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Appeal: 4/18/11
49th Day: Waived
Staff: N. Dreher-SF
Staff Report: 7/27/12
Hearing Date: 8/8/12

STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE AND DE NOVO

Application No.: A-2-SMC-11-021

Applicant: Big Wave Group, LLC

Appellants: Committee For Green Foothills, Surfrider Foundation - San Mateo County and Loma Prieta Chapters, Sierra Club, Pillar Ridge Homeowners Association, San Mateo County League For Coastsides Protection, Granada Sanitary District, Commissioners Steve Blank and Mary Shallenberger

Location: Airport Street, Princeton By The Sea, San Mateo County.
(047-311-060, 047-312-040)

Project Description: Divide two lots into thirteen lots and construct an office park and housing facility for developmentally disabled adults, including: (1) Division of the northern parcel into 10 lots and the southern parcel into three lots; (2) construction of eight office park buildings containing 225,000 square feet of mixed-office uses and a 640 space parking lot; (3) construction of two Wellness Center buildings containing a maximum of 57 dwelling units and accessory uses, as well as a 50 space parking lot, 10,000

square feet of commercial public storage use and 4,000 square feet of detached Wellness Center storage buildings; (4) 6,000 square feet of communications and back up power uses in a separate building; (5) wetland habitat creation; (6) use of an existing agricultural well for domestic purposes; (7) establishment of a mutual water service company and a community wastewater treatment and recycling system; and (8) 26,050 cubic yards of balanced cut and fill.

Staff Recommendation:

Substantial Issue Exists; Denial.

SUMMARY OF STAFF RECOMMENDATION

Big Wave Group, LLC proposes a to divide the northern parcel into 10 lots and the southern parcel into 3 lots; construct 8 office park buildings containing 225,000 square feet of mixed-office uses and a 640 space parking lot; construct 2 wellness center buildings containing a maximum of 57 dwelling units and accessory uses and a 50 space parking lot, 10,000 square feet commercial public storage use and 4,000 square feet of wellness center storage uses; 6,000 square feet of communications and back up power uses; wetland habitat creation; use of an existing agricultural well for domestic purposes; establishment of a mutual water service company and a community wastewater treatment and recycling system; and 26,050 cubic yards of balanced cut and fill, in the Princeton/El Granada area of the San Mateo County Urban Midcoast, directly adjacent to the Half Moon Bay Airport. The project site is subject to significant development constraints due to proximity to coastal and seismic hazards, and proximity to sensitive habitats, including wetlands and a stream. The site is also located within a significant public viewshed between Highway 1 and the coast. In addition, the site is located in the County's working waterfront industrial area that is protected by the LCP for coastal related/dependent uses.

The San Mateo County Board of Supervisors approved a CDP for the proposed project. Numerous groups, in addition to two Commissioners, appealed that decision to the Coastal Commission. The appeals contend that the County's approval is inconsistent with the County's LCP because the project approved by the County ignores serious public services constraints, would not remedy potential tsunami and fault hazards, contains inadequate setbacks to protect biological resources on and adjacent to the site, and would obstruct and otherwise adversely affect important coastal views and would not blend visually with the surrounding area. **Staff recommends that the Commission find that the appeals raise a substantial issue of conformance of the approved project with the County's LCP.**

The LCP requires that adequate public services be available to accommodate new development in the urban midcoast area. The project proposes the conversion of an on-site agricultural well as its domestic water source. The proposal also includes granting the on-site well to Montara Water and Sanitary District for it to manage. However, pursuant to the LCP, the agricultural well may

be used to serve no more than four newly subdivided parcels, while the proposed project calls for 13 parcels total. In addition, pursuant to Montara Water and Sanitary District's current Public Works Plan, the district is not allowed to expand its service capacity to serve new customers. Thus, the proposed project does not ensure an adequate public water supply, as required by the LCP.

Regarding wastewater disposal, the project proposes a private on-site wastewater treatment system with partial reuse and disposal on site and disposal of the remainder of wastewater to the Granada Sanitary District (GSD) public sewer system. In addition, the project proposes that the public sewer utility will provide emergency sewer service in the event that the private system fails. However, GSD may not have adequate transmission and pumping capacity to accommodate the full volume of wastewater, particularly in winter when wet weather flows at times have exceeded transmission capacity already. Inadequate or improperly functioning wastewater treatment, and/or improper discharge of wastewater effluent, which has the potential to degrade coastal water quality and marine resources, is inconsistent with the LCP and Coastal Act.

The LCP requires new development to avoid and minimize impacts due to hazards. New development is prohibited in the tsunami inundation area unless designed to withstand certain tsunami force and residential units must be located sufficiently above projected maximum waves that could threaten the site in the future. In conflict with these requirements, the proposed project would place new residential development lower than the minimum necessary to avoid detrimental impacts caused by tsunamis. Further, the proposed project does not include an adequate analysis of the geotechnical hazards at the site, including seismic hazards, and therefore, it is unclear what the impacts from those hazards would be, or if the project has been designed to adequately minimize such potential hazards.

The project's traffic analysis lacks the detail and information necessary to determine that the project meets the LCP requirements for allowing the proposed level of density/development given the proposed vehicle trips per day and does not include adequate measures to offset the impacts of these additional trips on roadway capacity or the public's ability to reach the shoreline. The project also does not provide adequate public parking opportunities and its impact to surrounding traffic/circulation will negatively impact the public's beach access. In short, the project would not maximize public access to the coast consistent with the applicable requirements of the Coastal Act and LCP.

Further, the proposed development does not demonstrate that: (1) it is sited a sufficient distance from adjacent wetland and riparian resources associated with Pillar Point Marsh, including its proximity to riparian vegetation as well as the creek bank and normal creek flow line; or (2) it protects agricultural resources consistent with applicable LCP policies.

Finally, the proposed project would block significant views from public areas to the ridgeline (west of the project), and would adversely impact the public viewshed overall.

Therefore, the proposed project is inconsistent with a variety of LCP requirements. For these reasons, which are developed in detail in this report, the proposed project is inconsistent with the

County's LCP and applicable Coastal Act policies. As a result, **Staff recommends that the Commission deny a CDP for the proposed project.**

In order to address LCP requirements and the various resource constraints on the site, a revised project would need to demonstrate an adequate and reliable water supply, reliable waste water/sewage disposal capacity, adequate protection of natural resources, such as the Pillar Point Marsh area and surrounding wetlands, minimization of significant impacts to important public views, sufficient traffic capacity, the minimization of significant shoreline hazards at the project site; and the protection of agricultural resources consistent with the requirements of the certified LCP. It is possible that some of the identified deficiencies could be addressed through the imposition of conditions if further analysis was completed to identify both project impacts and specific mitigations. Commission staff remains available to work with the Applicant and the County on such a project in the future.

Project denial does not preclude the Applicant from applying for a project that addresses site constraints and is supported by the information necessary for the Commission to fully evaluate the project's conformity with all applicable LCP policies. Thus, denial of this project is not a final adjudication of the potential for development on this site but is instead a finding that the project proposed is inconsistent with the LCP and applicable Coastal Act policies and cannot be approved as proposed.

The applicant has raised an issue related to state and federal laws prohibiting discrimination on the basis of disability. The staff's recommendation on the merits of the application takes into account the requirements of the Coastal Act and certified LCP and the requirements of state and federal laws prohibiting discrimination.

The motions and resolutions to act on staff's recommendation follow below on page 6.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Regional/Vicinity Maps
Exhibit 2 – Parcel/Zoning Maps
Exhibit 3 – Final Local Action Notice
Exhibit 4 – San Mateo County Board of Supervisors Approval
Exhibit 5 – Filed Appeals
Exhibit 6 – Revised Project Plans
Exhibit 7 – Wetland Delineation Map
Exhibit 8 – Water System Plans and Diagrams
Exhibit 9 – Public Correspondence
Exhibit 10 – Tsunami Inundation Map
Exhibit 11 – Visual Simulations
Exhibit 12 – Ex Parte Communication

I. MOTION AND RESOLUTION

Substantial Issue Motion:

*I move that the Commission **determine that Appeal No. A-2-SMC-11-021** raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

Staff recommends a **NO** vote on the foregoing motion. Passage of this motion will result in the finding that a substantial issue exists regarding the County's approval of the local permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Substantial Issue Resolution:

The Commission hereby finds that Appeal Number A-2-SMC-11-021 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

De Novo Motion:

*I move that the Commission **approve** Coastal Development Permit A-2-SMC-11-021 for the development proposed by the applicant.*

Staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

De Novo Resolution:

The Commission hereby denies Coastal Development Permit A-2-SMC-11-021 and adopts the findings set forth below on grounds that the development does not conform with the policies of the San Mateo County certified Local Coastal Program or with the public access policies of Chapter 3 of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

A. PROJECT SITE, DESCRIPTION AND BACKGROUND

Project Site

The project site is located on the west side of Airport Road, north of Stanford Avenue, across the street from and west of the Half Moon Bay Airport, south of the “Pillar Ridge” Manufactured Home Community and just east of Pillar Point Marsh, in the unincorporated Princeton area of San Mateo County (**Exhibits 1 and 2**). The Fitzgerald Marine Reserve, which is bracketed by Maverick’s Surf break to the south and Montara Beach to the north, is approximately 0.25 miles to the northwest of the project site.

The project site currently consists of two agricultural fields separated by a small intermittent creek that are part of an ongoing farming operation. The site is relatively flat with elevations at the project site ranging from 9.0 to 27.7 feet National Geodetic Vertical Datum (NGVD), with gentle slopes to the south and west. The creek, which separates the two parcels, leads to the Pillar Point Marsh, a salt marsh habitat. A total of 0.74 acres (32,180 sq. ft.) of wetlands on the project site meets the Coastal Act definition of wetlands. A portion of this total, 0.45 acres, is under Federal Jurisdictional waters/wetlands on the project site, under the permit authority of the US Army Corps of Engineers (USACOE).

The Project site is 19.53 acres. The northern parcel (APN 047-311-060) and site of the Office Park component is approximately 14.25 acres in size. This parcel is split zoned Light Industrial with Design Review and Coastal Development District overlays (M-1/DR/CD), Light Industrial with Airport, Design Review and Coastal Development District overlays (M-1/AO/DR/CD), and Resource Management-Coastal Zone with Design Review and Coastal Development District overlays (RM-CZ/DR/CD).

The southern parcel (APN 047-312-040) and site of the Wellness Center site is approximately 5.28 acres in size. This parcel is split zoned Waterfront with Design Review and Coastal Development District overlays (W/DR/CD), Waterfront with Airport, Design Review and Coastal Development District overlays (W/AO/DR/CD), and Resource Management-Coastal Zone with Design Review and Coastal Development District overlays (RM-CZ/DR/CD).

As of 1999, these two APNs were part of two larger APNs (APNS 047-312-010 and 047-311-030). In 1999, APNS 047-312-010 became two APNs (APNs 047-312-030 and 047-312-040) and 047-311-030 became three APNs (APNs 047-311-050, 047-311-060 and 047-311-070).

Project Description

The proposed project includes a land division to divide the northern parcel (APN 047-311-060, 14.25 acres) into 10 lots and the southern parcel (APN 047-312-040, 5.28 acres) into 3 lots. (**Exhibit 6 and 8**). On the northern lot, the applicant proposes to construct eight office park buildings containing 225,000 square feet of mixed-office uses and a 640 space parking lot. On the southern lot, the applicant proposes to construct two Wellness Center buildings containing a maximum of 57 dwelling units and accessory uses, a 50 space parking lot, 10,000 square feet

commercial public storage use and 4,000 square feet of wellness center storage uses. The project also includes 6,000 square feet of communications and back up power uses.

The project also proposes wetland habitat creation, use of an existing agricultural well for domestic purposes, establishment of a mutual water service company and a community wastewater treatment and recycling system and 26,050 cubic yards of balanced cut and fill.

Four separate violation files have been opened for unpermitted development at the project site. The alleged violations include improper vegetation clearance, grading (including performing earthwork in the presence of San Francisco Garter Snakes (SFGS)), filling wetlands for agricultural activities, unpermitted water storage tanks on site, and unpermitted crossing through the creek between the two subject parcels.

