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SUBJECT: COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT FOR PACIFICA
GENERAL PLAN UPDATE PROJECT

Dear Mr. Murdock:

Grassetti Environmental Consulting (GECO) is submitting this comment letter on behalf of the Pedro Point Community Association (PPCA). As Principal of GECO, I have prepared these comments based on my 40 years of experience preparing and reviewing California Environmental Quality Act (CEQA) documents. This letter addresses responses to my February 28, 2022 comment letter on the draft EIR.

It should be noted that the City provided less than a week for review of over 3600 pages of information. This is wholly inadequate for both the public and decisionmakers. It would be impossible for the Planning Commissioners to have read the entire staff report and understood all of the numerous deficiencies in the EIR, including those summarized below. In the comments and responses. Given the paucity of review time allotted by the City, my responses to the FEIR responses are, by necessity, general.

Summary of Comments

- 1). The FEIR failed to respond to my comments in good faith, instead just cutting and pasting generic responses that missed the point of my comment entirely. See notes after comments below.
- 2) The FEIR willfully ignored detailed evidence of significant impacts and instead impermissibly relies on vague plan policies and generic setting information for the entirety of its analysis. An EIR, programmatic or not, may not ignore substantial evidence of significant impacts. It may not substitute vague platitudes (i.e. policies) for analysis and evidence.
- 3) The FEIR impermissibly defers consideration of potentially significant impacts to future environmental reviews, some of which may never occur. In fact, this EIR sets

up a shell game where the City says impacts will be evaluated later and then many of the projects will use this EIR to claim no additional work is needed.

4) The FEIR continues to assume that vague, generic, unenforceable, plan policies would reduce impacts to less-than-significant levels while at the same time acknowledging that additional mitigation measures may be needed and would be developed in subsequent project-level CEQA reviews. It's not possible to have less-than-significant program-level impacts while at the same time have potentially significant project-level impacts. In fact, this EIR is tacitly acknowledging that its policies do not mitigate impacts to less-than-significant levels.

5) This EIR ignores evidenced based conclusions of expert agencies with respect to biological impacts and ESHA's.

6) This EIR misapplies the "substantial evidence" standard for significance determination, particularly with respect to biological impacts and ESHA's. It states that when there are two competing conclusions the impact can be determined in later environmental reviews. It then punts on describing the two competing conclusions and providing an evidence-based conclusion as to which opinion it is accepting. Yet, at the same time it concludes that the impacts are less than significant because some future review will deem it so. This is illogical and subverts the purpose of CEQA.

7) The EIR repeatedly engages in "magical thinking", and tautologies, without evidence or analysis. It repeatedly assumes effective mitigation of impacts by lists of policies that are 1) vague, and 2) unenforceable, to reduce impacts to less than significant.

8) The EIR impermissibly defers numerous studies that need to be done to support its conclusions, to future reviews. An EIR may not use future studies as mitigation.

9) The EIR fails to address on-the-ground impacts of the Plan's land use designations, instead just waves its hands via vague policies.

In summary, the EIR is fatally defective. In my 40 years of experience, this is one of the most deficient program EIR's I have ever encountered. This type of avoided analysis document, where the plan was just assumed to mitigate all of its own impacts, and absent any real analysis, was prevalent into the 1990's but faded out because the courts repeatedly found it impermissible.

Specific Deficiencies:

Original Comment:

The PPCA requested a thorough evaluation of the potential effects of the General Plan Update ("GPU" or "the Project") on the undeveloped San Pedro Avenue Site ("the Site" or "San Pedro Avenue Site"). This letter identifies deficiencies in the General Plan Update Draft EIR ("DEIR") with respect to the Site. It is based on my reading of the

proposed GPU and DEIR, as well as a review of sensitive resources and hazards from available sources. General deficiencies are described first, followed by some specific comments on the adequacy of technical analyses.

Under CEQA, the GPU DEIR must focus not only on the direct impacts, but also on the secondary effects that will follow from adoption of the General Plan update (CEQA Guideline 15146). The City is not relieved from considering reasonably foreseeable impacts of the Project on specific parcels, including the Site here.

Given the voluminous information provided by experts on the undeveloped San Pedro Avenue Site, including extremely detailed evidence presented in the California Coastal Commission 2020 Staff Report on the Rhodes Mixed Use Development (“CCC Staff Report”) proposed for the Site, this GPU and DEIR must consider that information, submitted herewith.

The land use designations are the heart of the General Plan. Because the General Plan serves as “the constitution for all future developments” within the City once a land use for a site is designated, applicants have certain development rights. Therefore it is essential that the City of Pacifica (“City”) fully consider environmental values and constraints prior to re-designating parcels, not after a parcel is re-designated. This GPU fails to do that, and, as detailed below, the DEIR fails to adequately or accurately assess impacts of the proposed re-designation of the undeveloped San Pedro Avenue Site.

Response Deficiency:

The FEIR fails to respond in good faith. It defers analysis to future documents even though it is in possession of substantial evidence of significant unmitigable impacts.

Original Comment

Inadequacy of Project Description

The DEIR must present a clear and stable project description. The DEIR’s project description is inadequate because it fails to narratively or graphically identify which specific areas/parcels would be re-designated or changed by the Project. Instead, the DEIR focuses solely on general buildout numbers, as if site conditions were uniform throughout the City.) This failure makes it very difficult for the reader to understand how various areas of the City would be affected by implementation of the proposed Project.

DEIR Land Use Chapter 3.1 does include a very small- scale map of existing land use designations, which, critically shows the undeveloped San Pedro Avenue Site land use designation as “Commercial” but omits consideration that the Site is zoned “Commercial Recreation”. The General Plan states, “The land directly west of the Pedro Point Shopping Center was identified as a commercial recreation site in the previous General Plan, and has been zoned for general commercial uses.” By failing to include this information, the DEIR does not serve its informational disclosure

requirement. The public should not be forced to ferret out information and connect the dots to understand the Project and its impacts. This combination of incomplete and incorrect information renders the DEIR Project Description useless as the basis for determining impacts of the proposed GPU.

Given the limited number of sites proposed for designation changes in the GPU, the DEIR should clearly identify them narratively and graphically, and include discussion of reasonably foreseeable impacts and mitigations to those sites.

Further, the DEIR project description compares the Project to the existing plan, but does not provide the necessary information on existing on-the-ground conditions from which to conduct the impact assessment. With limited exceptions, CEQA does not permit plan-to-plan analyses. Per the CEQA Guidelines (Section. 15126.2) "In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced." In order to adequately conduct this assessment, the EIR must identify which parcels are undeveloped, what their existing development potential is, and how that potential would change with the project. The actual impacts would be the difference between the existing undeveloped state and full development of a site under the new designation. Full development under the existing 1980 GP would be the No Project Alternative.

Response Deficiency:

The FEIR fails to address this comment in good faith. No additional information is provided in the responses. The EIR continues to use a plan-to-plan analysis in certain sections.

Original Comment:

Inadequate Project Objectives

The DEIR's stated Project Objectives (pp. 2-9 and 2-10) are so general and vague that they cannot be effectively used to fulfill their primary purpose, namely to guide development and assessment of an adequate range of alternatives. This deficiency is reflected in the Alternatives chapter (p. 4-2), which substitutes three different "criteria" for use in developing and selecting project alternatives (although those criteria are similarly vague and generic).

Response Deficiency:

The FEIR fails to address the discrepancy between the Project Objectives and the alternative selection criteria. It also fails to have realistic project objectives.

Original Comment:

Inadequacy of Impact and Mitigation Discussion

The DEIR fails to disclose that the undeveloped San Pedro Avenue Site is currently zoned commercial recreation, with a floor area ratio (FAR) of 0.2, which means that total development footage cannot exceed 20% of the site area. This current designation promotes non-intensive recreational use of the Site, retaining most of the Site in open space. If, for example, a 2-story recreational facility were constructed, only 10% of the San Pedro Avenue Site would be disturbed, and sensitive resources and environmental hazards on the remainder of the Site could be avoided.

The GPU would re-designate the Site as Coastal Residential Mixed Use, which would allow housing or commercial uses at an FAR of 0.5 (DEIR Figure 2.1-2 and table 2.3-1). That FAR does not include roads or parking, which could result in further environmental impacts. The DEIR fails entirely to address potential Project impacts at this Site, and never even mentions the Site in its impact analyses.

