



SAN MATEO COUNTY, DEPARTMENT OF PUBLIC WORKS, AIRPORTS DIVISION
620 Airport Drive, San Carlos, CA 94070 (650) 573-3700, FAX (650) 593-3762

Memo

To: Camille Leung, Planning and Building Department

From: James C. Porter, Director of Public Works *James C. Porter*

Subject: **Final Environmental Impact Report for the Big Wave Wellness Center**

Date: November 2, 2010

SAN MATEO COUNTY
PLANNING DIVISION

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Thank you for the opportunity to comment on the Final Environmental Impact Report (FEIR) for the Big Wave Wellness Center. We are concerned that the FEIR does not adequately address the land-use compatibility concerns described in the Federal Aviation Administration's (FAA) letters to the County dated July 8, 2010 and October 26, 2010, and the California Department of Transportation letter dated October 25, 2010, all of which are attached.

Specifically, we are concerned that approval of this project could jeopardize past, present, and future FAA Airport Improvement Program (AIP) grant funding for San Mateo County-operated airports. If the FAA withholds AIP grants, the County could no longer finance vital safety, infrastructure and maintenance projects at the Half Moon Bay Airport absent an equal appropriation of County funds to offset the loss of FAA funds. There are no other funding sources available from the Department of Public Works for airport safety and maintenance project purposes. The most likely source to make up the loss in grant funding is the County's General Fund.

In the FAA's July 8, 2010 letter regarding the Big Wave Wellness Center, Tony Garcia, the FAA's Airport Compliance Program Manager, states his view that "a clinical residential center serving disabled patients would not be considered a compatible use so close to the airport and its runway." Mr. Garcia also cites the County's contractual undertaking to comply with FAA Grant Assurance No. 21, which is set forth in the various agreements between the County and the FAA, pursuant to which the County has received FAA airport grant funds.

The FAA's Airport Compliance Manual – Order 5190.6B states that "the federal obligations a sponsor assumes in accepting FAA administered development assistance are mandated by federal statute" and that "upon acceptance of an AIP grant, the assurances become a binding contractual obligation between the airport sponsor and the federal government".

Grant Assurance No. 21 requires that the County ensure compatible land use in the vicinity of the Airport and “take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and takeoff of aircraft.”

I am concerned that neither the FEIR nor other information of which I am aware suggests that the FAA’s concerns have been adequately addressed, notwithstanding the additional proposed mitigation measures in the FEIR. Likewise, I am concerned that there is nothing to indicate any change in the position of the FAA, as stated by Mr. Garcia, that the residential component of the Big Wave project located “so close to the runway represents a use that is not compatible with normal airport operations.”

As part of the National Plan of Integrated Airports, the Half Moon Bay Airport provides a vital transportation link for business and personal travel. The County has been awarded just under \$9 Million in federal AIP grant funding since 2007. Failure to comply with the FAA’s grant assurances could jeopardize millions of dollars in federal grant funding for future safety and infrastructure improvements at the Half Moon Bay Airport, along with the associated economic benefit those projects would bring to the community.

JCP:MCL:sdd

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Attachments: Federal Aviation Administration letter dated July 8, 2010
Federal Aviation Administration letter dated October 26, 2010
California Department of Transportation letter dated October 25, 2010



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

P. O. Box 92007
Los Angeles, CA 90009-2007

San Mateo County Airports

July 8, 2010

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Mark Larson
Airport Manager
Half Moon Bay Airport
620 Airport Drive
San Carlos, CA 94070

Dear Mr. Larson:

Half Moon Bay Airport Planned Wellness Center

We are providing comments regarding the proposal to construct a Big Wave Wellness Center (Center) next to Half Moon Bay Airport (HAF). Based on the information available to us, the Center will be built approximately 500 feet west of runway 30. The presence of a center for the developmentally disabled that is so close to the runway represents a use that is not compatible with normal airport operations. Therefore, it is our determination that the selected site is not appropriate. An alternative site outside HAF's influence area should be used for the Center.

San Mateo County is reminded of the requirements of Assurance 21, *Compatible Land Use*. Airport sponsors are required to take appropriate action to restrict the use of land adjacent to the airport to activities that are compatible with normal airport operations. Clearly, a clinical residential center serving disabled patients would not be considered a compatible use so close to the airport and its runway.

Even if the center is not inside the noise contours of HAF, aircraft operations will have some disturbing impact on the Center. Its occupants will surely be aware of normal airport operations because aircraft over-flight noise will occur. The duration and intensity of the noise, even if it is intermittent, will likely be deemed to be an undesirable nuisance by occupants and residents of the center.