B. SAN MATEO COUNTY APPROVAL

On November 23, 2010, following continuances on October 27, 2010 and November 17, 2010, the San Mateo County Planning Commission approved the following under PLN2005-00481 and PLN2005-482: (1) certification of both Draft and Final Environmental Impact Reports (EIR) for the project; (2) a Use Permit for a modern sanitarium component of the Wellness Center and its accessory uses and proposed uses within the Airport Overlay (AO) Zoning District, respectively; (3) a Major Subdivision to subdivide the northern parcel into (10) lots as described in Alternative C of the EIR and a Minor subdivision to subdivide the southern parcel into three lots; (4) a Coastal Development Permit for eight (8) Office Park buildings (4 two-story and four three-story buildings) containing 225,000 sq. ft. of mixed office uses and a 640-space parking lot as described in Alternative C of the EIR, two (2) Wellness Center buildings (1 single story and 1 three story building) containing a maximum of 57 dwelling units to provide affordable housing for a maximum of 50 developmentally disabled adults and 20 staff persons and a 50-space parking lot, a 10,000 sq. ft. commercial public storage use, wetland habitat creation and other landscaping, associated fencing and grading, use of an existing agricultural well for domestic purposes, and establishment of a mutual water service company and a community wastewater treatment and recycling system; (5) a Design Review Permit for proposed structures and associated grading; (6) an Off-Street Parking Exception to allow 640 parking spaces for the Office Park where 737 parking spaces are required for office uses; (7) a Grading Permit to perform 26,050 cubic yards of balanced cut and fill; and (8) a Development Agreement with the County of San Mateo, for the Big Wave Wellness Center and Office Park proposed on two undeveloped parcels (APN 047-311-060 and APN 047-312-040) located in the unincorporated Princeton-by-the-Sea area of San Mateo County.

On December 7, 2010, the Granada Sanitary District and the Montara Water and Sanitary District filed appeals with the County Board of Supervisors. On December 9, 2010, Committee for Green Foothills (along with co-appellants Surfrider Foundation (San Mateo County Chapter), Sierra Club (Loma Prieta Chapter), California Pilots Association, Pillar Ridge Homeowners Association and San Mateo County League for Coastside Protection) filed an appeal with the County Board of Supervisors.

On March 15, 2011, the County of Board of Supervisors held a public hearing, denied the appeals and upheld the Planning Commission's decision to approve the subject EIRs and proposed project.

On April 5, 2011, the North Central District Office received the County's Final Local Action Notice. (**Exhibits 3 and 4**). The Commission's appeal period began on April 6, 2011 and ended on April 19, 2011, during which the Granada Sanitary District, Committee for Green Foothills (and co-appellants Surfrider Foundation - San Mateo County and Loma Prieta Chapters, Sierra Club, Pillar Ridge Homeowners Association and San Mateo County League For Coastside Protection,) and Commissioners Blank and Shallenberger filed appeals, all of which were filed on April 18, 2011, within the 10-working day appeal period. In addition, on April 20, 2011, the Commission received an appeal of the project from the Montara Water and Sanitary District, but because it was not filed within the appeal period, it is not a valid appeal, and will not be considered in the Substantial Issue portion of the appeal hearing. However, the issues it raises will be addressed in the De Novo portion of the appeal hearing.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it involves development located both seaward of the first public road and within 100 feet of a stream and wetlands, and because the project includes components that are not designated as principally permitted uses under the LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to orally testify before the Commission on the substantial issue portion of the appeal hearing are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify orally or in writing during the de novo portion of the appeal hearing.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the County-approved project is inconsistent with the certified LCP with respect to the project's conformance with core LCP and Coastal Act policies related to land use, location of development, hazards, lack of adequate public services including water supply, wastewater treatment and disposal and roadway capacity, housing, agriculture, biological resources, visual resources, archaeological resources and public access. Please see **Exhibit 5** for the complete appeal documents. The findings below summarize the appeal contentions without regard to which of the groups of appellants raised the particular contention.

E. SUBSTANTIAL ISSUE DETERMINATION

Locating New Development, Public Services and Public Access

Water Supply

The proposed project is located within the County's urban/rural boundary and therefore, must be served by public water utilities. LUP policies 1.3, 1.4, 1.16, and 1.18 direct new development to existing urban areas to maximize the efficiency of public utilities. LUP policy 1.18 specifically requires new development to be concentrated in urban areas by requiring infill development, and LUP policy 1.19 goes on to define infill as development of vacant land in urban areas that is served by sewer and water utilities. Moreover, except for limited exceptions not relevant here, LUP policy 2.14 states that urban services are to be provided in urban areas and not within rural areas. To be consistent with these policies, development within the urban/rural boundary, including the project site, is to be served by public utilities.

The proposed project is located within the Montara Water and Sanitary District (MWSD) service area, but the County's approval includes a condition that requires the applicant to pursue a water connection from Coastside Community Water District (CCWD). However, the condition allows use of the private on-site well for potable water needs if a connection to CCWD is not obtained. This condition is not adequate to comply with the LCP because it allows for the permanent use of the private on-site well for potable water needs if a connection to CCWD is not obtained. This potential for permanent use of the private, on-site well raises a substantial issue of consistency with the policies of the LCP, including those policies cited above.

In addition, in order for CCWD to serve the site, it would need to expand its district boundary. Such an expansion requires an amendment to the district's current CDP authorization (A-1-HMB-99-20/A-2-SMC-99-63), and as required by the subject CDP authorization, such an amendment may only be granted if the District can demonstrate that the proposed increase in water supply and/or distribution capacity is in phase with the existing or probable future capacity of other area infrastructure, including but not limited to the need for an adequate level of service for Highways 1 and 92. Pursuant to the permit, no increase in water supply or distribution capacity may be permitted within the CCWD Service District, unless the existing or probable

future capacity of other related infrastructure, including but not limited to the San Mateo County Mid-Coast and City of Half Moon Bay regional transportation system, is sufficient to adequately serve the level of development that would be supported by the proposed increase in water supply and/or distribution capacity. Moreover, as required by the permit, adequate level of service for Highways 1 and 92 is defined, at minimum, as Level of Service (LOS) C except during the peak two-hour commuting period and the ten-day average peak recreational hour when LOS E is acceptable, unless CCWD must abide by a stricter standard that is required under the applicable LCP at the time that such permit application is considered.

MWSD is similarly constrained, because the existing certified Public Works Plan (PWP) (2-06-006) expressly forbids the extension of new water connections due to a moratorium on the extension of water to new customers. While an amendment to this PWP could be pursued in the future (assuming the amendment proposal was consistent with Coastal Act/LCP requirements), the applicant and County in their approval cannot rely on such a future proposal to demonstrate an adequate water supply at this time.

The lack of currently available water supplies from MWSD and CCWD, to service the proposed development, raises an issue of consistency of the approved project with LCP Policy 1.18, which requires maximized efficiency of public facilities, services, and utilities, encourages the orderly formation and development of local governmental agencies, concentrates new development in urban areas and rural service centers by requiring the “infilling” of *existing residential subdivisions and commercial areas* and allows some future growth to develop at relatively high densities for affordable housing in areas *where public facilities and services are or will be adequate* and where coastal resources will not be endangered.

Therefore, in regards to water supply, the Commission finds that the appeals raise a substantial issue of consistency of the approved project with LUP Policies 1.3, 1.4, 1.16, and 1.18.

Wastewater

The approved project includes construction and operation of an on-site wastewater treatment and recycling facility, as well as a limited amount of wastewater disposal into the public sewer system. The project is served by an 8-inch sewer line and would obtain eight equivalent dwelling units of sewer capacity from the Granada Sanitary District (GSD), which amounts to approximately 1,800 gallons of wastewater per day. However, the total expected sewage flow from the project is 26,000 gallons per day, and it is unclear whether the 8-inch sewer line or the nearby Princeton Pump Station would be able to accommodate the full project flows. To address this, the County’s approval includes a condition requiring the applicant to either revise the project design to limit the maximum amount of sewage flow to the GSD sewer system to that which can be accommodated by the existing 8-inch sewer line in Stanford Avenue and the Princeton Pump Station as determined by GSD or provide necessary expansion of the capacity of the sewer system to accommodate the addition of the expected maximum sewage flow of 26,000 gpd from the project. However, the approved project does not demonstrate that either of these mitigations is feasible. Therefore, because the LCP requires the project site to be served by adequate public utilities, and the County approved a private, on-site wastewater treatment facility with a condition to address potential public infrastructure inadequacies in the future, the

Commission finds that the appeals raise a substantial issue of conformity of the approved project with the certified LCP.

Traffic and Public Access

The project site is located between the first public road and the sea, and therefore, must be consistent with the public access and recreation policies of the Coastal Act as well as the public access policies of the LCP. Coastal Act sections 30210 through 30213 protect the public's right to access the coast and require maximum public access to the coast to be provided and maintained. . The County's approval did not adequately analyze the impacts of the project on the public's ability to access the coast and did not perform an evaluation of impacts on the level of service (LOS) for road segments on Highways 1 and 92

The approved office park would include a division of land to create ten parcels in order to accommodate the construction of 225,000 square feet of office space in eight new office buildings. The project would nearly double the existing office space in the Midcoast and would add approximately 2,123 peak-hour vehicle trips to the road. Nearly all of these vehicle trips would utilize Highway 1, and many would also utilize Highway 92

The San Mateo County Congestion Management Program, dated November 2011, produced by the City/County Association of Governments of San Mateo County (C/CAG), evaluated Level of Service (LOS) for Highway 1 and Highway 92 during morning and evening peak hours, and concluded that the roadway segment of Highway 1 (Linda Mar Boulevard, Pacifica to Frenchman's Creek Road, Half Moon Bay) has an LOS of E. This segment's LOS has worsened since the 2009 report determined this segment to be at LOS D. According to the C/CAG 2011 report, LOS E indicates unstable operations with significant intersection approach delays and low average speeds, volumes at or near capacity and those vehicles may have to wait through several signal cycles, including long queues forming upstream from intersection. , .

The Big Wave project is located within a "roadshed" that has only two points of access – through the State Route 1/Cypress/Airport bottleneck to the north, and the Capistrano/Prospect Way/Broadway/Cornell bottleneck to the south. All traffic from the residential Seal Cove and Pillar Ridge neighborhoods, plus the industrial waterfront in the Princeton area, plus coastal visitors wishing to visit the Princeton area, Maverick's surf break, Pillar Point Marsh, Pillar Point Bluff, and the southern portion of the Fitzgerald Marine Reserve, must pass through these two chokepoints. Funneling up to 2,123 additional daily trips through these chokepoints will adversely impact residents, businesses, and visitors to these popular coastal destinations. To address the traffic impacts of the project, the County's conditions of approval include a requirement to provide for a new traffic light on Highway 1, if future traffic reports show such a light is necessary. However, the approval fails to evaluate the potential impacts of adding a new light to Highway 1 at this location, including the impacts to the flow of traffic on Highway 1, so these potential project impacts have not been evaluated prior to approval. The County's approval therefore does not ensure public access to the coast is protected as required by the public access policies of the Coastal Act and the LCP, including those policies discussed above.

Further, although the County approval required beach user parking spaces within the project, as required by LCP Policy 10.22, the number of parking spaces for beach users is not

adequate While the approved office park would contain 640 parking spaces, the number of beach user spaces required for the office park was based on a total of 518 parking spaces, and therefore, the special condition provides for fewer than the required 20% beach user spaces.

In the area of the approved project, traffic congestion on Highways 1 and 92 and inadequate parking significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with the Coastal Act and LCP access policies. Therefore, the Commission finds that the appeals raise a substantial issue of conformity of the public access parking required through the County's conditions of approval with the public access and recreation policies of the LCP including policy 10.22, and the Coastal Act.

Hazards

LCP Policy 9.3 and Zoning Regulations Section 6326.2 prohibit certain development from being located in a Tsunami Inundation Area. Additionally, the LCP requires that new development be safely sited, pursuant to geotechnical evaluations, where the development may be subject to heightened risk of hazards. LCP Policy 9.10 requires site-specific geotechnical investigations to determine mitigation measures for the remedy of geologic hazards. In addition to being within the Tsunami Inundation Area, the project site is adjacent to the active Seal Cove fault (part of the San Gregorio Fault Zone), which is capable of producing shaking and damage. The clayey and sandy soils beneath the site are subject to liquefaction, differential settlement, sand boils, and lateral spread. The possibility exists that an undetected splay of the Seal Cove fault could underlie the property, as the San Gregorio Fault Zone is wide and diffuse. Detailed geotechnical investigations, including subsurface exploration using extensive borings and/or Core Penetration Testing to better characterize the subsurface conditions and prescribe mitigation measures for seismic related ground failure, total and differential settlement, and expansive soil hazards are deferred to future studies during the building permit stage, pursuant to County conditions 5m, 5n, 5o and 5p. Without this information necessary to evaluate the impacts of the approved project, decision makers and the public cannot be assured that the site's geological hazards can be adequately remedied, and/or what the potential impacts of any additional mitigation measures to ensure safety from geological hazards might be. The applicant has not provided a final geotechnical evaluation and the tsunami analysis for maximum projected wave height was inadequate because it used improper metrics for determining the projected risks to the proposed residential development.

The County's evaluation deferred the bulk of the hazards analysis to the building permit stage. However, the appropriate time to determine whether or not the proposed development can be safely sited is prior to approval of the CDP. Therefore, the Commission finds that the appeals raise a substantial issue of consistency of the approved project with the hazards policies of the certified LCP.