For most topics, the DEIR only provides over-generalized statements of impacts, lists plan policies, and then assumes – without explanation - that the policies would effectively reduce all impacts to less-than-significant levels, without any analysis of the pre-policy impact or the actual applicability and effectiveness of the policies to the impact. In contrast, for traffic, the DEIR does conduct an intersection-specific assessment. This shows that it is possible for the DEIR to conduct a site-level analysis for the areas where changes in land use are proposed. The DEIR should be revised to conduct those analyses for all of the resource categories.

*In short, the DEIR fails to go through CEQA's required steps of first disclosing impacts and whether those impacts are potentially significant, and only then discussing proposed mitigation measures including their feasibility. As the court stated in *Trisha Lee Lotus v. Department of Transportation*:*

“The purposes of Section 21801 are that there be some evidence that the alternatives or mitigation measures in the EIR were considered by the decision-making agency and, as the Supreme Court stated in a similar situation, that there be a disclosure of the analytic route the... agency traveled from evidence to action.” And, “The EIR does not, however, include any information that enables the reader to evaluate the significance of these impacts.” (p.13)
“Caltrans compounds this omission by incorporating the proposed mitigation measures into its description of the project and then concluding that any potential impacts from the project will be less than significant. As the trial court held, the “avoidance, minimization, and/or mitigation measures”, as they are characterized in the EIR, are not “part of the project”. By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA.” (p. 15).

Here, the proposed changes in land use designations would cause the loss of biological resources, recreational resources, and flood storage from the Site. The DEIR must first disclose and analyze those impacts, determine the significance of each impact, and then discuss whether and how general plan policies and mitigation would reduce the impact. The applicability of policies must be identified, as well as their effectiveness. If policies are assumed to be mitigation, then they must be presented in a manner that assures their implementation on any particular site.

California courts have made it clear¹ that cities are not obligated to implement all of the General Plan's policies applicable to a site, therefore the GPU's proposed policies cannot be assumed to mitigate for development of a site under the GP. Further, applicable measures must be included in a Mitigation Monitoring and Reporting Program.

At a planning level, a more effective, enforceable, monitorable, mitigation would be to change the undeveloped San Pedro Avenue Site land use designation to Open Space or retain the 0.2 FAR Commercial-Recreation designation, rather than the proposed intense 0.5 FAR designation.

However, given CEQA's requirement to compare impacts of a project (or plan) to existing on-the-ground conditions, impacts of development even at an FAR of 0.2 must be assessed, and mitigated to the extent feasible. This is particularly important given CEQA's infill exemptions. It is likely that, for some of the sites, no additional CEQA review will occur, and the impacts will not be addressed at all. This DEIR's lack of detailed analysis would allow the City to play a shell game in deferring analysis that may never occur, and thereby fails to meet CEQA's purpose of full disclosure.

In summary, the DEIR fails to address the impacts of land use changes proposed under the GPU because it concludes that GPU policies would mitigate any undisclosed impacts. In essence, the DEIR claims that the Project would mitigate itself – despite the fact that there may be significant unmitigable impacts of implementing the proposed land use designations on a given site, as is the case for the undeveloped San Pedro Avenue Site.

A City may approve a project if it “substantially complies” with the planning policies – full compliance is not required. This means that assuming full implementation of policies is a best-case scenario, not a likely scenario as required for CEQA review.

Also, many of the plan policies are couched in language such as “to the extent feasible”, “strive to”, “study”, “consult with”, “coordinate with” and similar vague, non-committal terms that fail to assure that mitigation will be implemented or, if implemented, will

¹ An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." [Citation.] [Citation.] State law does not require perfect conformity between a proposed project and the applicable general plan...." (*Friends of Lagoon Valley, supra*, [154 Cal.App.4th at p. 817](#), [65 Cal.Rptr.3d 251](#).)

be successful in reducing a project's impacts to a less-than-significant level. There are numerous examples of this in the Plan, including Policies CO-G-3, CO-I-1, CO-G-4, CO-I-19-23, SA-I-29, SA-I-109, SA-I-12, and many, many more. In addition, as can be seen in these examples and many others, in many cases, the City relies on policies that assume mitigation by other agencies and jurisdictions over which it has no control. Under CEQA mitigation measures must include performance standards, rather than just aspirational goals or deferred studies. The DEIR must also translate these policies to enforceable measures before it can consider any potentially significant impacts to have been mitigated to less than significant.

The City is required to comply with SB379 as stated in Chapter 1.2, General Plan Requirements: "Climate Change Adaptation and Resiliency Legislation (SB 379)...requires the safety elements of general plans to be reviewed and updated to include climate adaptation and resiliency strategies." SB379 further requires the identification of hazard zones that can serve as mitigation areas for said hazards, yet the GPU fails to identify any properties in Pacifica for such mitigation and it is insufficient to only set "Coastal Resiliency Policies" when areas like the Undeveloped San Pedro Avenue Site would qualify to be designated as hazard mitigation sites due to its many hazard vulnerabilities and ESHA designation.

In addition to rendering the DEIR inadequate, these omissions subvert the basic purpose of planning, which is to plan so that appropriate land uses can be located so as to avoid or minimize environmental impacts. Rather than plan for sensitive sites such as the undeveloped San Pedro Avenue Site, as detailed below, the City is proposing to adopt non-protective land uses (at the Site, Coastal Residential Mixed Use) and then use general policies (full compliance with which is not mandatory) relying mostly on deferred studies to reduce impacts. This approach (and the underlying DEIR) is inadequate because it uses magical thinking - in theory, the plan policies reduce all impacts to less than significant in spite of on-the-ground evidence to the contrary - rather than evidence-based analyses.

Response Deficiency:

The FEIR fails entirely to address this comment in a substantive and good faith way. It fails to address specific evidence provided in the comment. Instead is simply defers the analyses to a future date, and continues to insist that while the policies are not mitigation, they will, in fact mitigate all of the impacts to a less than significant level and, if not, that will occur in some future environmental review. This is illogical and impermissible

Original Comment:

Criteria of Significance/Topics Addressed

As detailed in specific comments below, the DEIR fails to focus its impact analysis to reasonably foreseeable types of impacts. Instead, the impacts are just the same questions in the standard Initial Study checklist. This is an EIR, not an Initial Study.

This DEIR is required to identify and focus on impacts of importance, not the items in the CEQA Initial Study checklist. For example, impacts and mitigation measures should be called out for each special-status species that may be affected by buildout of the plan.

Response Deficiency:

The EIR fails to address this comment.

Original Comment:

Biological Resources

As noted in a letter submitted separately by Dr. Peter Baye, the Site is valuable habitat for special status species. In addition, habitat values and flooding hazards for the adjoining Rhodes development site, which extend onto the San Pedro Avenue Site, are presented in painstaking detail by expert technical specialists in the California Coastal Commission's Staff Report for the proposed development of that site (CDP Application 2-19-0026, dated 12/7/2020), which was never referenced or considered in this DEIR. Willful omission of this critical information on its face renders this DEIR invalid.

This DEIR does not accurately disclose the San Pedro Avenue Site's conditions as part of the environmental setting, disclose project impacts, nor discuss the effectiveness of plan policies as mitigation.

For example, Figure 3.7-3 in the Biological Resources chapter shows this Site as having no sensitive or critical habitat values, yet evidence by Dr. Peter Baye as well as that provided by the Coastal Commission's expert biologists shows that it does have sensitive species and habitats. The CCC Staff Report for the adjacent Rhodes project site considers that entire site to be an Environmentally Sensitive Habitat Area ("ESHA"), and similar habitat exists on the San Pedro Avenue Site, making it likely that that Site also would be ESHA. Similarly, the DEIR focuses on the National Wetlands Inventory while excluding detailed wetlands mapping of this Site, thereby rejecting on-the-ground analyses in favor of large-scale remote mapping (see Figure 3.7-2). The CCC Staff Report on the Rhodes site further identifies the undeveloped San Pedro Avenue Site as "likely wetlands" (see Figures 1a and 1b, on p. 134 of the CCC Staff Report).