From a practical perspective, the consequences of incompatible land uses should not be taken lightly. The airport's neighbors will surely complain about airport noise. Incompatible land uses such as the Center will eventually provoke persistent criticism related to noise, safety, and emissions.

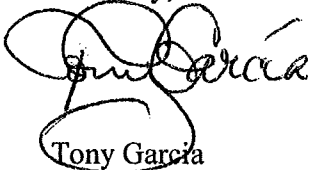
Once incompatible land uses are established, it is the airport that is expected to undertake remedial action to mitigate the offending irritants. For example, the San Mateo County General Plan was formulated to "promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare." Additionally, the "Airport Land Use Plan includes policies, standards, and criteria to address each of these issues to assist local agencies to achieve land use compatibility with existing and future airport development and operations."

Yet, because of incompatible land uses in the vicinity of HAF, "the County has implemented noise abatement procedures at HAF to further reduce aircraft noise impacts in the surrounding noise sensitive areas."

The above example discloses the land-use incompatibility shortcoming related to the proposed location of the Wellness Center. The planning and environmental documents proffer that there will not be any negative environmental impacts related to the proximity of the Center to the airport. However, experience actually reveals that the opposite is true. Inevitably, the Center's users will complain about the airport. The unfortunate public policy reaction to the complaints will inevitably be proposals to impose additional restrictions on normal airport operations. Historically, case after case shows that incompatible land use becomes a quality of life issue for the airport's neighbors and, thereafter, a losing proposition for the airport.

For these reasons, we must express our objection to the proposed site of the Wellness Center. If you have any questions, please call me at 310-725-3634.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Garcia", written in a cursive style. The signature is positioned above the printed name and title.

Tony Garcia

Airports Compliance Program Manager/
Safety-Certification Inspector



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

P. O. Box 92007
Los Angeles, CA 90009-2007

October 26, 2010

Mark Larson
Airport Manager
Half Moon Bay Airport
620 Airport Drive
San Carlos, CA 94070

San Mateo County Airports

OCT 29 2010

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Dear Mr. Larson:

**Half Moon Bay Airport
Planned Wellness Center
Follow-Up Comments**

It is our understanding that San Mateo County (County) may remain in favor of the Wellness Center being built next to Half Moon Bay Airport although it represents an incompatible land use.

We wish to remind the County that protecting people on the ground from aircraft noise, emissions, and the potential consequences of near-airport aircraft accidents are fundamental reasons for establishing good compatible land use practices. People react differently to noise and the threat of exhaust emissions, but inevitably some will react negatively and actively seek to extinguish the noise irritant or pollutant. If Center residents do not speak out, family or advocates may lead the protests. They will incessantly complain to government officials and demand limitations be placed on the airport and aircraft operations. The airport will be perceived as the cause of the problem when, in reality, the real cause is incompatible land use.

As a substitute for good compatible land use planning, sound insulation and buyer notification become the typical, less-effective noise mitigation measures to reduce the negative consequences of incompatible land use development. However, these measures do not change exterior aircraft noise levels and have no appreciable effect on individual responses to noise. Furthermore, they become less effective if noise occurrences increase as a result of increased aircraft operations or the types of aircraft operations. Therefore, noise mitigation measures are not a substitute for good land use compatibility planning

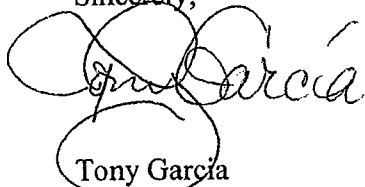
The protection of airports from incompatible land use encroachment is vital to California's economic future and the financial well being of the airport itself. Airports serve the local and national interest. They facilitate transportation and commerce. They provide for the national defense and serve the public good in times of calamity and emergency. Airports are invaluable because they are irreplaceable. By way of comparison, one can replace a house

almost anywhere, but an airport could never be replaced in any of the developed areas of California. Therefore, airports, such as Half Moon Bay, must be preserved and protected.

Compatible land use is an obligation that the County pledged to uphold when it made legal commitments to the federal government in exchange for financial assistance. Ordinarily, grant funding is the incentive motivating airport sponsors to comply with the Grant Assurances. The County may not be concerned with future entitlement to FAA grant funding, but the County should be concerned with the health, welfare, personal rights, and the quality of life of the residents who might have to live and work next to an active airport. The County will be responsible for the reduction in any of these measures of well-being. The Airport Improvement Program cannot compensate impacted residents for any diminution of their quality of life. If residents complain about the airport, it will be the County's responsibility to compensate them for their perceived harm or loss.