Biological Resources

The project site is on and adjacent to important biological resources, including wetlands, a stream and habitat for special-status species. Development in the wetlands and wetland buffers in the County's jurisdiction is restricted by the Sensitive Habitat component of the LUP. LUP policy 7.14 defines wetlands; LUP policy 7.16 limits the uses allowed in wetlands; LUP policies

7.18 and 7.19 establish wetlands buffer zones and limit the uses allowed in them; and LUP policy 7.20 provides specific protections for the Pillar Point Marsh. Development within habitat for special-status species are subject to additional LUP policies, including policies 7.3 and 7.4 which protect sensitive habitats and prohibit development adjacent to sensitive habitat from having adverse impacts on the habitat.

The County's approval does not contain adequate findings of consistency of the project with these policies, because the habitat areas of sensitive species, including dispersal habitat for California Red-Legged Frog, were not mapped, and because raptor surveys were not conducted to evaluate the potential habitat values of trees that would be directly impacted by the project. In addition, the approved establishment of a nursery within the wetlands buffer is inconsistent with the wetlands buffer policies.

In addition, the approved use of a private well and wastewater treatment and recycling facilities has the potential to cause negative impacts to biological resources, including wetlands and sensitive habitats, inconsistent with the LCP. The County's recent Kleinfelder Report¹ found that the Airport Aquifer could handle continued draw from wells at current rates, but that expanded use and increased numbers of wells could contribute to adverse impacts to these systems, particularly due to salt water intrusion. However, the County approval required well monitoring, pursuant to condition 75, to ascertain the volume of water used, but the monitoring does not require an analysis of any adverse impacts to other natural systems.

The County approval also failed to adequately evaluate whether the approved use of recycled water for onsite irrigation would result in excess runoff to the wetland system, especially during the rainy season, or if such runoff would have negative impacts on biological resources caused by salinity levels or nutrient loads of the recycled water. Given the constraints on disposing the recycled water through the public sewer system, discussed above, as approved, the project may ultimately lead to the disposal of recycled water into the wetlands system. Such disposal may result in impacts on biological resources, inconsistent with the LCP. In addition, the water balance calculations used by the County to determine the quantity of wastewater generated by the project are internally inconsistent and therefore, it is not possible to determine the actual quantity of wastewater that would need to be disposed.

Therefore, for all of the above reasons, the Commission finds that the appeals raise a substantial issue of conformity of the approved project with the certified LCP **Visual Resources**

The Visual Resources component of the LCP regulates development to protect the visual resources of the County's coastal zone. LUP policy 8.5 requires new development to be sited in areas that are the least visible from State and County scenic roads, to reduce impacts on views from public viewpoints, and to preserve the visual and open space qualities of the parcel. In addition, LUP policy 8.6 protects the visual resources of streams, wetlands and estuaries. Policy 8.7 prohibits development that would project above the ridgeline or skyline. Policy 8.13(a)(4) requires structures to be designed to be in scale with their setting.

¹ Kleinfelder Midcoast Groundwater Study (April 2009), San Mateo County, California..

The project site is located adjacent to Pillar Point Marsh and would be visible from the harbor, Airport Road, Highway 1, several hiking trails, and other viewpoints. The approved project is significantly larger in mass and scale than surrounding development and would obstruct views of ridgelines and significant open space areas, including Pillar Point Marsh, and cause significant visual impacts, inconsistent with the visual resources policies of the LCP, including those policies cited above. The proposed planting plan proposes 6,000+ trees to be planted to screen the development, but the development remain visible from numerous public viewpoints and highway 1. Further the, Planting plan is ambitious, in that it provides for a lot of trees to be planted but with the clay layer 1-1.5 feet below grade it is unclear whether these trees will flourish.

In addition, the County-approved project included material changes to the project, as compared to the project evaluated in the FEIR that have resulted in new, greater, visual impacts that have not been adequately evaluated. There is insufficient information to evaluate the visual impacts from the revised project, particularly the three story 36-foot high 300-foot long “Building A” and the three story Storage Building that would be just 30 feet from Airport Street on the Wellness Center site. Photo simulations of the original project are misleading, because they show computer generated models of the proposed structures without other surrounding topography, structures or reference points, which in turn frustrates the visual impacts analysis. The story poles with single thin tape that the County relied on in its evaluation were inadequate, as they were not visible from any viewing site except directly in front on Airport Street. The Revised Site Plans for both parcels show general locations of the buildings, but there are no cross-section elevations. The visual simulations demonstrate high likely visibility from surrounding public hiking trails and an inappropriate reliance on the planting of numerous trees and plants without demonstrating a likelihood of success/longevity.

Finally, the project site is adjacent to the Pillar Point Marsh and would be visible from State Route 1, Airport Street, public hiking trails on Pillar Ridge, Pillar Point Harbor, and the Pillar Point Marsh. Buildings on both the Wellness Center and Office Park sites would project above the ridgeline as viewed from Airport Street and from State Route 1.

Therefore, for all of the above reasons, the Commission finds that the appeals raise a substantial issue of conformity of the approved project with the certified visual resource policies, including LCP Policies 8.5, 8.7, and 8.13.

Agriculture

While the project site is not zoned for agriculture, farming has occurred on the site in the past. The land is defined as prime agricultural land under LCP Policy 5.1. Policies 1.3(b) and 5.22 restrict the development of prime agricultural land with respect to high density development and well water sources, respectively. Pursuant to these LCP policies, prime soils should not be developed at a high density. Additionally, the proposed conversion of the agricultural well to a domestic well would serve 13 proposed lots, where 4 is the maximum lots allowed to be served by a single agricultural well following a subdivision of prime agricultural land. The County’s analysis did not include an analysis of these policies with respect to the agricultural resources on site. Therefore, the Commission finds that the appeals raise a substantial issue of conformity of the approved project with the agricultural policies of the certified LCP.

Substantial Issue Determination Conclusion

In conclusion, the County-approved project raises substantial issues with respect to its conformance with applicable LCP and Coastal Act provisions related to appropriate land use and location of new development, the availability of adequate public services, hazards, biological resource and sensitive habitat protections, protection, visual and agricultural resources and public recreational access opportunities. Therefore, the Commission finds that the appeals raise a substantial issue of the approved project's conformance with the certified San Mateo County LCP and the Coastal Act's public access and recreation policies.

F. DE NOVO REVIEW

1. Public Services

LCP Policy 1.3 (Definition of Urban Areas) states:

- a. Define urban areas as those lands suitable for urban development because the area is either: (1) developed, (2) subdivided and zoned for development at densities greater than one dwelling unit/5 acres, (3) served by sewer and water utilities, and/or (4) designated as an affordable housing site in the Housing Component.*
- b. Recognize, however, that in order to make a logical urban/rural boundary, some land has been included within the urban boundary which should be restricted to open space uses and not developed at relatively high densities (e.g., prime agricultural soils, and sensitive habitats).*

LCP Policy 1.18 (Location of New Development) states:

- Direct new development to existing urban areas and rural service centers in order to:*
 - (1) discourage urban sprawl,*
 - (2) maximize the efficiency of public facilities, services, and utilities,*
 - (3) minimize energy consumption,*
 - (4) encourage the orderly formation and development of local governmental agencies,*
 - (5) protect and enhance the natural environment, and*
 - (6) revitalize existing developed areas.*
- b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.*
- c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.*
- d. Require the development of urban areas on lands designated as agriculture and sensitive habitats in conformance with Agriculture and Sensitive Habitats Component policies.*

San Mateo County certified LCP Policy 2.2 (Definition of Public Works) states:

- Define public works as:*
 - a. All production, storage, transmission and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by*

- any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities.*
- b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges, trolley wires and other related facilities.*
- c. All publicly financed recreational facilities and any development by a special district.*
- d. All community college facilities.*

LCP Policy 2.3 (Definition of Special District) states:

Define a special district as any public agency, other than a local government, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special Districts" include, but are not limited to, a County service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax or fee will be levied to pay for a service or improvement benefiting the area.

LCP Policy 2.14 (Establishing Service Area Boundaries) states:

- a. Confine urban level services provided by governmental agencies, special districts and public utilities to urban areas, rural service centers and rural residential areas as designated by the Local Coastal Program on March 25, 1986.*
- b. Redraft the boundaries of special districts or public utilities providing urban level services to correspond to the boundaries of urban areas, rural service centers and rural residential areas established by the Local Coastal Program.*
- c. Allow exceptions to a. and b. when all alternatives have been fully explored and a special district or public utility is required to maintain some rural land within its boundaries in order to continue a service to its customers which is (1) otherwise consistent with the policies of the Local Coastal Program, (2) maintains the rural nature of undeveloped areas, particularly the use and productivity of agricultural land, (3) maintains the present level of service to existing users in undeveloped areas, and (4) where an illegal situation or great hardship would be created by detachment from a special district or public utility.*
- d. Require, when a special district or public agency maintains rural lands within their boundaries that the special district or public agency divide the districts into rural and urban zones. Make boundaries of the urban zone, where urban level services are provided, correspond to the boundaries of urban areas and rural service centers established by the Local Coastal Program. Include the rest of the district in the rural zone. Restrict the activities in rural zones to those which are consistent with the maintenance of the rural nature of the area and all other policies of the Local Coastal Program. Lower the user costs in the rural zone to reflect the lower level of service and minimize growth inducement.*

LCP Policy 2.21 (Reservation of Capacity for Priority Land Uses) states:

- a. Reserve sewage treatment capacity for each land use given priority by the Coastal Act or the Local Coastal Program. These priority uses are shown on Table 2.7. Amend this table to reflect all changes in the Land Use Plan which affect these priority land uses.*
- b. For each phase of sewage treatment facility development, reserve capacity adequate to allow each priority land use to develop to the percent of buildout allowed by the phase.*
- c. Allow capacity to be reallocated to non-priority land uses in accordance with Policy 2.8.*

LCP Policy 2.32 (Groundwater Proposal) states, in part:

Require, if new or increased well production is proposed to increase supply, that:

[...]

- c. The amount pumped be limited to a safe yield factor which will not impact water dependent sensitive habitats, riparian habitats and marshes.*
- d. Base the safe yield and pumping restriction on studies conducted by a person agreed upon by the County and the applicant which shall: (1) prior to the granting of the permit, examine the geologic and hydrologic conditions of the site to determine a preliminary safe yield which will not adversely affect a water dependent sensitive habitat; and (2) during the first year, monitor the impact of the well on groundwater and surface water levels and quality and plant species and animals of water dependent sensitive habitats to determine if the preliminary safe yield adequately protects the sensitive habitats and what measures should be taken if and when adverse effects occur.*

LCP Policy 2.33 (Management of Pillar Point Marsh) states:

Require, as a condition of development permit for any facilities to increase water supply, that any water system that presently draws or proposes to draw water from wells in the aquifer serving Pillar Point Marsh agree to participate in and assist in the funding of the hydrologic study of Pillar Point Marsh required by Policy 7.20 and to accept the restrictions resulting from that study.

LCP Policy 5.22 (Protection of Agricultural Water Supplies) states:

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

- a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria: (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than 4 new parcel.*
- b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*

- c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.*

LCP Policy 7.20 (Management of Pillar Point Marsh) states:

- a. Define safe yield from the aquifer feeding the marsh as the amount of water that can be removed without adverse impacts on marsh health.*
- b. Restrict groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD). Water system capacity permitted and the number of building permits allowed in any calendar year shall be limited if necessary by the findings of the study.*
- c. Encourage purchase by an appropriate public agency such as the Coastal Conservancy.*
- d. Encourage management of the marsh to enhance the biological productivity and to maximize wildlife potential.*
- e. All adjacent development shall, where feasible, contribute to the restoration of biologic productivity and habitat.*

Water Supply

Ensuring adequate water supply has been a significant issue in the Midcoast since the certification of the LCP in 1981. The urban Midcoast is currently served by two special districts, the Montara Water and Sanitary District (MWSD) and the Coastside County Water District (CCWD). MWSD serves the communities of Montara and Moss Beach while CCWD provides water to Miramar, Princeton by the Sea and El Granada as well as the City of Half Moon Bay. Each district has dealt with moratoria on new water connections due to a lack of supply. The supply shortage is most severe in areas served by MWSD which has had a moratorium for new connections since 1986 that is incorporated into their controlling certified Public Works Plan (2-06-006). MWSD relies exclusively on local sources for its supply. In the mid 1980s, CCWD was also unable to provide new water connections. Volume and reliability of CCWD's water supply drastically improved in 1994 when the Crystal Springs Pipeline project was completed which allowed the district to purchase and distribute water from the Crystal Springs reservoir owned by the San Francisco Public Utilities Commission (SFPUC). Today, CCWD obtains approximately 75% of its supply from SFPUC and the remainder from local sources.