Similarly, as described in the CCC Staff Report, a California Red Legged Frog ("CRLF") was found in the drainage separating the undeveloped San Pedro Avenue Site from the Rhodes site, and would clearly have important habitat on the San Pedro Avenue Site (see CCC Staff Report Figure 2, on p. 134). Further, given that the frog was found at the upstream end of the drainage on the Site, and likely traveled up that drainage to the point where it was encountered, it is likely that a much greater portion of the San Pedro Avenue Site is CRLF habitat than shown on that figure.

The lower portion of San Pedro Creek also has been found to be habitat for the special-status tidewater goby (see Baye report referencing Sutter and Kinziger, 2019). This

habitat may be adversely affected by contaminated runoff that would result from development of the undeveloped San Pedro Avenue Site. This impact also must be addressed in the DEIR.

Finally, the proposed site designation fails to meet CCC policies, as summarized in the 2020 Staff Report for the denied Rhodes Project (emphasis added):

“In short, the portion of the site within the Commission’s permitting jurisdiction is all ESHA and undevelopable for the proposed range of uses and structures. Although some provisions in the LCP allow for reductions to habitat buffers in the event that the buffer renders the site undevelopable, in this case it is the actual ESHA area that is affected by development (and not the buffer from it), and the City has approved development in the portion of the property that is within its jurisdiction and subject to the LCP. The Commission finds that there is no location on the site that is outside of ESHA and sufficient to protect the habitat, as required by the Coastal Act, and, as such, there aren’t siting and design conditions available to the Commission to correct this Coastal Act inconsistency. Therefore, the Commission finds the proposed project inconsistent with the Coastal Act’s sensitive habitat protection requirements cited above, requiring project denial.”

*Given the evidence already provided to the City that much, if not all, of the undeveloped San Pedro Avenue Site is environmentally sensitive habitat and likely qualifies as an ESHA, the DEIR must investigate to what extent those conditions exist on the Site. It is entirely possible that the whole Site is ESHA, and therefore should be designated as such in the General Plan. Alternatively, designating it for residential mixed-use development likely assures a significant environmental impact will occur, and the DEIR must disclose those potential impacts. **It should be noted that this is not a disagreement among experts, as the DEIR provides NO evidence supporting its finding that the proposed land use designation for that Site would not result in a significant impact, and the City is in receipt of substantial evidence to the contrary.***

Response Deficiency:

The EIR fails to address this comment in a meaningful way. Rather it states that there is substantial evidence in both directions and this will be resolved in future CEQA reviews. It also must meaningfully address the expert, evidenced based conclusions presented by the commenting consulting and agency biologists. This EIR is required to consider the competing conclusions now, not later. It fails on both counts.

Original Comment:

Land Use Environmental Setting

Chapter 3.1, overall: The list of General Plan Policies that purportedly reduce impacts fails to describe how or to what degree impacts are reduced. Please add this analysis for Impacts 3.1-1, 3.1-2, and 3.1-3, considering that not all General Plan policies are required to be implemented by the City.

With respect to the undeveloped San Pedro Avenue Site please address the clear non-compliance of the GPU's high intensity land use designation with the policies of promoting wetlands preservation (CO-I-4), minimizing impacts of coastal development on vegetation (CD-I-16), Open Space Conservation and Habitat Protection (LU-I-13), Open Space Preservation (OC-G-5), Protection of Creeks and Riparian Areas (CO-G-9), Other Environmentally Sensitive Areas (CO-G-11), and Protection of Biological Resources with New Development (CO-I-26). Please revise the land use designation for consistency with the policies.

As noted in its denial in Application CDP-2-19-0026², the California Coastal Commission has declared this area an ESHA. Please revise the land use designation for consistency with Verification of ESHA (CO-1-27) and Management of ESHA (CO-I-28), and Habitat Preservation (CO-I-31).

Chapter 3.1 also needs to be revised to address potential land use incompatibilities. As written there is no assessment of any potential incompatibilities of proposed new land uses with existing nearby uses. For example, the DEIR does not disclose if intense residential development of the undeveloped San Pedro Avenue Site will have noise or traffic incompatibilities with surrounding residential land uses. The DEIR also does not disclose if intense residential development of the undeveloped San Pedro Avenue Site would displace flood storage, important habitat, or recreational uses of the Site.

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date. It should be noted that the Coastal Conservancy also commented similarly that the policies in the Plan are in conflict with reality.

Original Comment:

Geology, Soils, and Seismic Risk

CEQA Guideline 15126.2(a) states, "The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.....Similarly, the EIR should evaluate any potential significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments, or in land use plans addressing such hazard areas." As

² CCC Denial of CDP-2-19-0026, Exhibit 11 at <https://documents.coastal.ca.gov/reports/2021/3/F16a/F16a-3-2021-exhibits.pdf>

described below for both geology and hydrology, this DEIR fails to conduct these required assessments.

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date.

Original Comment:

Figure 3.6-1: The undeveloped San Pedro Avenue Site appears to include areas of Very High and Medium liquefaction potential (DEIR Figures 3.6-1 and 3.6-2). It also may be subject to impacts from coastal erosion, as described on DEIR p. 3.6-14 and elaborated upon in the CCC's Staff Report for the adjacent Rhodes site. Yet the GPU's land use designation seems oblivious to these threats, and the DEIR fails to analyze these reasonably foreseeable potential Project impacts.

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date.

Original Comment:

Impacts 3.6-1 and 3.6-3: The DEIR provides no analysis of the potential impacts of proposed land use designations shown in the GPU land use map.

It also fails entirely to address whether and how the listed general policies will reduce impacts such as those identified above for the undeveloped San Pedro Avenue Site to less-than-significant levels and then inexplicably finds the impacts to be minimal. The DEIR just lists the policies and concludes that the impacts would be less than significant. There's a big difference between reducing impacts, which is what the policies are aimed at, and reducing them to a less-than-significant level. The DEIR must be revised to analyze the impacts of the proposed changes in land use compared to existing conditions.

Further, please provide monitorable, enforceable mitigation for these potentially severe impacts on the undeveloped San Pedro Avenue Site. The proposed policies mostly involve future studies, which do not suffice as mitigation, particularly in the absence of express performance standards. Please note that Geologic Hazard Abatement Districts do not ensure mitigation, but rather just shift funding responsibilities for mitigation from the City to buyers of subject properties.

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date. Vague, unenforceable policies continue to be substituted for actual mitigation.

Original Comment:

Hydrology and Water Quality

The Hydrology and Flooding section introduction states that the section analyzes water resources “in relation to the location of projects comprising the buildout of the Proposed Project [General Plan].” (DEIR p. 3.5-1). However no such analysis is included relative to those projects.

The DEIR also states, “San Pedro Creek has a history of flooding in the Linda Mar area,” (p. 3.5-8) but the DEIR provides no information on flooding at the sites where land use is proposed to intensify substantially as a result of the GPU. The PPCA has provided the City with photos of the Site entirely flooded to a depth of several feet, indicating that substantial flooding has occurred on the Site. This flooding occurred again in the 2021-2022 rainy season. The City has been provided with evidence (attached hereto and submitted by PPCA under separate cover) that the Site has been frequently flooded by San Pedro Creek, the adjacent hillsides, is subject to flooding under projected sea level rise, and is subject to tsunami hazards.

The 2014 DEIR for the Pacifica General Plan Update at Figure 3.5-1 showed the Site is subject to flooding from tsunami runup. However, without explanation, that figure has been omitted from this DEIR. Why was this figure deleted? As noted in the DEIR and the CCC Staff Report, tsunami runup is a hazard that will only worsen with sea level rise.

As detailed in the CCC Staff Report on the adjacent Rhodes project site,

“With respect to coastal hazards, the site would be subject to potential future impacts from the combination of shoreline retreat, sea level rise, wave runup, and inundation. As proposed, the structures are not sufficiently sited and designed to avoid such problems, and the northernmost building includes a basement structure, all of which would be subject to flooding over the expected life of the development. “

“... Commission staff geologist Dr. Joseph Street estimates that with 6.6 feet of sea level rise, wave runup with the 100-year storm could extend about 170 feet inland of the shoreline (i.e., of MHTL) across the beach and flatter ground near San Pedro Creek, northeast of the project site. This provides a more conservative estimate of potential storm wave runup beyond the future shoreline position. If 170 feet of horizontal wave runup distance is added to the projected future shoreline position (with 5.7 or 6.6 feet of sea level rise), the seaward portion of the project site (where Building 1 is proposed which includes the two-story surf shop on the first floor, office and storage space on the second floor, and a 3,500 square-foot basement subgrade) would be affected by wave runup within the 100-year analytic period referenced by the LCP.

