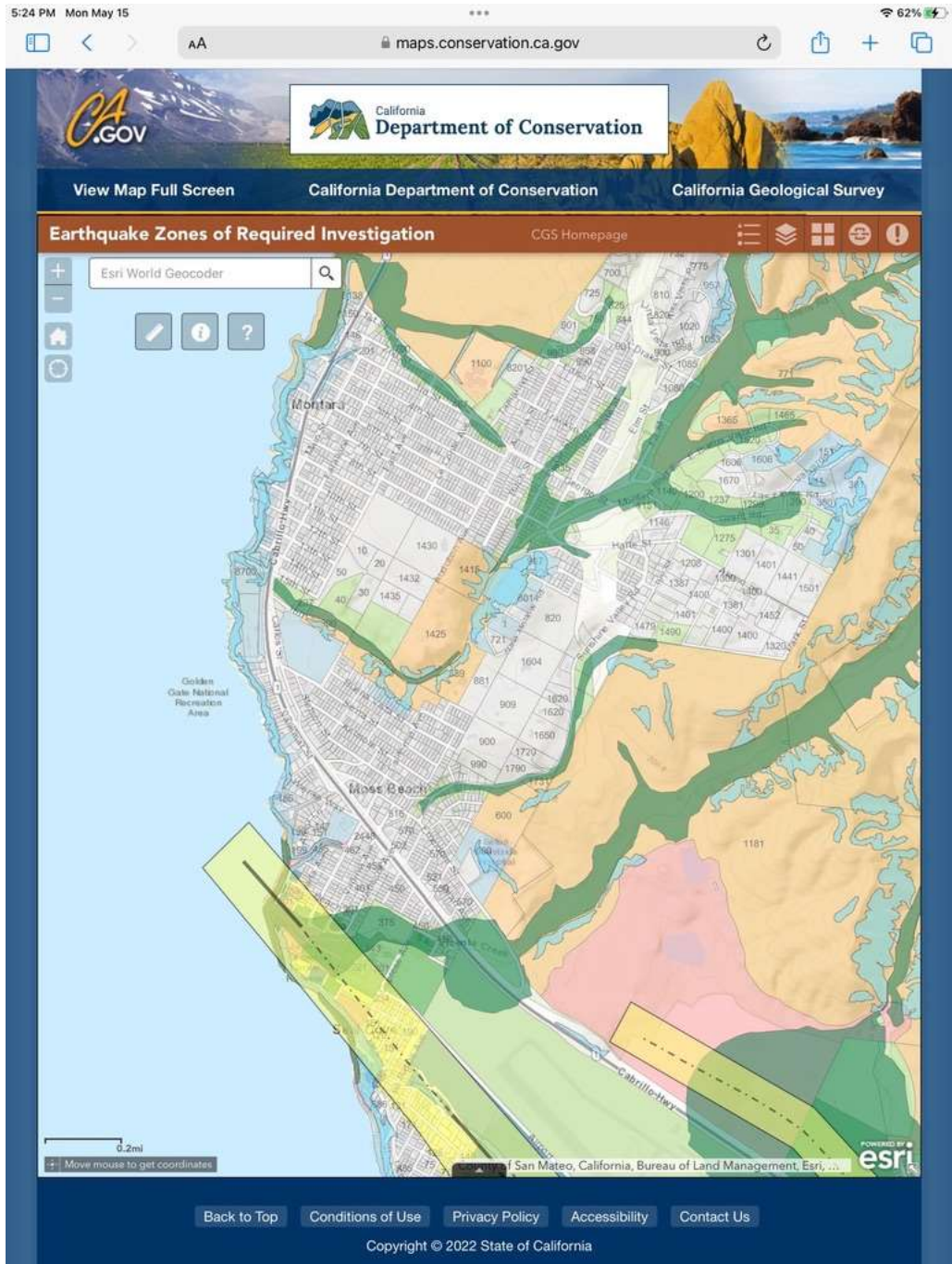
Because noise levels are predicted to be between 74 to 88dB per day with pile drivers producing 105dBs, noise barriers around the entire construction site need to be installed to protect residents and wildlife from potential long term hearing loss.



# Cypress Point EIR

## 3.4 Geology and Soils

Maps.conservation.ca.gov published September 23, 2021 shows important new earthquake risk map not published in the EIR



10:35



511 Kelm... X

Show search results for 511 Kel...

Legend

**Parcels**

- Parcel is in an Earthquake Fault Zone, a Liquefaction Zone, and a Landslide Zone
- Parcel is in an Earthquake Fault Zone and a Liquefaction Zone
- Parcel is in an Earthquake Fault Zone and a Landslide Zone
- Parcel is in an Earthquake Fault Zone
- Parcel is in a Liquefaction Zone and Landslide Zone
- Parcel is in a Liquefaction Zone
- Parcel is in a Landslide Zone
- Parcel is not in a zone or has not been evaluated

AA maps.conservation.ca.gov



16<sup>th</sup> Street is in an earthquake liquefaction zone.

Sunshine Valley Road up to Etheldore is in an earthquake liquefaction zone.

South end of Moss Beach Hwy 1 at San Vicente Creek and Etheldore St is also in an earthquake liquefaction zone.

Finally Hwy 1 Devils Slide, Montara is an earthquake liquefaction zone.

Road failure during an earthquake, and if combined with wildfire or flooding could prove catastrophic and deadly to residents of Moss Beach and Montara. This weekend southern CA saw flooding and an earthquake happen simultaneously.

No formal evacuation plan is in place for the development or the coast.



## CYPRESS POINT EIR

### 3.3 Biological Resources:

According to the Center for Biological Diversity Critical habitat includes specific areas within a species current range that have physical or biological features essential for the conservation of the species. Critical habitat must include all areas deemed important to a species survival or recovery whether the species currently resides in those areas, historically resided in those areas, uses those areas for movement or needs them for any reason.

EIR provides for some protections for endangered plants and animals however incorrectly identified location of red legged frogs. Please see attached video of Joe LeClare that states red legged frogs are in the Moss Beach corridor. Also I identified habitat in front of Moss Beach Post Office at highway 1 and Carlos Streets which was acknowledged by the previous board of supervisors.





California Red Legged Frog population has declined by 90%. Threats of habitat loss due to urban development is a major contributor to population loss. The frog is gone from 70% of its former range. The only large breeding populations left are on the coast from San Mateo county to San Luis Obispo counties. The species is now extinct in the Central Valley and almost completely extirpated from the Sierra Nevada according to the center for biological diversity.

The red legged frog may make overland excursions up to 1 mile though upland habitats in wet weather and can disperse up to 2 miles from breeding ponds. CA red legged frogs breed from November to April.

See study published in Journal of Herpetology, Vol. 41, No. 2, pp. 276-286, 2007 Copyright 2007 Society for the Study of Amphibians and Reptiles website [khornsloughctp.org](http://khornsloughctp.org) titled California Red-Legged Frog (*Rana draytonii*) Movement and Habitat Use: Implications for Conservation by Gary M. Fellers and Patrick M Kleeman for more complete information.

Proposed mitigation of surveying the proposed construction site just before construction begins is insufficient due to the migratory behavior and distance that this endangered species covers during and after breeding periods.

An endangered species biologist should survey the entire site prior to, during and after construction to ensure the safety of the frog as well as endangered plant species. An hour of biological training is insufficient for anyone to properly identify endangered species.