On April 21, 2009 San Mateo County released the Midcoast Groundwater Study Phase II ("Kleinfelder report").² The Commission's Staff Geologist reviewed the study, and found that while it failed to meet its goal of determining a "safe yield" for each of the aquifers in the region, the conceptual model developed of the region's basins and subbasins, the pumping test data and, especially, the subarea water-balance assessment provide important data that support a conservative approach to managing Midcoast groundwater. Most important, it is evident from the water-balance assessment that several of the subbasins are in overdraft conditions during dry years, and that in fact, the elevation of the water table appears to dip near or below sea level in very dry years. Such conditions could lead to saltwater intrusion (although no water quality data were collected), with contamination of existing wells possible. Accordingly, even without the calculation of a "safe yield," increased use of groundwater resources in these basins (through

² Kleinfelder Midcoast Groundwater Study (April 2009), San Mateo County, California..

domestic wells, for example) could lead to a greater frequency of times when saltwater intrusion is likely.

The Kleinfelder report does not address the potential for resource damage from continued, or increased, groundwater use. Clearly, any groundwater that is extracted for domestic use (unless it is returned to the aquifer through septic systems, which is a rare occurrence in the urban area) is not available for recharge to wetlands and streams. This has serious implications for the cumulative impacts of continued and increased use of domestic wells. When combined with the saltwater intrusion data described above, the importance of a solid planning and regulatory approach to groundwater management becomes clear. The applicant has addressed these impacts in part through a proposal for wetlands recharge and restoration, but such efforts would have to compete with significant draw from the existing agricultural well for the proposed domestic purposes.

The project includes a multifaceted proposal for water service. According to the applicant's most recent proposal, Big Wave would form a Mutual Water Company that would utilize the existing, on-site agricultural well to serve the entire project. The applicant also indicates that the well would be granted to MWSD, and that MWSD would manage the onsite water systems, that the water system would be operated by the Wellness Center or other licensed contractor, and that the Mutual Water Company would provide invoicing for water used for MWSD.

The applicant's proposal for water service is inconsistent with several LCP requirements. First, the conversion of the agricultural well for this project is not allowed. Policy 5.22 states that prior to any division of prime agricultural land or other land suitable for agriculture, each new parcel created by a land division shall demonstrate a safe and adequate well water source located on the larger property that was subdivided, providing that a single well source may not serve more than four new parcels. The proposed project is located on two parcels made comprised entirely of prime agricultural land, therefore meeting the LCP definition of prime, and making the property subject to Policy 5.22. The land is proposed to be divided, from two total parcels to thirteen (13) total parcels, but it is only proposed to be served by a single well source. Under the requirements of LCP Policy 5.22 each new parcel created by a land division shall demonstrate a safe adequate well water source and a single well source may not serve more than four new parcels. In this case, a single well is proposed to serve more than four parcels. Therefore, the proposed use of the well to serve the project, regardless of whether or not it is granted to a public service provider, is inconsistent with Policy 5.22 the San Mateo County certified LCP and must be denied.

Second, under its current Public Works Plan, MWSD is unable to provide new service connections, and therefore unable to serve the project. Thus, the project would not be served by a public water provider, inconsistent with the LCP's requirement that urban developments have adequate public services available. MWSD acknowledges that they would need a Public Works Plan amendment to extend water service to this project as proposed. On May 21, 2012, the applicant informed Commission staff that the District sent Big Wave project proponents a "will serve" letter regarding a water service connection. In the letter, dated May 7, 2012, the MWSD General Manager stated the following:

In response to your request for confirmation of water service for the above-named project, please be advised that the Montara Water & Sanitary District will serve the Big Wave Project subject to approval of the District Engineer, District General Manager, District General Counsel and all necessary Federal, State, and local approvals and subject to the requirements of the District's Water Code.

The Montara Water and Sanitary District operates under a certified Public Works Plan (2-06-006) and is subject to the review of the Commission. The existing Public Works Plan prohibits new water connections due to a long-standing moratorium against new water connections. The moratorium was put in place due to water shortages and historical inadequacy of service to existing customers. According to the existing Plan, MWSD cannot serve the proposed project. Accordingly, when Commission staff requested comments from MWSD staff for clarification as to the intent behind the May 7, 2012 letter, staff received the following explanation:

Regarding your inquiry about the status of the Big Wave LLC project, the District issued the attached letter, dated May 7, 2012. It is not, and should not be characterized as a 'will serve' letter. As the District has made plain with the developer, the County and with LAFCO, the District will not issue a formal traditional 'will serve' letter until "all necessary Federal, State and local approvals" are achieved and the District has received and approved an application, all required fees and any and all legal issues are resolved. As you may know, the project area lies within the District's service area and jurisdiction, and the District has been required to undertake legal action to defend its rights and responsibilities within the geographic boundaries related to the project area.³

[and]

... the District is working diligently with coastal staff to process an amendment to the District's Public Works Plan (PWP) that, with regard to commercial development such as Big Wave, clarifies that MWSD reviews each such proposed development individually as to the feasibility of providing water service. For water service to Big Wave, the final decision depends on numerous factors including, as mentioned, the development as finally approved and permitted by the CCC. Once we have that information MWSD can then determine its conditions for service under our own regulations. Thus, our letter to you relating to the availability of service for Big Wave clearly refers to compliance with MWSD's regulations, payment of fees and compliance with all applicable state and federal regulations. What is important to understand is that the Big Wave project is located within MWSD's service area and that public water service to the development must be provided by MWSD.⁴

Accordingly, without a Public Works Plan Amendment, the District does not have present authority to issue a water connection to the Big Wave site. Therefore, because the proposed use of the existing agricultural well is inconsistent with Agriculture policy 5.22, and because the

³ Email correspondence, from Mark Massara (MWSD's legal representative), dated June 27, 2012.

⁴ Email correspondence, from MWSD General Manager Clemens Heldmaier, dated July 10, 2012.

project cannot be served by MWSD under the district's current PWP, the proposed project does not have an adequate water supply, as required by the LCP.

Wastewater

The DEIR for the project describes the wastewater utilities that serve the area, stating:

Municipal wastewater treatment for the Princeton area is provided by the Sewer Authority Mid-Coastside (SAM), which includes the Granada Sanitary District, the City of Half Moon Bay, and the Montara Water and Sanitary District. SAM was created in 1976 as a Joint Exercise of Powers Agreement and serves a population of approximately 22,000 people with a service area of roughly 12 square miles. SAM owns and operates the regional wastewater treatment plant, an 8-mile transmission line connecting the member districts to the plant, three main pumping stations, and an ocean outfall where the treated water is dispersed to the Pacific Ocean at a point west of Pilarcitos Creek. The two sanitary districts and the City of Half Moon Bay each operate and maintain wastewater collection facilities (sewer systems) within their respective jurisdiction.

...

In the past SAM has experienced sewer capacity overflow problems during heavy rain periods. Over the past 10 years SAM has implemented a number of improvements and procedures to control sanitary sewer overflows, including retention facilities and pump station improvements. Additional sewer system improvements are in process or are currently being planned in concert with sewer collection system improvements by the member districts. The environmental review has recently been completed for the construction of wet weather storage facilities in the area known as Burnham Strip in El Granada. The proposed facilities consist of two 700-feet long, 60-inch diameter buried pipes that would be used to temporarily store up to approximately 205,000 gallons of sewage flow during periods of peak infiltration and inflow. This project is intended to alleviate the excess wet weather sewage flows at the Montara and Portola Pump Stations where significant sewage overflow problems have occurred.

The USEPA's NPDES Compliance Evaluation Report on August 18, 2006 identifies a prior warning letter to the Sewer Authority Mid-Coastside (SAM) from NOAA for a violation of the National Marine Sanctuaries Act and a prior RWQCB Penalty Order, both based on sanitary sewer overflows. The EPA Report found that "the SAM Sewer System does not have sufficient capacity to convey peak flows during the winter rains." (at p.29). The EPA Report further states that "the largest spills, however, have occurred when the excess wet weather flow hits bottlenecks in SAM IPS [Intertie Pipeline System] at the Montara and Portola Pump Stations." (at p.30). Despite responsible actions and proactive infrastructure improvements by SAM and its member agencies (including GSD) to prevent wet weather over flows, the problem has not yet been solved. Therefore, wastewater treatment in the Midcoast area, including the project site, is currently constrained by inadequate infrastructure.

The proposed project includes a wastewater treatment system, to be used in conjunction with a GSD sewer connection. The wastewater treatment system consists of a wastewater treatment plant that produces recycled water (membrane bioreactor with ultraviolet disinfection) tied into a series of on-site storage tanks and a distribution system. Recycled water would be used for irrigation, toilet flushing, solar panel washing and parking lot cleaning. Any excess recycled water or substandard water is proposed to be discharged into the GSD sewer system. The applicant has proposed to either dispose of sludge using the Granada Sanitary District sewer system or through a series of vermicomposting bins located in the first floor of one of the proposed Wellness Center buildings. The proposed project would generate an estimated 26,000 gallons of wastewater per day, and the applicant has obtained a sewer connection from GSD for 1,800 gallons per day. However, it is unclear how much sewer capacity is actually needed to serve the project.

The LCP requires development in urban areas to be served by adequate public services, which include wastewater disposal. The applicant proposes to utilize the onsite wastewater treatment plant to recycle and reuse all of the water used by the project. However, in the event of maintenance to the wastewater treatment plant, various emergency situations or wet weather that prohibits the release of stored wastewater due to ground saturation, the applicant would need an alternate way to dispose of the project's wastewater flows. The proposed 40,000 gallon on-site storage capacity for recycled water would be inadequate to meet the minimum 20 day requirement under the State Water Code.⁵ To meet that requirement through storage, tanks with the total storage capacity of approximately 484,000 gal (26,000 gal/day – 1,800 gal/day x 20 days) would need to be installed on site. However, the site cannot accommodate such large storage in addition to the proposed intensity of development. Another way to meet the requirement would be to dispose of project flows through the GSD sewer system. However, as described in the EIR, it is unclear whether or not the 8-inch sewer line that is proposed to serve the project, or the nearby Princeton Pump Station, would be able to accommodate such flows.

Additionally, the SF RWQCB and State Dept of Health must authorize (by permit or order) the proposed wastewater treatment system. To do so, the applicant must submit to them a detailed engineering report that specifically outlines all components of the proposed wastewater treatment system, including physical components, maintenance and operation measures and emergency/contingency plans. The RWQCB indicated no such information had been received as of June 19, 2012, and accordingly, no order has been issued.⁶ RWQCB Staff has indicated in a letter addressed to the applicant that a Report of Waste Discharge must be submitted to the Regional Water Quality Board, a permit must be obtained from the Board, consistent with CCR Title 22 Water Recycling Criteria, and that no such Report has been submitted and no permit issued for the project. The feasibility of the system has not been established by either the Regional Water Board or the State Department of Health.

Because the applicant has not yet begun the permitting process for this complex wastewater treatment system and the conceptual design appears not to address major constraints, such as the need to accommodate 20 days of wastewater flows, the commenting and permitting process for it will result in alterations to the current project as proposed, including alterations affecting siting

⁵ CCR Title 22, Div. 4, Ch. 3 Art. 9 Section 60341 Emergency storage and disposal requirements.

⁶ Personal Communication with Blair Allen (SFRWCB), 6/19/2012.

and visual appearance of storage tanks and other treatment facilities. Further, at present, the conceptual design for the onsite wastewater treatment system is predicated upon the capacity of local public districts to accept wastewater and manage components of the system. However, GSD has not confirmed that adequate capacity exists to accommodate waste above 1,800 gal/day. It is possible that GSD will not have capacity for the amount of disposal proposed by the applicant.

Accordingly, the proposed system cannot be relied upon to successfully serve the project until the applicant demonstrates that this system can meet the requirements of the State Regional Water Quality Board and GSD's capacity. In the absence of concrete assurances that this system will be successful in this location, it is reasonable to assume that during the process of obtaining approvals from RWCQB, assuming limited capacity by GSD, the system design will need to be changed to meet the applicant's goals and all state and local laws. Moreover, it is possible that larger storage capacity will need to be constructed on site, beyond the proposed 40,000 gal storage. Larger storage tanks could contribute to the adverse visual and biological resource impacts already posed by the proposed project. Lastly, potential system redesigns or alterations may result in the proposed project's infeasibility due to property constraints and needed equipment on site.

Accordingly, the Commission finds that the proposed project is inconsistent with the requirements of Policy 1.18 that new development in urban areas be accommodated by existing public services, because as proposed, the project incorrectly assumes sewer service is available without a determination that it is in fact available. Without assurance that day-to-day operations and operations in times of weather events or emergencies are adequately considered and incorporated into the project, the Commission finds that the proposed project does not have adequate wastewater services consistent with the requirements of the certified LCP.

Traffic and Public Access

San Mateo County certified LCP Policy 2.48 Capacity Limits states:

The County will:

- a. Limit expansion of roadways to capacity which does not exceed that needed to accommodate commuter peak period traffic when buildout of the Land Use Plan occurs.*
- b. Use the requirements of commuter peak period traffic as the basis for determining appropriate increases in capacity.*

San Mateo County certified LCP Policy 2.49 Desired Level of Service states:

The County will:

In assessing the need for road expansion, consider Service Level D acceptable during commuter peak periods and Service Level E acceptable during recreation peak periods.