“Another option to approximate the future wave runup hazard risk to the site is to add projected sea level rise to the current FEMA 100-year flood elevation. Adding the medium-high risk scenario sea level rise projection (+5.6 to +6.9 feet by 2090-2100) to the current FEMA 100-year flood elevation of the VE zone (representing areas within the 1% annual chance coastal floodplain which have additional hazards associated with storm waves) where the proposed project is located (i.e., at +17 feet elevation) yields a rough estimate of the future 100-year flood elevation in the range of +22.5 to +24 feet NAVD88. Given the existing elevations at the project site (+16 to +21 feet) and the elevations of the topographic lows adjacent to the project site (+16 to +17 feet NAVD88), it is thus possible that future flood elevations in this range affect at least a portion of the project site toward the end of the project life. At the very least, additional, more detailed analysis would be needed to rule out this possibility.”

The San Pedro Avenue Site is lower than the adjacent Rhodes project site, rendering it even more likely to be impacted from coastal flooding hazards. This should have been considered in planning for Site development in the GPU, as well as in determining impacts in the DEIR.

Because the undeveloped San Pedro Avenue Site is located in the Coastal Zone, designation of the Site must be assessed for compliance with Coastal Commission policies with respect to flooding and sea level rise. The Commission’s draft polices state that LCP’s must integrate sea level rise into planning, using a maximum rise of 6.3 feet, which is based on the best available science as identified in the CCC Staff Report on the adjacent Rhodes project site. The Coastal Commission Guidance is that coastal hazard risks should be avoidable, wherever feasible. Increasing development density on an undeveloped site subject to sea level rise and other coastal hazards is the opposite of this Coastal Commission Guidance. The DEIR fails to even mention this impact.

The DEIR Hydrology discussion fails to even disclose, much less address, the tsunami and sea-level-rise flooding related hazards associated with this Site (see, for example, DEIR Figure 3.5-1, which shows the Site as having no flooding hazards), in spite of detailed evidence of those hazards provided by the California Coastal Commission’s experts. The DEIR consistently ignores on-the-ground analyses, in favor of less-accurate generic mapping, rendering the document inadequate.

In the 2014 DEIR for that General Plan Update, the Hydrology section included an impact on sea level rise (Impact 3.5-6). Inexplicably that impact, as well as Impact 3.5-7 in the 2014 DEIR, have been deleted, leaving a jump from Impact 3.5-5 to 3.5-8 in the 2022 DEIR. Given that the undeveloped San Pedro Avenue Site would be subject to extreme flooding from sea level rise and that runoff to and from the project Site would aggravate that flooding (see CCC comments), this issue must be addressed in the stormwater runoff and flooding discussions of this Project and DEIR.

Also, designating this Site for development is in clear violation of sea-level-rise policies in the General Plan Update itself. The fact that the City is willing to adopt a land use plan that is inconsistent with the policies in the very same plan shows that the policies are not effective mitigation.

As mitigation, please revise the land use element of the Project to eliminate the density increases in these areas and respond to the real hazards by reducing densities instead. The DEIR – by suggesting unenforceable policies that conflict with the underlying land use as mitigation measures - does not comply with CEQA requirements for mitigation, which must be both enforceable and verifiable, and must actually mitigate the impact.

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date. Specific evidence of site flooding is ignored in favor of non-specific regional studies.

Original Comment:

Public Services and Recreation

The draft general policies state that access to coastal areas shall be maximized. Yet, this Project would eliminate an informal access trail to the beach, as documented in a set of photos and maps attached to our previous comments. The DEIR entirely omits coastal access outside of designated parks from its impact analysis. The Project's impacts on access through the Site are not disclosed in this DEIR.

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date. Specific evidence of loss of coastal recreational resources is ignored in favor of deferred studies.

Original Comment

Alternatives

As described previously, the DEIR fails to provide clear objectives as required by CEQA. This makes it impossible to determine if the range of alternatives in the DEIR is appropriate. This deficiency is compounded because project alternatives must reduce impacts compared to the Project and, as detailed above, the DEIR fails to adequately address potential impacts of the Project on nearly all topics.

Further, it appears that the alternatives addressed in Chapter 4 are merely planning options and not actual CEQA alternatives. In fact, the three criteria on DEIR p. 4-2 state that the alternatives were selected to, "bracket the range of choices that have the broadest support from the community", apparently without specific consideration of their potential environmental impacts.

There is no location-specific analysis of flooding in this DEIR alternatives chapter, which results in inaccurate statements that the no-project alternative would increase flood hazards compared to the proposed Project. Certainly this is false at the site. More generally, why wouldn't ongoing flood-improvement projects continue with or without the project?

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date. Specific evidence of site flooding is ignored in favor of deferred studies.

Original Comment

Planning Issues

As noted above, the proposed Coastal Residential Mixed Use land use designation at the undeveloped San Pedro Avenue Site would subject increased densities of people to geologic and hydrologic hazards, in non-conformance with both City and LCP policies. Further, sensitive ecological resources would be adversely affected, which also undercuts and fails to comply with the policies regarding those resources. As noted in the DEIR's Project Description, the Site's current Commercial Recreation land use designation is most similar to the GPU's proposed Visitor Serving Commercial (VC) designation. The VC designation, "allows uses that create public access to the coastal setting and are adaptable to changing environmental conditions: campgrounds, rustic lodging, concession stands, warming huts, outdoor event sites, and similar uses. Development may occur up to a 0.20 FAR, but must have an overall very low-intensity character on sites of more than one acre. Buildout is assumed at 0.05 FAR, recognizing the large land areas and minimal buildings expected to support recreational uses." (DEIR, p. 2-14.)

It is clear that, given the Site location and constraints, the GPU's policies as applied at the undeveloped San Pedro Avenue Site can only be met by applying the Conservation (C) General Plan designation and associated zoning because of the on-site hazards and identified ESHA.

Response Deficiency:

The EIR fails to address this comment in good faith and instead, once again, punts the analysis to some future date. The response is illogical and wholly deficient as it ignores the obvious impacts of site development.

Conclusions

The FEIR fails entirely as an informational disclosure document because of its assumptions that plan policies would equate to mitigation and its failure to actually analyze the effectiveness and likelihood of implementation of those policies.

Further, with respect to the undeveloped San Pedro Avenue Site, the DEIR ignores voluminous substantial evidence of major flooding hazards and ecological sensitivity of the Site. While an FEIR may choose between conflicting experts' opinions, if they are all supported by evidence, it cannot fail to disclose evidence contrary to its own conclusions, which, with respect to both flooding and biological resources on the Site, are entirely unsupported by either evidence or analysis.

It is my professional opinion that, given the extent of the flaws detailed above, which reflect only a partial review of the FEIR's technical sections, this document does not meet CEQA requirements for full disclosure of potential impacts of the proposed project.

The FEIR's failure to address the deficiencies cited above are especially critical because of the potential for "infill" residential projects to be permitted under CEQA exemptions for such projects as permitted under CEQA Guideline Sections 15182, 15183, and 15183.3. While this DEIR promises further site-specific CEQA review, it is possible that for some developments, no such review could occur. In those cases, given the analytical deficiencies in this DEIR, the impacts will not be assessed in any CEQA document. This sort of CEQA "shell game" would deprive the public and decision-makers of meaningful information and input in the environmental review process.

The DEIR anticipates Initial Studies and Negative Declarations for future compliance with CEQA, but contends that it is not required to currently assess Project level impacts. (DEIR, p. 44.) Such an assertion violates one of CEQA's prime policies; the prohibition against ignoring foreseeable impacts for later analysis is clearly proscribed by CEQA. *Laurel Heights*. Cases citing *Laurel Heights* continue to disapprove of program or plan-level EIRs that defer impact analysis: "tiering is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause." *California Native Plant Soc. v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 623-25.

Therefore, it is my professional opinion that the entire DEIR should be rewritten and recirculated for public review. The current approach of setting plus policies equals mitigation should be discarded and the impacts of the proposed land use changes should be carefully evaluated. Please feel free to contact me at 510 849-2354 if you have any questions regarding the comments herein.