In the future, the airport should not be blamed for the irritation caused by noise and emissions or the loss caused by an aircraft accident. Furthermore, the airport should not be penalized in any way or made to suffer a reduction in its utility to serve civil aviation or the rights of aviators who want to use the airport. The liability for incompatible land use will lie at the door of the County and not the airport if the County makes a decision to allow incompatible land use next to Half Moon Bay Airport.

Sincerely,

A handwritten signature in cursive script that reads "Tony Garcia". The signature is written in black ink and is somewhat stylized, with the first letters being larger and more prominent.

Tony Garcia

Airports Compliance Program Manager

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
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*Flex your power!
Be energy efficient!*

October 25, 2010

Ms. Camille Leung
San Mateo County
455 County Center, 2nd Floor
Redwood City, CA 94063

Dear Ms. Leung:

Re: San Mateo County's Final Environmental Impact Report (EIR) for the Big Wave Wellness Center and Office Park; SCH# 2008102109

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the Final EIR with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division previously commented on the Notice of Preparation on November 17, 2008, and the Draft EIR on December 21, 2009. The following comments are offered in response to San Mateo County's (County) Final EIR.

The proposal includes "housing and employment opportunities for low-income developmentally disabled" individuals. The project site is located immediately adjacent to Half Moon Bay Airport, approximately 300 feet from the runway. The Final EIR states that the residential portion has been reduced from 70 residential units to 57 units. Even at a reduced number, however, we consider placing residential units for the developmentally disabled in such close proximity to an airport runway as an unnecessary risk.

The Final EIR's Topical Response 14 (TP-14), *Location of Project near the Half Moon Bay Airport*, referenced a letter from the Federal Aviation Administration (FAA) that raised concerns about the project with respect to Assurance 21, *Compatible Land Use*, and objected to the project. In response to the FAA, TP-14 states that Mitigation Measure HAZ-3 has been revised to "further clarify and disclose the potential airport noise to the Wellness Center owner(s), staff, and residents." The County does not appear to acknowledge the very serious matter of noncompliance with FAA grant assurances. The proposal, even after revising HAZ-3, could jeopardize future FAA funding for airport safety and improvement projects if the County fails to comply with the assurances.

The Final EIR recognizes that a portion of the project site is within the Approach Protection Zone for Runway 30 as designated in the San Mateo County Comprehensive Airport Land Use Plan (CALUP). We recommend that the proposal should, therefore, be submitted to San Mateo County Airport Land Use Commission (ALUC) to ensure the proposal is consistent with the CALUP.

We previously said that the project site appeared to be within the Inner Approach and Departure Zone 2 as designated in the California Airport Land Use Planning Handbook (Handbook), available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/documents/ALUPHComplete-7-02rev.pdf>.

Ms. Camille Leung
October 25, 2010
Page 2

The Response to Comments 169-3 (and TP-14) states that neither the ALUC nor the County had mapped Zone 2 for Half Moon Bay Airport. It then incorrectly links the size of Zone 2 with the dimensions of Zone 1, which is the Runway Protection Zone or RPZ. The RPZ is based on FAA approach visibility criteria and varies depending on the use of the runway. Like Example 4 in Figure 9K of the Handbook, Zone 2 is based on the length of the runway. In the case of Half Moon Bay Airport, the width of Zone 2 is 1,500 feet, not 450 feet as stated in Response 196-3. The Handbook generally recommends against residential uses except on large agricultural parcels within Zone 2.

As we stated in our previous comment letters, "Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use is essential."

Of particular concern is the safety of the developmentally disabled individuals who will reside in the units. They are considered a "sensitive use" according to the Handbook, which states, "certain types of land uses are also regarded as requiring special protection from hazards such as potential aircraft accidents." They fall into two categories: *Hazardous Materials* and *Low Effective Mobility Occupancies*. As discussed on page 9-3, with respect to *Low Effective Mobility Occupancies*, the Handbook recognizes that "society normally seeks a high degree of protection for certain groups of people, especially children and the infirm." As discussed, a common characteristic among these groups is the inability to move out of harm's way, either due to inexperience or physical limitations.

Additionally, the Final EIR addresses emergency evacuation for fires and tsunamis but not in the event of an aircraft accident.

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 4 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314 or by email at sandy.hesnard@dot.ca.gov.

Sincerely,

Original Signed by

SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, Half Moon Bay Airport, San Mateo County ALUC, FAA