The San Mateo County certified Local Coastal Plan requires the maximization of the efficiency of public services (LUP Policy 1.8(a)(2), which includes State and County roads. To maximize efficiency in the urban midcoast, the rate of residential growth cannot out pace roadway capacity. If growth does out pace roadway capacity, the increase in people with personal automobiles without improvements to roadway efficiency will cause congestion levels to increase, particularly at peak commute and recreation periods. Accordingly, LUP Policies 2.48 and 2.49 require adequate road capacity to serve new development and to minimize impacts of development to traffic on local highways. The project site is located between the first public road and the sea and therefore must be consistent with the public access and recreation policies of the Coastal Act, particularly Section 30210, which requires that maximum access to the coast be provided and maintained. The impacts of the project's projected additional 2,123 vehicle trips per day on key roadway segments and intersections along State Routes 1 and 92 will increase traffic on currently constrained roadway segments and access points to the site and shoreline. LCP Policy 2.49 establishes Level of Service (LOS) "D" as acceptable (on a scale of A-F) for roadway segments and intersections on State Routes 1 and 92. Per the September, 2009 San Mateo County Congestion Management Program (CMP), Highway 1 has a baseline (1990-91) of LOS "E" between Frenchman's Creek Road and Miramontes Road in Half Moon Bay; and LOS "D" between Linda Mar Boulevard in Pacifica and Frenchman's Creek Road in Half Moon Bay. State Route 92 has a baseline of LOS "E" from Highway 1 to I-280.

According to Final San Mateo County Congestion Management Program, dated November 2011, produced by the City/County Association of Governments of San Mateo County (C/CAG), the relevant roadway segment along Highway 1 (Linda Mar Boulevard, Pacifica to Frenchman's Creek Road, Half Moon Bay) has a level of service (LOS) of E. According to this report, LOS E on two-land highways indicates "Unstable operations [where] Passing is virtually impossible and platooning becomes intense." (at p.3-2). LOS E also indicates "unstable operations with significant intersection approach delays and low average speeds...volumes at or near capacity. Vehicles may have to wait through several signal cycles. Long queues form upstream from intersection." (at p.3-3). LOS E presents significant delays, carries a poor service rating and further indicates "low maneuverability and low driver comfort." (at p.3-4). The LCP considers Service Level D acceptable during commuter peak periods and Service Level E acceptable during recreation peak periods. The Commission consulted the above findings from the 2011 County Congestion Management Program, which demonstrated that morning traffic levels, including during commuting hours, were at level of Service E.

According to the EIR, the project would add 2,123 trips to nearby roadways (Highway 1 and Highway 92). The EIR states that with the project, all intersections would be at LOS C, except Cypress and Hwy 1, which would require a signal, but the EIR did not address Highway segment LOS. As such, it is not possible to determine the project's impacts on nearby roadway capacity, including Highways 1 and 92. Further, the study submitted by the applicant was based on traffic counts from winter months, rather than summer months, and therefore cannot adequately inform the analysis regarding peak recreation periods. The applicant has refused to supply additional traffic information that captures summer peak recreation hours. In response to Commission staff's November 2, 2011 letter in which staff requested a traffic analysis specific to peak recreational use in relation to the beach and shoreline, the applicant sent a letter dated March 20,

2012 that acknowledged staff's request but referred staff to previously submitted information that was nonresponsive to concerns raised by staff.

This lack of information is especially significant here because the Big Wave project is located within a "roadshed" that has only two points of access – through the State Route 1/Cypress/Airport bottleneck to the north, and the Capistrano/Prospect Way/Broadway/Cornell bottleneck to the south. All traffic from the residential Seal Cove and Pillar Ridge neighborhoods, plus the industrial waterfront in the Princeton area, plus coastal visitors wishing to visit the Princeton area, Maverick's surf break, Pillar Point Marsh, Pillar Point Bluff, and the southern portion of the Fitzgerald Marine Reserve, must pass through these two chokepoints. Funneling additional daily trips created by the project through these chokepoints will adversely impact residents, businesses, and visitors to these popular coastal destinations.

According to the Final EIR, and incorporated as part of the proposed project, Mitigation Measure TRANS-1 requires the property owner to submit a traffic report to the Community Development Director, at full occupancy of every 60,000 sq. ft. of office space, until full project occupancy, and submit traffic reports bi-annually after full project occupancy. The report must be signed and stamped by a Professional Transportation Engineer in the State of California and identify the Level of Service (LOS) at the intersection of Cypress Avenue and State Route 1, Airport Street and Stanford/Cornell, Broadway and Prospect Way, Prospect Way and Capistrano and State Route 1 and Capistrano to evaluate if they maintain a LOS C or better. If levels of Service fall below existing levels for the intersection of Cypress Avenue and SR1, the applicant must coordinate with Caltrans to pay a fair share for the installation of a signal to mitigate these potential future traffic impacts.

The California Department of Transportation (Caltrans) has identified a number of concerns⁷ with the applicant's analysis, including discrepancies between the traffic impact study findings, which show an increase in traffic as a result of the project, and study intersections that show a decrease in traffic. Additionally, Caltrans recommended that the study include traffic volumes during the summer season when recreational vehicles are more prevalent in the area. Caltrans also requested names of the responsible funding partners/sources and timelines for all traffic mitigation measures. Caltrans staff indicated concerns regarding the applicant's statement that "due to the use of weighted averages, average delay can actually decrease with the addition of Background Traffic to Existing Traffic or with the addition of Project Traffic if the traffic is added to a movement with low delay (i.e., off peak direction)...." The applicant has not provided an adequate response or explanation for concerns raised by Caltrans. The mitigation measures, including traffic signal construction, have not been coordinated with Caltrans.

Moreover, as indicated above, the submitted intersection-based analysis is not sufficient to inform the analysis required under the certified LUP Policies, particularly those regarding adequate public services and peak recreational periods to identify desired levels of service. The proposed project would add a significant number of new trips to Highways 1 and 92, which are already at LOS E, and the project includes only minimal mitigation measures. Further, without an adequate traffic report that addresses peak recreational traffic to analyze the consistency of the

⁷ Comment Letters, Caltrans, dated January 5, 2010 and October 10, 2010.

project with all relevant LCP policies, the Commission cannot fully evaluate the project's impacts on road capacity and public access consistent with the requirements of the certified LCP.

Public Services Conclusion

The proposed project has not demonstrated adequate public services related to water, wastewater and road capacity, as described above. Therefore, the Commission denies this project as inconsistent with the certified LCP. Denial of the permit application will not prevent the applicant from reapplying for a permit to develop the property when the applicant is prepared to demonstrate availability of a public water supply adequate to serve the project, feasibility of the proposed wastewater treatment system and adequate availability public sewer capacity, and adequate road capacity to accommodate the traffic generated by the project while protecting public access to the coast.

2. Hazards

LCP Policy 9.1 (Definition of Hazard Areas) states

Define hazardous areas as fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire, and steep slopes (over 30%).

LCP Policy 9.2 (Designation of Hazard Areas) states:

Designate hazardous areas in the Coastal Zone as those delineated on the Geotechnical Hazards Synthesis Map, the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps adopted under Chapter 35.5 of the San Mateo County Zoning Regulations, and the Natural Hazards Map in the Natural Hazards Chapter of the General Plan.

LCP Policy 9.3 requires an evaluation of Implementation Sections 6324.6(f) and 6326.2 to determine whether the proposed project is consistent with the certified LCP.

IP Provision 6324.6(f) (Hazards to Public Safety Criteria) states:

[...]

(f) No land shall be developed which is held unsuitable by the Planning Commission for its proposed use for reason of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, steep slopes, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large. To determine the appropriateness of development the following shall be considered:

- 1. The danger to life and property due to the designated hazards caused by excavation, fill, roads, and intended uses.*

2. *The danger that structures or other improvements may slide or be swept onto other lands or downstream to the injury of others.*
3. *The adequacy of proposed water supply and sanitation systems, and the ability of those systems to prevent disease, contamination and unsanitary conditions during or following a hazardous event or condition.*
4. *The susceptibility of the proposed facility and its contents to potential damage, and the effect of such damage to the property.*
5. *The importance of the services provided by the proposed facility to the community.*
6. *The availability of a sufficient amount of water, as defined by the fire protection agency, for fire suppression purposes.*
7. *The availability of alternative locations, not subject to hazards.*
8. *The relationship of the proposed development to the Safety, Seismic Safety, and Open Space and Conservation Elements of the San Mateo County General Plan. [Emphasis added.]*

IP Provision 6326.2 states:

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

- (a) The following uses, structures, and development shall not be permitted: publicly owned buildings intended for human occupancy other than park and recreational facilities; schools, hospitals, nursing homes, or other buildings or development used primarily by children or physically or mentally infirm persons.*
- (b) Residential structures and resort developments designed for transient or other residential use may be permitted under the following circumstances:*
 - 1. The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.*
 - 2. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is fifty (50) percent or more of the projected maximum, unless: (a) the highest projected wave height above ground level at the location of the structure is less than six (6) feet, (b) no residential floor level is less than two (2) feet above that wave height, and (c) the structural support is sufficient to withstand the projected wave force.*
 - 3. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum unless the requirements of subsection b, 2), (a), and (c) are satisfied and the residential flood level is at least one (1) foot above the highest projected level of inundation.*
 - 4. Permission under this subsection shall not be granted if the Planning Commission determines that sufficient data, upon which the report required by subsection 1) must be based, is unavailable and cannot feasibly be developed by the applicant.*

LCP Policy 9.10 (Geological Investigation of Building Sites) states:

Require the County Geologist or an independent consulting certified engineering geologist to review all building and grading permits in designated hazardous areas for evaluation of potential geotechnical problems and to review and approve all required investigations for adequacy. As appropriate and where not already specifically required, require site specific geotechnical investigations to determine mitigation measures for the remedy of such hazards as may exist for structures of human occupancy and/or employment other than those considered accessory to agriculture as defined in Policy 5.6. [Emphasis added.]

Hazards areas and hazards are defined as those geotechnical hazards shown on the current Geotechnical Hazards Synthesis Maps of the General Plan and the LCP Hazards Maps. A copy of the report of all geologic investigations required by the California Division of Mines and Geology shall be forwarded to that agency.

Geologic Stability

Certified LUP Policies 9.1 and 9.2 define and designate hazardous areas and Policy 9.3 applies specific ordinance sections (6324.6(f) and 6326.2) to these hazardous areas. In addition, Policy 9.10 requires site-specific geotechnical investigations in geologic hazard areas to ensure hazards are mitigated adequately. Part of the project site lies within an Alquist-Priolo Earthquake Fault Zone and a tsunami inundation area as shown on State Tsunami Inundation Hazard Area maps, flood zone maps and on the County's Tsunami evacuation planning maps. The project site is also subject to seismic hazards, including liquefaction, sand boils, and cyclic densification. The proposed project is not consistent with the LUP's requirements to avoid and mitigate hazards, because final and comprehensive geotechnical investigations have not been provided in advance of the Commission's evaluation and therefore the LCP analysis cannot be adequately and thoroughly undertaken consistent with the requirements of the certified LCP.

The Final EIR alluded to the Draft EIR's conclusion, provided by Treadwell and Rollo, which reviewed available subsurface data and concluded that the project, as proposed and mitigated, is feasible from a geotechnical standpoint. This conclusion and supporting discussion were cursory and did not flesh out the geotechnical evaluation, based on site explorations and/or site specific analysis. The remainder of the geotechnical discussion in the Final EIR describes comments to the Draft EIR that requested the Final Geotechnical Evaluation be conducted as a component of the Final EIR, so that the feasibility and potential impacts from mitigation measures can be evaluated. The Final EIR geotechnical discussion went on to restate the mitigation measures and conclusions of the Draft EIR and concluded that the Final Geotechnical Report will be conducted during the building permit phase, which is inconsistent with the LCP review process, including Policies 9.3 and 9.10.

To date, the applicant has refused to provide a final geotechnical report and has only provided a final scope of work for the geotechnical evaluation to be performed by BAGG Engineers. The final proposal, received by Commission Staff on March 21, 2012, proposes that BAGG will evaluate: appropriate soil class type and seismic parameters per CBC 2007; specific soil conditions discovered through borings that may require special mitigation or impose restrictions on the project, including the type, quality, and consistency of any on-site fill soils; depth to groundwater and criteria for dealing with shallow groundwater during construction, as

encountered; potential of the site soils for liquefaction and/or compaction during seismic activities including the consequences of liquefaction and criteria for mitigating the impact of such hazards on the new building; criteria for site grading, preparation of the building pads, placement of fills and backfills, including the utility trenches, specifications for acceptable imported fill soils, and criteria for excavation of pits and below grade vaults; criteria for the support of the proposed buildings, including permissible bearing values for dead, dead plus live and dead plus live plus seismic loads, and allowable passive resistance and friction coefficient for spread footing foundations, subgrade modulus for mat calculations, pile capacity, as necessary; impact of the site settlement under the weight of the fill soils forming the building pad as well as the structural loads, on the performance of shallow building foundations and slab-on-grade floors; criteria for the support of the concrete slab-on-grade floors; lateral earth (active and at-rest) pressures for the design of retaining walls, pits and shallow depressions; flexible and rigid permeable pavement sections for various traffic indices, including sections with aggregate base and asphaltic concrete; and provisions for the control of surface and subsurface drainage, including the permeability of the soils at the location of the proposed detention ponds based on the laboratory permeability test results.