Sincerely



Richard Grassetti

Mr. Christian Murdoch
June 3, 2022

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Principal
Grassetti Environmental Consulting

Attachment A: Grassetti Qualifications

Richard Grassetti

PRINCIPAL

Expertise

- CEQA/NEPA Environmental Assessment

Principal Professional Responsibilities

Mr. Grassetti is an environmental planner with 40 years of experience in environmental impact analysis, project management, and regulatory compliance. He is a recognized expert on California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) processes. He also has served as an expert witness on CEQA and planning issues. Mr. Grassetti regularly conducts peer review and QC/QA for all types of environmental impact analyses, and works frequently with public agencies, citizens groups, and applicants. He has managed the preparation of over 80 Federal and state environmental impact assessment documents, as well as numerous local agency planning and permitting documents. Mr. Grassetti also has prepared over 300 technical analyses for these documents. He has analyzed the environmental impacts of a wide range of projects including infrastructure improvements, ecological restoration projects, waste management projects, mixed-use developments, energy development, military base reuse projects, and recreational facilities. In addition to his consulting practice, Mr. Grassetti regularly conducts professional training workshops on NEPA and CEQA compliance, and was a lecturer for over 15 years at California State University, East Bay, where he taught the University's class on environmental impact assessment.

Professional Services

- Management and preparation of all types of environmental impact assessment and documentation for public agencies, applicants, citizens groups, and attorneys
- Peer review of environmental documents for technical adequacy and regulatory compliance
- Expert witness services

- Assisting clients in Federal and California environmental impact assessment process compliance
- Preparation of technical analyses for impact assessments
- Preparation of project feasibility, opportunities, and constraints analyses, and mitigation monitoring and reporting plans

Education

University of Oregon, Eugene, Department of Geography, M.A., Geography (Emphasis on Fluvial Geomorphology and Water Resources Planning), 1981.

University of California, Berkeley, Department of Geography, B.A., Physical Geography, 1978.

Professional Experience

1992-Present	Principal, GECO Environmental Consulting, Berkeley, CA
1994-2012	Adjunct Professor, Department of Geography and Environmental Studies, California State University, East Bay, Hayward, CA
1988-1992	Environmental Group Co-Manager/ Senior Project Manager, LSA Associates, Inc. Richmond, CA
1987-1988	Independent Environmental Consultant, Berkeley, CA
1986-1987	Environmental/Urban Planner, City of Richmond, CA
1982-1986	Senior Technical Associate - Hydrology and Geology - Environmental Science Associates, Inc. San Francisco, CA
1979-1981	Graduate Teaching Fellow, Department of Geography, University of Oregon, Eugene, OR

Professional Affiliations and Certifications

Member and Past Chapter Director, Association of Environmental Professionals, San Francisco Bay Chapter
Member, International Association for Impact Assessment

***Publications
and Presentations***

Grassetti, R. *Understanding Environmental Impact Assessment – A Layperson’s Guide to Environmental Impact Documents and Processes*. 2002 (Revised 2011)

Grassetti, R. *Round Up The Usual Suspects: Common Deficiencies in US and California Environmental Impact assessments*. Paper Presented at International Association for Impact Assessment Conference, Vancouver, Canada. May 2004.

Grassetti, R. *Developing a Citizens Handbook for Impact Assessment*. Paper Presented at International Association for Impact Assessment Conference, Marrakech, Morocco. June 2003

Grassetti, R. *CEQA and Sustainability*. Paper Presented at Association of Environmental Professionals Conference, Palm Springs, California. April 2002.

Grassetti, R. and M. Kent. *Certifying Green Development, an Incentive-Based Application of Environmental Impact Assessment*. Paper Presented at International Association for Impact Assessment Conference, Cartagena, Colombia. May 2001

Grassetti, Richard. *Report from the Headwaters: Promises and Failures of Strategic Environmental Assessment in Preserving California’s Ancient Redwoods*. Paper Presented at International Association for Impact Assessment Conference, Glasgow, Scotland. June 1999.

Grassetti, R. A., N. Dennis, and R. Odland. *An Analytical Framework for Sustainable Development in EIA in the USA*. Paper Presented at International Association for Impact Assessment Conference, Christchurch, New Zealand. April 1998.

Grassetti, R. A. *Ethics, Public Policy, and the Environmental Professional*. Presentation at the Association of Environmental Professionals Annual Conference, San Diego. May 1992.

Grassetti, R. A. *Regulation and Development of Urban Area Wetlands in the United States: The San Francisco Bay Area Case Study*. Water Quality Bulletin, United Nations/World Health Organization Collaborating Centre on Surface and Ground Water Quality. April 1989.

Grassetti, R. A. *Cumulative Impacts Analysis, An Overview*.
Journal of Pesticide Reform. Fall 1986.

1986, 1987. Guest Lecturer, Environmental Studies
Program, University of California, Berkeley.

REPRESENTATIVE PROJECT EXPERIENCE

IMPACT ASSESSMENT REGULATORY COMPLIANCE SEMINARS

Mr. Grasseti has conducted numerous CEQA and NEPA compliance seminars for entities including:

- Alameda County Waste Management Authority
- San Francisco County Transportation Authority
- West Bay Sanitary District
- North Coast Resource Management, Inc.
- Element Power Company
- Tetra Tech Inc.
- Impact Sciences Inc.
- Northwest Environmental Training Center (over 10 workshops)
- California State University East Bay (14 years teaching Environmental Impact Assessment)

PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTS (partial list)

Salt River Ecosystem Restoration Project EIR. GECO managed preparation of an Environmental Impact Report for the restoration of a large area of former marsh and open channel near Ferndale in Humboldt County. The project includes creation of a new seven-mile-long river channel and a 400-acre wetland restoration. Major issues include biological resources, land use, hydrology/flooding, and construction impacts (noise, air quality, traffic.). Client: Humboldt County Resource Conservation District.

Aramburu Island Shoreline Protection and Ecological Enhancement Project Initial Study. Mr. Grasseti managed preparation of an Initial Study for a proposal by the Audubon Society to stabilize the shoreline and improve bird and seal habitat on the 34-acre Aramburu Island site in Marin County. Major issues include biological resources, hydrology/flooding, and construction impacts. Client: Wetlands and Water Resources.

Forward Landfill Expansion Project EIR. Mr. Grasseti managed preparation of an EIR for a 170-acre expansion of the Forward Landfill in San Joaquin County. This is the third EIR that Mr. Grasseti, has prepared for this landfill over a period of 15 years. Major issues include air quality, health and safety, biological resources, and traffic. Client: San Joaquin County Community Development Department.

San Francisco PUC WSIP Projects. Mr. Grasseti assisted in the preparation of the San Francisco Public Utility Commission's Water Supply Improvement Project Program EIR, as well as two other CEQA documents for smaller projects under that program. Major issues include hydrology, water supply, and fisheries. Client: Water Resources Engineering/Orion Associates.

Parsons Slough Project CEQA Review. Mr. Grasseti is managing preparation of an expanded Initial Study for a tidal sill (dam) project to reduce scour in Parsons Slough, an arm of the ecologically sensitive Elkhorn Slough. This IS may lead to either an EIR or Mitigated Negative Declaration. Major issues include fisheries, marine mammals, water quality, aesthetics, and construction issues (noise). Client: Vinnedge Consulting/ Elkhorn Slough National Estuary Reserve.

Hamilton Wetlands/Todds Road CEQA Review. Mr. Grasseti managed preparation of the CEQA Initial Study for an alternative access road for truck traffic to the Hamilton Wetlands Restoration Project to reduce the project's potential noise impacts. Major issues included noise, biological resources, and cultural resources. Client: California State Coastal Conservancy.

San Francisco Bay Water Trail Program EIR. Mr. Grasseti assisted in the preparation of the EIR for a "water trail" for small non-motorized boats throughout San Francisco Bay. The project involves designation of 115 access sites as well as policies for stewardship and education. Major issues include disturbance of birds, marine mammals, water quality, historic resources, and wetlands. Client: California State Coastal Conservancy.

Dutch Slough Restoration Project/Oakley Community Park EIR. Mr. Grasseti managed preparation of the EIR for a 1400-acre wetland restoration and 80-acre community park on former diked lands in Oakley. Major issues include fisheries, water quality, historic architectural resources, and wetlands. Client: California State Coastal Conservancy.

Vineyard RV Park Expansion Initial Study. Mr. Grasseti managed preparation of the Initial Study for an expansion of a mobile home park in Solano County near Vacaville. Major issues included flooding, biological resources, and traffic. Client: Vineyard RV Park.

Pinole Creek Restoration Project Initial Study. Mr. Grasseti prepared the CEQA Initial Study for a 2.5-mile long creek restoration project in the City of Pinole. Major issues included biological resources, flooding, and water quality. Client: City of Pinole.

Knobcone Subdivision Initial Study. Mr. Grassetto managed preparation of an Initial Study for a 5-unit subdivision in Richmond. Major issues include geologic hazards and biological resources. Client: City of Richmond.

Baxter Creek Restoration Project CEQA Consulting. Mr. Grassetto assisted City of El Cerrito staff in the preparation of an Initial Study for the proposed Baxter Creek Restoration Project. Client: City of El Cerrito.

West of Fairview Subdivision Supplemental EIR. Mr. Grassetto managed preparation of a Supplemental EIR for a 700-unit residential development in Hollister. Major issues include traffic, biology, and utility services. Client: City of Hollister.

American Canyon Initial Studies. Mr. Grassetto managed preparation of two initial studies for commercial and warehouse projects in the City of American Canyon. Major issues include traffic, biological resources, and geology. Client: City of American Canyon.

Pelandale-McHenry Specific Plan. Mr. Grassetto prepared the Specific Plan for an 80-acre residential/commercial development in Modesto. Major issues included land use, traffic, and provision of adequate infrastructure. Client: Meritage Homes

Monte Cresta Roadway Extension Initial Study. Mr. Grassetto prepared an Initial Study/Negative declaration for a roadway extension in San Juan Hills area of the City of Belmont. Major issues included slope stability and growth inducement. Client: City of Belmont

Bethel Island Water Supply Project. Mr. Grassetto prepared an Initial Study for a proposed new water supply system for the community of Bethel Island in Contra Costa County. Major issues included growth inducement, archaeological resources, and biological resources. Client: Bethel Island Municipal Improvement District.

San Francisco Bay Estuary Invasive Spartina Control Project EIR/EIS and Addendum. Mr. Grassetto managed preparation of the programmatic EIR/EIS on a plan to control invasive cordgrasses throughout the San Francisco Bay. Major issues included endangered species, visual resources, water quality, and human health and safety. Mr. Grassetto subsequently prepared an addendum for the addition of a new herbicide to the Spartina Control Program. Client: California State Coastal Conservancy.

Aptos Sanitary Sewer Replacement Project Initial Study. Mr. Grassetto prepared an Initial Study for the replacement of a storm-damaged sanitary sewer pipeline in Santa

Cruz County. Major issues included cultural resources and biological resources. Client: Harris and Associates.

Eastern Dublin Specific Plan Supplemental EIR. Mr. Grassetto managed preparation of a Supplemental EIR for an 1100-acre mixed-use project in the City of Dublin. Major issues included traffic, biological resources, public services, noise, and air quality. Clients: Shea Homes and Braddock and Logan Services.

Consolidated Forward Landfill Project EIR Update. Mr. Grassetto managed preparation of an EIR for the expansion and consolidation of the Forward Landfill and the Austin Road Landfill near Stockton, CA. Major issues include toxics, water quality, traffic, biological resources, and air quality. Client: San Joaquin County Community Development Department.

Pleasanton IKEA Initial Study. Mr. Grassetto prepared a Draft Initial Study for a proposed new 300,000 sq. ft. IKEA store in Pleasanton. Major issues included biology, traffic, and visual resources. Client: IKEA Corporation.

Central Contra Costa Household Hazardous Waste Facility Studies: Mr. Grassetto assisted Central Contra Costa Sanitary District staff in the preparation of a Planning Study and subsequent CEQA Initial Study on feasibility, siting, and environmental issues associated with the development of a Household Hazardous Waste collection program and facility in Central Contra Costa County. Client: Central Contra Costa Sanitary District.

Southwest Richmond Flood Control Project IS. Mr. Grassetto prepared the Initial Study and Mitigated Negative Declaration for a proposed flood control project in the City of Richmond. Client: City of Richmond.

Wickland Oil Martinez Tank Farm Expansion Project EIR Management. Mr. Grassetto served as an extension of City of Martinez Planning Department staff to manage all aspects of the preparation of the CEQA review for a 2,000,000-barrel expansion at Wickland's Martinez oil storage terminal. We prepared the NOP, RFP, assisted in consultant selection, and managed the consultant preparing the EIR on this project. Client: City of Martinez.

Austin Road Landfill Expansion Project EIR Update. Mr. Grassetto prepared an Initial Study and Supplemental EIR updating a 1994 EIR for the expansion of the Austin Road Landfill near Stockton, CA. Major issues include water quality, traffic, biological resources, and air quality. Client: San Joaquin County Community Development Department.

Wayside Road Sewer Expansion Initial Study. Mr. Grassetto prepared an Initial Study and Mitigated Negative Declaration for a proposed new sewer system in the Wayside Road area of Portola Valley. Client: West Bay Sanitary District

Los Trancos Woods Sewer Expansion Initial Study. Mr. Grassetto prepared an Initial Study and Mitigated Negative Declaration for a proposed new sewer system in the Los Trancos Woods area of Portola Valley. Client: West Bay Sanitary District

Arastradero Road Sewer Expansion Initial Study. Mr. Grassetto prepared an Initial Study and Mitigated Negative Declaration for a proposed new sewer system in the Arastradero Road area of Portola Valley. Client: West Bay Sanitary District

Lower Orinda Pumping Station Initial Study/Negative Declaration. Mr. Grassetto prepared an Initial Study/Negative Declaration for renovating or relocating a wastewater pumping plant in Orinda, CA. Client: Central Contra Costa Sanitary District.

Shell Martinez Breakout Tanks Project Initial Study. Mr. Grassetto prepared an Initial Study for two proposed new wastewater storage tanks at Shell's Martinez Manufacturing Complex. Major issues included air quality, odors, and visual impacts. Client: City of Martinez.

Shell Martinez Biotreater Facility Initial Study. Mr. Grassetto prepared the Initial Study/Negative Declaration for a proposed new biotreater facility for Shell's Martinez Manufacturing Complex wastewater treatment plant. Major issues included water quality, wetlands, growth-inducement, and cumulative impacts. Client: City of Martinez.

Vallejo Solar Power Plant Initial Study. Mr. Grassetto prepared a CEQA Initial Study/Negative Declaration for a proposed photovoltaic array intended to power a water pumping plant in the City of Vallejo. Major issues included land use compatibility and visual quality. Client: City of Vallejo.

Ranch on Silver Creek CEQA Consulting. Mr. Grassetto prepared the Mitigation Monitoring and Reporting Program and other CEQA compliance tasks for a large residential/golf course project in San Jose. Client: Sycamore Associates.

Morgan Hill Ranch Initial Study Analyses. Mr. Grassetto prepared the Hydrology, Geology, and Hazardous Materials analyses for the Morgan Hill Ranch Mixed Use Project Initial Study. Client: Wagstaff and Associates.

East Bay MUD Water Conservation Study. Mr. Grassetto conducted the field portion of a major water conservation survey for the East Bay MUD service area. Client: Water Resource Engineering.

East Bay MUD Pipeline CEQA Analyses. Mr. Grassetto prepared technical analyses for two EIRs regarding proposed new East Bay MUD pipeline in Sacramento, San Joaquin, and Calaveras Counties. Client: Uribe & Associates.

Sunnyvale Landfill Power Plant CEQA Initial Study. Mr. Grassetto prepared an Initial Study for a proposed landfill gas-fueled power plant at the Sunnyvale Landfill

in Santa Clara County. Recommendations for mitigation and further environmental review were prepared. Client: 3E Engineering.

Fremont Redevelopment Project Hydrologic Analysis. Mr. Grassetto prepared the hydrology section for an environmental impact report for four redevelopment projects in Fremont. Client: Wagstaff and Associates.