To conduct this analysis, BAGG proposes numerous site investigations, including: conduct a thorough review of the available geotechnical and geologic reports prepared by others and by BAGG Engineers; mark the CPTs and borings at the site and notify Underground Service Alter at least 48 hours prior to the planned exploration activity; to explore for any evidence of fault rupture, such as uneven contact between the Purisima Sandstone and the overlying Marine Terrace Deposits, uneven contact between the Denniston Clay Loam and the overlying Marine Deposits; obtain a permit for advancing CPTs and drilling soil borings from the County of San Mateo Environmental Health Division, as required; research and review pertinent geologic maps and aerial photography relevant to the site area regarding the seismic and geologic history of the site and the immediate vicinity, and prepare a geologic and seismic write-up, as appropriate; drill, log, sample, advance and measure the depth of four exploratory borings of depths of 30 feet; perform a laboratory testing program on the collected samples, including direct and triaxial (UU) shear strength, R-value, consolidation, classification, and moisture density, as judged appropriate; perform engineering analysis based on the results; and prepare six copies of the final report.

The standard of review for this project is the certified Local Coastal Plan. In this case, the Commission finds that it needs additional studies because, in the opinion of the Staff Geologist, the complex nature (multiple splays) and the poorly constrained location of the Seal Cove fault (part of the San Gregorio Fault Zone) warrant additional investigation to assure that structures for human habitation will not be constructed across an active fault.

Contrary to the applicant's letter dated March 20, 2012, the fault is not accurately located near the project site. Several fault splays have been identified in three trenches north of the site, but as indicated in the Fitzgerald Marine Reserve Master Plan:

The fault has never been exposed within the vicinity of the Marsh, and its location is less defined in this area.... Northwest of the Marsh, the fault is shown on geologic maps

running along the base of the uplifted terrace. To the southeast, it is mapped offshore along submarine escarpments that have been identified in bathymetric surveys.

...

Because the location of the active SGF [San Gregorio Fault] is less clear at the south end of the Reserve, the State [Alquist-Priolo] Special Studies [Earthquake Fault] Zone map for this area must be relied upon for guidance. For permanent structures for human occupation...proposed in this area, a site-specific geologic investigation should be performed to better identify the location of the active fault trace(s).

It is precisely such a fault study that staff is recommending be conducted prior to approval of a coastal development permit for this project.

Also, contrary to the applicant's assertion, no bathymetric data are shown on the 1997 Half Moon Bay quadrangle published by the US Geological Survey. Even if the bathymetric data referenced in the Master Plan do indicate fault escarpments showing the locations of offshore continuations of the Seal Cove fault, they do not rule out the existence of additional fault splays on the subject site.

The geologic cross sections provided by the applicant are based on data that are too sparse, and covering only a portion of the site, to determine whether there are fault offsets in the stratigraphic units.

Therefore, for all of the above reasons, the Commission finds that the proposed project fails to identify and evaluate all significant impacts and the necessary mitigation measures needed to remedy such impacts based on the site conditions. Accordingly, the Commission finds that the proposed project fails to demonstrate that the development will be safely sited consistent with the requirements of the certified LCP and must be denied. Denial of the permit application will not prevent the applicant from reapplying for a permit to develop the property when the applicant is prepared to supply the information necessary to support the permit application and demonstrate its consistency with all applicable requirements of the certified LCP. For example, the applicant can submit the information necessary for the Commission to conduct its evaluation of impacts and mitigation measures.

Tsunami Inundation

The Commission's findings below incorporate the analysis of the Commission's Coastal Engineer. The proposed project site is in a Tsunami Inundation Hazard Area, as shown on the LCP's Tsunami Inundation map, as well as the recently updated California Geological Survey (CGS) map. (**Exhibit 10**). The applicant has made several points to dismiss the application of this map to the subject project.⁸ The main technical points about tsunami hazards that have been made by the applicant are:

⁸ The Commission has previously relied upon the content of this map, see 2-06-018/A-2-MAR-08-028 (Lawson's landing).

1. There has been no identified damage to this site due to historic tsunamis.
2. Much of the historic tsunami inundation for this area occurred prior to the installation of the Pillar Point Breakwater (called a seawall in the applicant's discussion) and the existing breakwater will provide some protection from future tsunamis.
3. Even though tsunami inundation maps, prepared by the University of Southern California Tsunami Lab for the California Emergency Management Agency (CalEMA) show that the entire Big Wave site is in the inundation zone, the maps are for emergency response purposes only and should not be used for planning and regulatory purposes.
4. The CalEMA Tsunami Inundation Maps cover extreme events, likely to occur over thousands of years.
5. In place of the inundation maps, the project engineer prepared a probabilistic analysis of future tsunamis based on historic events (Holmes 2010)
6. In place of the inundation maps, a wave run-up analysis was prepared that concluded, "The proposed Big Wave Wellness Center is reasonably safe from tsunami hazards due to its elevation and location relative to the shoreline". (Skelly 2010, page 9.)

The historic data used by the applicant was taken from a tsunami database developed and maintained by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA). The Commission's coastal engineer has often used this data base to research historic tsunami events; it is a very useful resource and staff concurs with its use by the applicant to present the historic tsunami events that have been recorded for the Half Moon Bay area. However, the Commission finds that the applicant has incorrectly used the information in the database to provide a probabilistic tsunami analysis and incorrectly input tsunami data into a wave run-up model. The Commission does not agree with the applicant's analysis of tsunami inundation and does not agree with the decision to dismiss the information provided by the CalEMA Tsunami Inundation Maps.⁹

Historic information on tsunamis in the project area: The applicant has provided a large amount of information on tsunamis. It has provided several copies of the CalEMA, CGS, USC Tsunami Inundation Map along with over 40 pages of tables from NOAA's West Coast and Alaska Tsunami Warning Center that show maximum amplitude for numerous sites around the Pacific Ocean from various historic tsunamis. These tables and reports note that tsunami waves were observed at Half Moon Bay from the 1964 Alaskan Earthquake and Tsunami and from the 1960 Chilean Earthquake and Tsunami. Maximum amplitude of 8.5 feet (2.6 meters) was measured during the 1946 Alaskan Earthquake and Tsunami. Additional information from the NOAA Natural Hazards Viewer (<http://maps.ngdc.noaa.gov/viewers/hazards/?layers=0>) and

⁹ The applicant's coastal engineering consultant has self-determined himself as having been "recognized by the California Coastal Commission as professionally capable of modeling tsunami runup". (See David Skelly 2010 Tsunami Runup and Force Analysis for Big Wave Wellness Center, page 1) Despite such belief by the applicant's engineer, the Coastal Commission has not recognized any individuals as being "professionally capable of producing [this type of] tsunami runup analysis." The California Coastal Commission does recognize the need for professional expertise in many aspects of project development; however, the Commission does not recognize individuals for professional capability with respect to tsunami runup analysis.

from Lander, Lockridge and Kozuch¹⁰ shows wave amplitude during the 1946 tsunami was up to 13 feet (3.96 meters), with inundation extending inland up to 3,280 feet (1,000 meters). O'Brien¹¹ identified the full wave height as 7 feet below the water surface and 10 feet above (2 m below the water surface to 3 meters above) (also cited in Lander et al.). In 1960, the maximum amplitude for Princeton was about 7.2 feet (2.2 meters) and the bay reportedly drained nearly dry three times and then refilled up to 9 feet (2.7 meters). Based on the damage to Princeton, Magoon¹² put the 1960 water level range at 11.5 feet (3.5 meters) above Mean Lower Low Water (MLLW). During the recent Japan Tohoku event, a maximum amplitude of 2.7 feet (0.7 meters) was recorded. (<http://maps.ngdc.noaa.gov/viewers/hazards/?layers=0>). From these references, it is clear that Princeton has been and continues to be at risk from tsunami inundation. Information from the applicant confirms this, as does staff's independent review of various historic tsunami references.

The Seawall (aka Pillar Point Breakwater) will protect the Half Moon Bay area from tsunamis:

Most of the historic tsunami inundation information is from the time prior to construction of the Pillar Point Breakwater. Recent evidence from the Tohoku tsunami does support the contention that breakwaters provide some protection from tsunami inundation. At the Japanese community of Kamaishi, the offshore breakwater was severely damaged by the incoming wave. Nevertheless, comparison of observed damages to model results for a no project condition indicate that the Kamaishi breakwater reduced shoreline inundation depths from 45 feet to 26 feet (13.7m to 8m), and run-up from 66 feet to 33 feet (20.2m to 10.0m).¹³

The Kamaishi Breakwater was a solid, cofferdam structure and the Pillar Point Breakwater is a fairly porous rubble mound structure, so there is little similarity between the structures. This example cannot be used to infer any information about the amount of change in either inundation depth or run-up for Half Moon Bay, but does suggest that the Pillar Point Breakwater would have some beneficial effect. The USC modeling effort for Half Moon Bay was at a 100-foot (30-meter) resolution and the effects of the breakwater would not have been fully included in the modeling efforts used to prepare the CalEMA maps. If a more detailed modeling of Pillar Point Harbor were undertaken, the effects from the Breakwater could be modeled. For example, the beneficial efforts of the breakwater at the Port of Los Angeles have been modeled successfully.¹⁴ However, the applicant has not provided acceptable modeling of the changes to tsunami hazards at the project site that can be attributed to the Pillar Point Breakwater.

¹⁰ Lander, James F., Patricia A. Lockridge, and Michael J. Kozuch (1993) Tsunamis affecting the West Coast of the United States, 1806-1992, KGRD No. 29, National Oceanic and Atmospheric Administration, National Geophysical Data Center, Boulder, Colorado, USA, September, 242 p.

¹¹ O'Brien, M.P., *Preliminary Report of Seismic Sea Waves from Aleutian Earthquake of April 1, 1946*, Technical Report HE 116207. Wave Project, Fluid Mechanics Laboratory, University of California at Berkeley, April, 1946, 10 pp. (From Lander, Lockridge and Kozuch, op. cit.)

¹² Magoon, Orville T., "The Tsunami of May, 1960 as it Affected Northern California," presented at the American Society of Civil Engineers Hydraulics Division Conference, University of California, Davis, California, August 17, 1962. (From Lander, Lockridge and Kozuch, op. cit.)

¹³ Takahashi, Shigeo et al. *Urgent Survey for 2011 Great East Japan Earthquake and Tsunami Disaster in Ports and Coasts*, Technical Note of Port and Airport Research Institute. Vol. 1231. Print. April 28, 2011

¹⁴ Moffatt-Nichol Engineers (2007) Tsunami Hazard Assessment for the Ports of Long Beach and Los Angeles, http://www.portoflosangeles.org/DOC/REPORT_Tsunami_%20April_2007.pdf

The proposed project site is within the mapped tsunami inundation zone: The tsunami inundation zone maps¹⁵ show all of the downtown Princeton area within the inundation zone. The inundation zone covers the proposed site and goes inland as far as the airport. The inundation maps and supporting documentation show that maximum runoff in the vicinity of the project site will range from 26 feet to 29.5 feet MSL (8m to 9 meters MSL).¹⁶

Planning uses of emergency planning tsunami inundation maps: The inundation maps were prepared by the State of California, in conjunction with NOAA and the University of Southern California Tsunami Hazard Lab. They were completed in 2009 to provide communities and individuals with information about the maximum probable inundation for most of coastal California. When there was some uncertainty in the inundation areas, the mapping effort did err on the side of inclusion. However, almost all maps were field verified and the areas with large mapping uncertainties were examined in the field and mapping adjustments were made to reflect local site conditions.

The applicant has noted that these inundation maps are not to be used for planning purposes. While it is true that the main purpose for the 2009 Tsunami Inundation maps was emergency preparedness and evacuation; it is also true the information on the maps provides a useful tool to assess whether or not an area has the potential to be inundated by a tsunami. The existing tsunami maps took several years of efforts; they are the most recent attempts to provide almost state-wide information on tsunami risk; there was detailed field verification of the inundation lines; and there has not been state or federal funding for “planning purpose only” tsunami inundation maps; therefore, it is reasonable and practical to use the mapping tools as one significant input for a tsunami planning process. In general situations for example, the maps can be examined to determine whether or not there is reason to be concerned about tsunamis for a particular site based upon whether or not the site is within the mapped inundation area. And, based on the location of the site with respect to the entire inundation area, the maps can also provide quantitative as well as qualitative information on how significant tsunami inundation might be. For the case of Half Moon Bay and the proposed project site, the local government has reviewed the map information and, based on knowledge of the local topography and flooding response, the local government has used the 2009 maps as a basis for developing their Tsunami Inundation Hazard areas.