Ostrom Road Landfill Hydrologic Analysis. Mr. Grassetto prepared the hydrology section for an environmental impact report on the proposed vertical expansion of an existing Class II landfill in Yuba County. Client: ESA Associates.

Pinole Portion of the Bay Trail Hydrologic, Geologic, and CEQA QA/QC Analyses. Mr. Grassetto prepared the hydrologic and geologic analyses for a CEQA Initial Study on a half-mile segment of the Bay Trail in the City of Pinole. Mr. Grassetto also provided CEQA process consulting services on this project. Client: Placemakers.

Kennedy Park Master Plan Hydrologic and CEQA QA/QC Analyses. Mr. Grassetto prepared the hydrologic analyses for an environmental impact report on a proposed park master plan in the City of Napa. Client: Placemakers.

U.S. Navy Bay Area Base Closure and Re-Use Environmental Studies. Mr. Grassetto assisted in the NEPA/CEQA review process for US Navy Base Closures and Re-Use for the San Francisco Bay Area. Work tasks include CEQA compliance overview, internal peer review, quality control reviews, and preparation of technical analyses. Specific projects are summarized below:

Mare Island Naval Shipyard EIR/EIS Studies. Mr. Grassetto prepared the hydrology section of the EIR/EIS on the shipyard closure and reuse program, conducted a peer review of the geology section, and conducted QA/QC review of the entire EIR/EIS. Client: Tetra Tech, Inc.

Oak Knoll Naval Medical Center EIR/EIS Studies. Mr. Grassetto conducted a CEQA/NEPA quality control and peer review of the EIS/EIR prepared for disposal and reuse of the Oak Knoll Naval Medical Center EIS/EIR in the City of Oakland. Client: Tetra Tech, Inc.

NAS Alameda EIR/EIS Studies. Mr. Grassetto prepared the hydrology section of EIR/EIS on reuse of the Naval Air Station, conducted a peer review of the geology section, and conducted QA/QC review of the entire EIR/EIS. Client: Tetra Tech, Inc.

Naval Station Treasure Island EIR/EIS Studies. Mr. Grassetto prepared the hydrology section of the EIR/EIS on reuse of Naval Station Treasure Island, conducted a peer review of the geology section, and conducted QA/QC review of the entire EIR/EIS. Client: Tetra Tech, Inc.

Hunters Point Naval Shipyard EIR/EIS. Mr. Grassetti assisted in the responses to comments and peer review of the EIR/EIS for the Hunters Point Naval Shipyard in San Francisco. Client: Uribe and Associates.

Naval Fuel Depot Point Molate. Mr. Grassetti conducted overall internal peer reviews of several drafts of the EIR/EIS for reuse of the former Naval Fuel Depot Point Molate in Richmond, CA. In addition, he prepared the Noise, Socioeconomics, and Cultural Resources sections of the EIS/EIR. Client: Uribe and Associates.

CEQA/NEPA PEER REVIEW AND EXPERT WITNESS CONSULTING PROJECTS

Jackson State Forest CEQA Review. Mr. Grassetti prepared a detailed analysis of the CEQA adequacy of the California Department of Forestry's EIR on a new management plan for the 40,000 acre Jackson State Forest. Major issues included forestry practices, water quality, and biological resources. Client: Dharma Cloud Foundation

Los Angeles Airport Arrival Enhancement Project Environmental Assessment NEPA Peer Review. Mr. Grassetti prepared a peer review and expert declarations regarding the adequacy of the NEPA Environmental Assessment for rerouting of flight paths for aircraft arriving at Los Angeles International Airport. Major issues included adequacy of assessment of noise effects on traditional cultural practices of the Morongo Band of Mission Indians. Client: Law Offices of Alexander & Karshmer.

St Mary's College High School Master Plan Peer Reviews. Mr. Grassetti conducted peer reviews of two Initial Studies for proposed expansions of a high school. Major issues included noise and traffic. Client: Peralta Perk Neighborhood Association.

Lawson's Landing EIR Peer Review. Mr. Grassetti conducted detailed peer reviews of numerous CEQA documents for the proposed master plan for the Lawson's Landing mobile home park and campground in Marin County. Client: Environmental Action Committee of West Marin.

Coaches Field Initial Study Peer Review. Mr. Grassetti conducted a peer review of a proposed lighted ballfield project in the City of Piedmont. Mr. Grassetti's review resulted in the Initial Study being withdrawn and an EIR being prepared. Client: Private Party.

Metropolitan Oakland International Airport Development Plan Environmental Impact Report CEQA Review. Mr. Grassetti performed a critical review and assisted in the preparation of comments and ultimately successful litigation regarding the proposed expansion of Metropolitan Oakland International Airport. Major issues included noise, cumulative impacts, and alternatives selection/analyses. Client: Law Office of John Shordike.

San Francisco International Airport Environmental Liaison Office Consulting. Mr. Grassetti conducted various internal peer review tasks associated with environmental studies being prepared for SFIA's proposed runway expansion. Client: LSA Associates, Inc.

El Cerrito Lumber Yard CEQA Peer Review. Mr. Grassetti conducted an internal peer review for an Initial Study on a controversial parcel in the City of El Cerrito. Client: City of El Cerrito.

Sausalito Marina CEQA Critique. Mr. Grassetti prepared a peer review and critique of an EIR for a proposed new marina in Sausalito. Client: Confidential

Sausalito Police and Fire Station CEQA Critique. Mr. Grassetti prepared a peer review and critique of an EIR for a proposed new public safety building in Sausalito. Client: Confidential

Napa Verison Tower CEQA Critique. Mr. Grassetti conducted a peer review and critique for a cellular telephone tower in the City of Napa. Client: Confidential.

Morongo Mining Projects Environmental Reviews. Mr. Grassetti provided CEQA, NEPA, and technical consulting to the Morongo Band of Mission Indians regarding two aggregate mines adjacent to their reservation in Riverside County, CA. Client: Law Office of Alexander & Karshmer.

Napa Skateboard Park Peer Review. Mr. Grassetti conducted a peer review and critique for a neighborhood association on a proposed skateboard park in the City of Napa. Client: Confidential.

Headwaters Forest Project EIR/EIS Review. Mr. Grassetti conducted an expert review of the CEQA and NEPA adequacy and technical validity of EIR/EIS on the Headwaters Forest Habitat Conservation Plan, Sustained Yield Plan, and land purchase. Clients: Environmental Law Foundation; Environmental Protection and Information Center, and Sierra Club.

Global Photon Fiber-Optic Cable EIR Peer Review. Mr. Grassetti assisted in a third-party peer review of an EIR on a proposed offshore fiber-optics cable. Client: Tetra Tech, Inc., and California State Lands Commission.

Coachella Valley Water Management Plan CEQA Peer Review. Mr. Grassetti assisted a consortium of Coachella Valley Indian Tribes in reviewing CEQA documents on the Coachella Valley Water Management Plan. Client: Consortium of Coachella Valley Tribes.

Salton Sea Enhanced Evaporation System Initial Study/Environmental Assessment Peer Review. Mr. Grassetti reviewed the draft IS/EA for a spray project to evaporate excess return flow water from the Salton Sea. Client: Morongo Band of Mission Indians.

Santa Rosa Home Depot CEQA Peer Review: Mr. Grassetti conducted a peer review and provided expert testimony regarding the adequacy of the Environmental Impact Report

and associated technical studies for a proposed Home Depot shopping center in Santa Rosa. Client: Redwood Empire Merchants Association.

Mitsubishi Mine CEQA Litigation Review. Mr. Grassetto conducted a review of legal briefs regarding the adequacy of CEQA analyses for a proposed mine expansion in San Bernardino County. Client: Law Offices of Thomas Mauriello.

Alamo Gate Permitting Review. Mr. Grassetto performed a critical review and prepared expert testimony and correspondence regarding the adequacy of CEQA and land use permitting and studies for a proposed gate on Las Trampas Road, which would preclude vehicular access to a regional park staging area. Client: Las Trampas Trails Advocates.

Cambria Condominiums Environmental and Planning Review. Mr. Grassetto prepared expert reviews of the potential environmental effects and Local Coastal Plan compliance of a proposed condominium development in Cambria, San Luis Obispo County. Client: Law Office of Vern Kalshan.

Mariposa County Planning Policy Reviews. Mr. Grassetto conducted a review of proposed alterations to the Mariposa County General Plan for CEQA compliance. Client: Dr. Barton Brown.