Probable events are covered by the tsunami inundation maps: The 2009 Tsunami Inundation maps were prepared by examining the inundation possible for a variety of different, large fault ruptures. Some maps also included likely inundation from a large submarine slide. Each map contains an information table that shows the input sources that were considered in generating each specific map. The inundation lines are a composite of the maximum probable inundations from all these sources; one portion of the inundation line may be the maximum probable inundation from event A, while another segment may be the maximum probable inundation from event B or event C. There are no probabilities associated with the inundation lines; however, each source event that is used to derive the lines is possible and the fault location and magnitudes are well documented as are all possible events. The map preparers have noted that the “return

¹⁵ http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SanMateo/Documents/Tsunami_Inundation_MontaraMountain_Quad_SanMateo.pdf

¹⁶ Personal communication with Kevin Miller, CalEMA, June 15, 2012

periods”¹⁷ are on the order of hundreds of years;¹⁸ the “return periods” are not thousands of years as the applicant’s technical consultants have stated by the applicant’s engineer in a meeting with staff.

Development of probabilistic tsunami inundation maps: Some planning professionals would like to have tsunami inundation maps that mirror the probability of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) that show the 1% and 0.2% annual probability of flooding (often considered the 100-year and 500-year events). River flows have been measured for many years, and riverine flooding can be correlated with rainfall intensity, watershed characteristics and antecedent events. These conditions provide some level of confidence for identifying riverine flooding probabilities and the development of the FIRMs. Similar maps for tsunami inundation are starting to be developed; however, the development of tsunami inundation probabilities is a far more complex than riverine flooding. First of all, tsunamis occur less frequently than riverine flooding so there are fewer data points to use for developing event inundation correlations. Also, the probability for a tsunami is the combined probability of the generating event, such as a large earthquake on an offshore subduction fault (although other faults are capable of producing tsunamis, as are large underwater landslides), and the development of a tsunami. While it is tempting to take the historic tsunami observations as the data set to develop the probability density of tsunami occurrences (as was done by the applicant’s project engineer), this approach is not correct. This approach does not link the tsunami probability to the known generating mechanisms. Also, historic data are spotty for many areas of the California coast, with inundation levels based on anecdotal information or some limited investigations of tsunami deposits in areas where geologic and land development conditions allowed the deposition and preservation of such sediment samples. For Half Moon Bay, the applicants developed a useful review of historic tsunami occurrences. This assembly of historic events can provide an indication of the inundation that has occurred in the past; but, it is not a predictor of probable risk.

The Applicant’s Determination of Tsunami Risk at the Proposed Site. The applicant has provided as part of the permit application, an analysis of tsunami runup and inundation that differs greatly from that depicted on the CalEMA Tsunami Inundation Maps and with general information about tsunamis. The modeling by the applicant’s coastal engineer characterized the input wave as having an initial wave height of 6.5 feet (about 2 meters) and a wave period of 30 seconds, with a resulting runup of about 13 feet. The assumed wave height is quite low, but was provided to him through the probabilistic analysis undertaken by the project’s engineer, Mr. Scott Holmes. The 30 second wave period, developed by the applicant’s coastal engineer is also quite low. Anyone who watched any of the videos from recent tsunamis in the Indian Ocean,

¹⁷ Return period, also known as recurrence interval is the approximate interval of time between events of a certain type. For floods, it is the river discharge (often termed, the 10-year, 50-year or 100-year flood). For earthquakes, it’s a seismic event of a certain magnitude. The return period for a tsunami, while less clearly defined, is normally associated with the triggering event.

¹⁸ Personal communication from Dr. Costas Synolakis, USC, December 8, 2011

Samoa or Japan recognizes that the inundation lasts for far longer than 30 seconds. Coastal engineers refer to tsunamis as long-period waves, and modelers normally use wave periods that range from 20 to 30 minutes.

In addition to using incorrect input for determining the tsunami inundation, the project engineer has used a short-period wind wave model for wave propagation. As noted above, tsunami waves are not short-period wind waves; they are long-period waves that are generated by seismic events, submarine landslides, volcanic eruptions, meteor strikes, and such.

Finally the applicants engineer has used an unreferenced rule of thumb from the US Army Coastal Engineering Manual that “for every 25 feet that a wave overtopping travels across the beach, the height of the runup bore is reduced by 1 foot.” The Coastal Engineering Manual is over 1,000 pages long and without a more complete reference, staff was unable to verify that this rule of thumb was even developed for long-period waves. It is likely that this “rule of thumb”, if valid at all, was provided for wind waves or storm surge rather than for tsunami waves. Wave runup and dissipation are difficult to quantify and rarely reduce to a simple rule of thumb. As stated in the Coastal Engineering Manual (Section D.4.5-32), “In most situations, the amount of dissipation is small when compared to the effort required to analyze the dissipation processes. In addition, the risk of overestimating wave dissipation with available tools, resulting in an underestimation of flood risk, can be significant.” An article in *Physics Today* by Resio and Westerlink¹⁹ also debunks the use of rules of thumb for surge dissipation, noting, “Empirical rules of thumb based on observations alone may be of dubious value. Along the US Gulf Coast, observations have suggested that each 14.5 km of wetlands leads to a 1-m decrease in the maximum surge level. If true, that is an extremely useful piece of information. The estimate could be dangerous, however, if it is false and used to estimate risk reductions in coastal areas behind wetlands.”

For the Gulf Coast rule of thumb, a one-foot (0.3 meters) drop in surge level occurs for every 2.8 miles (4.5 km) of travel across a wetland, yet with the applicant’s rule of thumb, the same decrease can be achieved by traveling only 25 feet (0.008 km) across a sand beach. Warnings in the CEM and by Resio and Westerlink about the use of rules of thumb for very frequent overland flow from storm surge should be heeded as well for use in the much less frequent, but potentially very damaging tsunami situations -- especially when the estimate provides such marked changes to the wave height.

Thus, the analysis by the applicant has incorrectly taken historic tsunami occurrences to develop what has been termed a 200-year return period tsunami. This event has then been incorrectly modeled using a short-period wind wave model to propagate the wave to the shoreline. And, finally, the overland flow has been characterized by a rule of thumb that most likely has not been developed for tsunamis, and that is of dubious, if not overly optimistic utility in the proposed project situation. When the maximum probable tsunami is modeled with a basin-wide analysis, using long-period wave conditions and a peer-reviewed tsunami inundation model, the resulting runup is 26 feet to 29.5 feet MHW (8 to 9 meters MHW), as reported on the CalEMA Tsunami

¹⁹ Donald T. Resio. and Joannes J. Westerlink, ‘Modeling the physics of storm surges’, *Physics Today*, September 2008, pp 33 – 38.

Inundation Map. As presented, the applicant's analysis does not replace the peer-reviewed, state approved modeling and field-verified mapping effort provided by the CalEMA maps.

Analysis with respect to Section 6326.2 of the County's IP. The County's review of development within a tsunami inundation zone is regulated by IP Section 6326.2 which states:

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

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

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

- 1. The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.*
- 2. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is fifty (50) percent or more of the projected maximum, unless: (a) the highest projected wave height above ground level at the location of the structure is less than six (6) feet, (b) no residential floor level is less than two (2) feet above that wave height, and (c) the structural support is sufficient to withstand the projected wave force.*
- 3. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum unless the requirements of subsection b, 2), (a), and (c) are satisfied and the residential flood level is at least one (1) foot above the highest projected level of inundation.*
- 4. Permission under this subsection shall not be granted if the Planning Commission determines that sufficient data, upon which the report required by subsection 1) must be based, is unavailable and cannot feasibly be developed by the applicant.*

Based on the CalEMA Tsunami Inundation Maps and the County of San Mateo's Tsunami inundation maps, the proposed project site is within the tsunami inundation area. Although the applicant has attempted to comply with the requirement of 6326.2(b)(1) by submitting an analysis of tsunami risk, the analysis provided cannot be accepted because, as noted above, it relies on improper and unreferenced assumptions for its conclusions. Absent other information about the site, it is appropriate for the Commission to rely on the inundation modeling and information for the maximum probable tsunami, as prepared by the University of Southern California Tsunami Hazard Lab for the CalEMA Tsunami Inundation Maps, as previously relied on in 2-06-018/A-2-MAR-08-028 (Lawson's landing). These maps indicate the following, all of which pose a risk of tsunami inundation and potential for harm to residents at the site:

The highest projected wave height above ground level at the location of the structure is NOT less than six (6) feet. The CalEMA Tsunami Inundation Maps show for the proposed project site, a maximum water level of about 26 to 29.5 feet Mean High Water (8 to 9 meters Mean High Water) or 24 to 28 feet NGVD (7.5 to 8.5 meters NGVD). Since the site elevation is given as +14 feet NGVD in the Skelly Report, the highest projected water level above ground level at the location of the structure is approximately 10 feet to 14 feet, which is higher than the 6 foot threshold used in Section 6326.2(b)(2)(a) or Section 6326.2(b)(3).

Residential floor level will be less than two (2) feet above that wave height. The proposed elevation of the residential structures is 20 feet NGVD, which is 4 to 8 feet lower than the wave height and thus, not “no less than two (2) feet above the wave height.”

Analysis does not show that the structural support is sufficient to withstand the projected wave force. Wave force analysis has only been provided for the anticipated 1 foot tsunami bore; no analysis for the maximum proposed tsunami wave force has been provided nor is there a structural design that would elevate the structure above the tsunami level. Thus, at this time, the proposed structural support cannot be found to be sufficient to withstand the projected wave force.

The above determination in 6326.2(b) about whether to use 6326.2(b)(2) or 6326.2(b)(3) depends upon whether “the projected wave height and force is fifty (50) percent or more of the projected maximum” or whether it is less than fifty (50) percent of the projected maximum.

Until appropriate analysis of the projected maximum is provided and the on-site conditions are determined, it is not possible to determine which specific section should be used to evaluate the proposed project. However, many of the elements that must be satisfied are the same for each section – that the highest projected wave height above ground level is less than six (6) feet, that the residential floor level is at least one (1) foot above the highest projected level of inundation (Section 6326.2(b)(2) uses the more strict criteria of two(2) feet) and the structural supports are sufficient to withstand the projected wave forces.

Given the proposed design that is before the Commission, and the maximum probable tsunami from the CalEMA modeling and mapping effort, the proposed project cannot meet the criteria for approval, as outlined in County’s IP Provision, 6326.2 Tsunami Inundation Area Criteria.

An Option to Improve or Augment the CalEMA Tsunami Inundation Information: As noted earlier, the CalEMA Tsunami Inundation Maps use a 30-meter grid size for modeling and this is too coarse to fully account for the effects of the Pillar Point Breakwater. A basin-wide model of the Half Moon Bay area, including the Pillar Point Breakwater would help quantify the benefits provided by the breakwater. Such an analysis would start with deepwater waves, typical of those generated by a potential tsunamigenic source, such as a large earthquake on the Aleutian Subduction Zone. Deepwater waves lose little energy in transfer from the source until they come ashore thus, the modeling need not simulate the entire ocean, but could initiate at an appropriate deepwater basin boundary and then propagate the wave inland. As noted earlier, such modeling has been done in Japan for Kamaishi, and in the US for the Ports of Long Beach and Los

Angeles. Firms are now working with CalEMA to do such modeling for additional local areas and to provide some probabilistic analysis for select areas. Commission staff is not aware of the exact cost of such modeling and cannot provide a bid on behalf of any consulting firm. Within the next couple of years, the state may make available more detailed modeling for Half Moon Bay; the applicant would be free to use this work if the applicant does not wish to undertake independent modeling of the Half Moon Bay area.

Given the proposed design and the maximum projected wave height as demonstrated using the Cal EMA modeling and mapping effort, the proposed project does not meet the criteria for approval, as outlined in the County's IP Provision 6326.2(b) Tsunami Inundation Criteria. Therefore, the project as currently proposed is inconsistent with the applicable standards of the certified LCP and must be denied. However, the Commission's action does not constitute a final decision regarding the application of the LCP to development proposals on this property. Denial of the permit application will not prevent the applicant from redesigning the proposed project and/or reapplying for a permit to develop the property when the applicant is prepared to supply the information necessary to support the permit application and demonstrate its consistency with the certified LCP. For example, the applicant could conduct more detailed modeling that addresses the issues raised in these findings and which demonstrates that a proposed project is consistent with the tsunami inundation criteria contained in subsection (b) of Section 6326.2(a) of the certified LCP.