Gregory Canyon Landfill Environmental Processing Review. Mr. Grassetto was retained to review the environmental permitting and CEQA analyses for the proposed Gregory Canyon Landfill in northern San Diego County. Procedural issues include landfill siting requirements and CEQA process compliance. Technical issues include cultural resources, hydrology, endangered species, traffic, and health and safety. Client: Law Offices of Alexander & Karshmer and Pala Band of Mission Indians.

Otay Ranch Development CEQA Review. Mr. Grassetto prepared an expert review of the Environmental Impact Report for the 23,000-acre Otay Ranch project in San Diego County in connection with ongoing litigation. Major issues were CEQA compliance, compliance with the California planning process, biological impacts, cumulative impacts, and alternatives. Client: Law Offices of Charles Stevens Crandall.

Punta Estrella Chip Mill Environmental Report Compliance Review. Mr. Grassetto prepared a review of a proponent's environmental report for a proposed wood chip mill in Costa Rica to determine compliance of documentation with U.S. environmental standards and policies. Major compliance issues included US Clean Air Act and Clean Water Act standards, NEPA standards, and adequacy of overall impacts analysis. Client: Scientific Certification Systems.

Carroll Canyon Burn Facility CEQA Compliance Review. Mr. Grassetto prepared a CEQA process review for a proposed Negative Declaration on a planned contaminated-earth burning facility in the City of San Diego. Client: Law Offices of William Mackerzie.

Monterey Bay Marine Lab CEQA Compliance Review: Mr. Grassetto assisted attorneys in review of a CEQA Negative Declaration, NEPA Environmental Assessment, and associated

documents for the relocation of the Monterey Bay Marine Laboratory. Issues included the effectiveness of mitigation to cultural and biological resources, the appropriateness of the Negative Declaration versus an EIR, and other CEQA issues. Client: Law Offices of Alexander & Karshmer.

Monterey Ground Water Ordinances CEQA Compliance Review. Mr. Grassetti provided expert CEQA consulting services to attorneys regarding the appropriateness of Monterey County's CEQA processing of proposed ground water ordinances. Client: Salinas Valley Water Coalition.

Jamestown Whistlestop CEQA Adequacy Review. Mr. Grassetti performed an expert review and assisted in successful litigation regarding an Initial Study for a proposed mini mall in Jamestown, Tuolumne County. Client: Law Offices of Thomas Mauriello.

Sunrise Hills Environmental Impact Report Peer Review. Mr. Grassetti performed a critical review of the applicability of the EIR for a proposed 200-unit residential development in Sonora, Tuolumne County. Major issues include grading, erosion, water quality, biological impacts, and visual quality. Client: Sylva Corporation.

Sonora Crossroads Shopping Center Environmental Impact Report Review. Mr. Grassetti performed a review of an EIR for a major new shopping center in Sonora, Tuolumne County. Major issues included geologic and hydrologic impacts. Findings were presented to the Sonora City Council, and pre-litigation assistance was provided. Client: Citizens for Well Planned Development.

Blue Oaks Residential Development CEQA Studies Review and Critique. Mr. Grassetti performed several tasks related to a proposed residential development in western Tuolumne County. Tasks included review of County CEQA procedure, review of Initial Study, review of Draft EIR, and coordination with attorneys. Client: Western Tuolumne County Citizens Action Group.

Yosemite Junction Project CEQA Review. Mr. Grassetti prepared a review and critique of a proposed Negative Declaration for a 40-unit outlet mall in Tuolumne County, California. The Negative Declaration was subsequently denied and the project application rescinded. Client: Sylva Corporation.

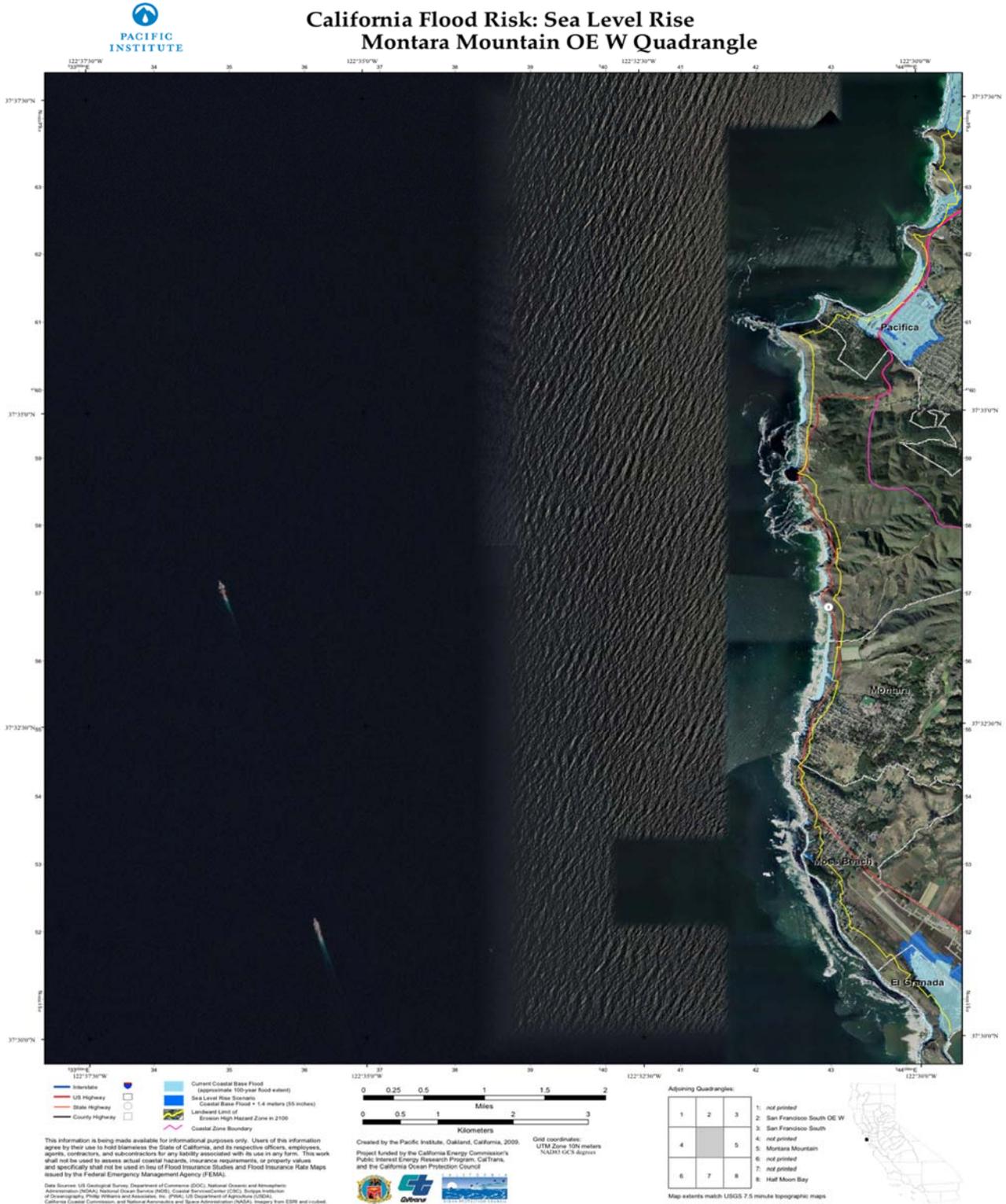
Sonora Mining Corporation CEQA Review/Expert Witness Services. Mr. Grassetti conducted a review and critique of CEQA compliance for the proposed expansion of Sonora Mining Corporation's Jamestown Gold Mine in Tuolumne County, California. Client: Law Office of Alexander Henson.

Save Our Forests and Rangelands Expert Review and Witness Services. Mr. Grassetti provided expert review, consulting services, and expert witness testimony on CEQA issues for a successful legal challenge to an EIR and Area Plan for 200,000 acres in the Central Mountain Sub-region of San Diego County. Client: Law Offices of Milberg, Weiss, Bershad, Specthrie, & Lerach.

Mr. Christian Murdoch
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Attachment 2: Pacific Institute Sea Level Rise Map



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Attachment 4: State of California Sea Level Rise Guidance Document

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Attachment 5: Site Access Photographs