3. Biological Resources

LCP Policy 7.3 (Protection of Sensitive Habitats) states:

- a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.*
- b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.*

LCP Policy 7.4 (Permitted Uses in Sensitive Habitats) states:

- a. Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.*
- b. In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.*

LCP Policy 7.14 (Definition of Wetland) states:

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats

(barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and manmade impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

LCP Policy 7.16 (Permitted Uses in Wetlands) states:

Within wetlands, permit only the following uses: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement through water management and biological controls; however, when determined to be ineffective, allow chemical controls which will not have a significant impact, (6) diking, dredging, and filling only as it serves to maintain existing dikes and an open channel at Pescadero Marsh, where such activity is necessary for the protection of pre-existing dwellings from flooding, or where such activity will enhance or restore the biological productivity of the marsh, (7) diking, dredging, and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging manmade reservoirs for agricultural water supply where wetlands may have formed, providing spoil disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, and (9) incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

LCP Policy 7.18 (Establishment of Buffer Zones) states:

Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

LCP Policy 7.19 (Permitted Uses in Buffer Zones) states:

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

LCP Policy 7.20 (Management of Pillar Point Marsh) states:

- a. Define safe yield from the aquifer feeding the marsh as the amount of water that can be removed without adverse impacts on marsh health.*
- b. Restrict groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD). Water system capacity permitted and the number of building permits allowed in any calendar year shall be limited if necessary by the findings of the study.*
- c. Encourage purchase by an appropriate public agency such as the Coastal Conservancy.*
- d. Encourage management of the marsh to enhance the biological productivity and to maximize wildlife potential.*
- e. All adjacent development shall, where feasible, contribute to the restoration of biologic productivity and habitat.*

LCP Policy 7.32 (Designation of Habitats of Rare and Endangered Species) states:

Designate habitats of rare and endangered species to include, but not be limited to, those areas defined on the Sensitive Habitats Map for the Coastal Zone.

LCP Policy 7.33 (Permitted Uses) states:

- a. Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.*
- b. If the critical habitat has been identified by the Federal Office of Endangered Species, permit only those uses deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.*

LCP Policy 7.34 (Permit Conditions) states:

In addition to the conditions set forth in Policy 7.5, require, prior to permit issuance, that a qualified biologist prepare a report which defines the requirements of rare and endangered organisms. At minimum, require the report to discuss: (1) animal food, water, nesting or denning sites and reproduction, predation and migration requirements, (2) plants life histories and soils, climate and geographic requirements, (3) a map depicting the locations of plants or animals and/or their habitats, (4) any development must not impact the functional capacity of the habitat, and (5) recommend mitigation if development is permitted within or adjacent to identified habitats.

LCP Policy 7.35 (Preservation of Critical Habitats) states:

Require preservation of all habitats of rare and endangered species using criteria including, but not limited to, Section 6325.2 (Primary Fish and Wildlife Habitat Area Criteria) and Section 6325.7 (Primary Natural Vegetative Areas Criteria) of the Resource Management Zoning District.

LCP Policy 7.3 prohibits any land use or development that would have significant adverse impacts on sensitive habitat areas, and requires that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. Policies 7.4 and 7.33 permit only resource dependent uses in sensitive habitat areas and also require that permitted uses comply with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) regulations. Policy 7.35 requires preservation of all habitats of rare and endangered species. LUP Policy 7.1 defines sensitive habitats, in part, as “habitats containing or supporting rare and endangered species...[and]...all perennial and intermittent streams and their tributaries.” LUP Policy 7.11 requires a 30-foot buffer from intermittent streams. LUP policy 7.14 defines wetlands; LUP policy 7.16 limits uses allowed in wetlands; LUP policies 7.18 and 7.19 establish wetlands buffer zones and limit the uses allowed in them; and LUP policy 7.20 provides specific protections for the Pillar Point Marsh. Development within habitat for special-status species are subject to additional LUP policies, including policies 7.3 and 7.4 which protect sensitive habitats and prohibit development adjacent to sensitive habitat from having adverse impacts on the habitat. LUP Policies 7.35 and 7.46 provide for preservation of critical habitats for rare, endangered, and unique species. Development within wetlands and their 100-foot (or larger) buffer zone is restricted to very limited uses by LCP Policies 7.16, 7.17, 7.18 and 7.19. LCP. Policy 7.20 requires special protections for Pillar Point Marsh and limits groundwater extractions from the marsh to a safe yield determined by a hydrologic study. LCP Policy 2.34 requires, as a condition of development permit for any facilities to increase water supply, that any water system that presently draws or proposes to draw water from wells in the aquifer serving Pillar Point Marsh agree to participate in and assist in the funding of the hydrologic study of Pillar Point Marsh required by Policy 7.20 and to accept the restrictions resulting from that study. As detailed in the following paragraphs, the project does not comply with the Sensitive Habitats Component of the LCP and CA Sections 30230-30233.

LUP Policies 7.35 and 7.46 require preservation of critical habitats for rare, endangered, and unique species. A published research study by G.M. Fellers and P.M. Kleeman, titled “California Red-Legged Frog Movement and Habitat Use: Implication for Conservation” in the Journal of Herpetology, 2007, vol. 41, no. 2, pp. 271-281, states that “non-breeding habitats are critically important” for the survival of California red-legged frogs and that even if disturbed land can provide critical non-breeding habitat. The same study found that California red-legged frogs moved a median distance of 150 meters, as far as 1.4 kilometers, between breeding and non-breeding areas. Regarding the project’s impact to sensitive habitat areas and habitat of rare and endangered species, an email to the Project Planner from Chris Nagano, USFWS Chief of Endangered Species on January 11, 2011 stated: “...As of this date, the County of San Mateo and/or other parties have not resolved the issue of the potential for adverse effect or take of federally listed species resulting from the proposed Big Wave project with the Service....” The Final (100%) Basis of Design Report states that California red legged frog has been recorded in the past on an adjacent property. One adult and one sub-adult were observed in a wetland near the project site near West Point Road on May 7, 1999 according to the California Natural Diversity Database (2008). The U.S. Fish & Wildlife Service (USFWS) establishes specific upland buffer areas in accordance with the critical habitat designation for the red-legged frog. In past actions concerning development in the San Mateo Coast area, the Coastal Commission has determined that a 300-foot buffer was required to protect California red-legged frog habitat.

WSP Environment and Energy (WSP) provided “An Analysis of the Geographic Extent of Water of the US, including Wetlands, on the Big Wave Property, San Mateo County, California,” dated March 17, 2008 based on data collected November 20, 2007. This Report and wetlands delineation identifies approximately 0.45 acres of wetlands of “other waters” (Type 3 water of the U.S.), 0.74 acres of Coastal Act wetlands. The majority of these wetlands are found along the western part of the project site. (**Exhibit 7**). In addition, in a letter Addendum to the Report dated April 24, 2008, Mr. Lee and Ms. Fiedler of WSP, informed the Applicants that field observations made during an on-site meeting on March 27, 2008 revealed that conditions in the southwest field, while fallow, allowed for establishment of annual species, including wetland indicator plants that were more extensive than previously mapped. Mr. Lee and Ms. Fiedler advised that a new Coastal Commission delineation should be done, based on vegetation, and the Applicants agreed. However, when Ms. Fiedler returned to the project site on April 9, 2008, all of the annual vegetation had been plowed under and disked.

Based on WSP’s “Draft (100%) Basis of Design Report titled: “Riparian and Waters/Wetlands Ecosystem Restoration for Big Wave Wellness Center and Office Park, San Mateo County, California” dated March 18, 2012, prepared for Big Wave Group, LLC (Design Report), the applicant proposes to restore the first 100 feet of the proposed 150-foot buffer and put organic farming in the outer 50 feet. However, although the report states the buffer would 150 feet, the project plans show the distance on the east side of the stream to the proposed development to be only about 100 ft wide and one of the proposed farming areas is only 15 or 20 feet from the stream (G Meu Assoc, Landscape Planting Plan L101).

Additionally, the 5/17/10 Preliminary Grading, Drainage and Utility Plan for the Wellness Center shows the buildings would have a finished floor elevation of 20 feet, on a finished grade of 18 feet. The existing grade beneath the buildings ranges from 12 to 15 feet. In order to raise the grade an additional 3 to 6 feet, the 5/17/10 plans show the fill would extend within 150 feet of the wetlands. Portions of Wellness Center Building B also extend within 150 feet of the wetlands. Further, in order to comply with California Fire Code and Coastside County Fire Protection District requirements, a 20-foot fire lane will likely be required around the perimeter of the buildings, which will result in additional development in the wetlands buffer. This has not been factored into the proposed Site Plans or Grading Plans. Development in wetland buffers to accommodate new roads is not permitted per Policy 7.19, and would cause potentially significant adverse impacts to adjacent sensitive habitats.

In order to site development on the subject property appropriately, the applicant must demonstrate consistency with the LCP policies protecting these sensitive resources. LCP Policy 7.18 generally requires a 100-ft buffer from wetlands, but a larger setback is required if necessary to maintain the functional capacity of the wetland ecosystem. In this case, the applicant has not demonstrated that there is an adequate buffer between the proposed development and the sensitive resources on site, because of the proximity of the development to the important habitat at Pillar Point Marsh, and the documented uncertainty of the delineated wetland boundary.

Finally, the Draft Planting Plan proposes to create polygons of Live Oak Riparian Forest and Arroyo Willow Riparian Forest that include species such as Coast Live Oak, Buckeye, Red Alder and Toyon. The applicant has not demonstrated sufficiently that these trees will survive on this site that is underlain by wet clayey soils, located so close to the ocean. Coast Live Oak, Madrone, California Buckeye, Western Sycamore, and Big Maple Leaf are also proposed for landscaping along the perimeter of the site and in the parking lots, to screen the buildings. In addition, there are major discrepancies between the Draft Planting Plan which shows a total of 143 trees on the perimeters of the Office Park (84) and Wellness Center (63), and the 3/1/2011 County Staff Report under project updates in the Final EIR, Landscaping, which states there would be 4,000 upland trees plus 6,000 upland shrubs installed around the perimeter of the property. The perimeter segments set aside for landscaping in the Draft Planting Plan (adjacent to Pillar Ridge community, Airport Street, and Princeton) total only 2,332 linear feet. Accordingly, the 4,000 trees would need to be planted closer than one foot apart or in multiple rows.

Accordingly, for all of the above reasons, the Commission finds that the proposed project is inconsistent with the habitat policies of the LCP and must be denied. Although design alternatives to avoid impacts to biological resources could likely be addressed through a revised siting plan that incorporates adequate buffers, as discussed elsewhere in the report, other project deficiencies require the submittal of information before the Commission can adequately evaluate the proposed project consistent with all applicable requirements of the certified LCP.

4. Visual Resources

LCP Policy 8.5 (Location of Development) states, in part:

- a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall...*

[...]

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

[...]

- b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.*

LCP Policy 8.7 (Development on Skylines and Ridgelines) states, in part:

- a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel.*

LCP Policy 8.12 (General Regulations) states, in part:

Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.

LCP Policy 8.30 (Designation of County Scenic Roads and Corridors) states:

- a. Expand existing County Scenic Corridors to include the visual limits of the landscape abutting the scenic road.*
- b. Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purisima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).*

The proposed project includes a series of large, two and three story buildings in a relatively flat area between the ocean and Highway 1. LCP Policy 8.5 requires new development to be located on a portion of a parcel where it will be least visible from County scenic roads, is least likely to impact views from public viewpoints, and best preserves the open space qualities of the parcel overall. Policy 8.5 also requires that all newly subdivided new parcels have building sites that are not visible from County Scenic Roads and will not significantly impact views from other public viewpoints. However, where the entire property being divided is visible from County Scenic Roads or other public viewpoints, then the new parcels must have building sites that minimize visibility from those roads and other public viewpoints. Policy 8.6 protects the visual quality of streams, wetlands, and estuaries. Policy 8.7 prohibits development that would project above the ridgeline or skyline. Policy 8.13(a)(4) requires structures to be designed to be in scale with their setting. The project site is adjacent to the Pillar Point Marsh and would be visible from State Route 1, Airport Street, public hiking trails on Pillar Ridge, Pillar Point Harbor, and the Pillar Point Marsh. Buildings on both the Wellness Center and Office Park sites would project above the ridgeline as viewed from Airport Street and from State Route 1

The proposed project includes 10 total buildings, ranging from two to three stories in height. Given the relatively flat topography, the lack of any nearby development similar in character to the proposed project and the natural condition of the ridge west of the proposed project site when looking from Highway 1, the lack of trees, the nearby airport and surrounding public access points to the north, west and south, this project will be highly visible from public viewpoints and a designated county scenic road – Highway 1.

To minimize the many visual impacts associated with siting such large scale, high density development at the proposed site, the applicant has proposed a landscaping plan that includes the planting of 29,000 trees and plants, and about 6,000 upland shrubs, all to be watered via recycled water using subsurface drip irrigation. The applicant has not provided plans demonstrating the

capacity of the site, given its proposed configuration, to accommodate this volume of vegetation in terms of physical placement of the vegetation and feasibility of water/drainage. The applicant has provided a series of visual simulations, showing the site without trees and with the vegetation at various stages of the development. (**Exhibit 11**). However, without a landscape plan demonstrating the realistic constraints of the site, the placement of the trees and the distance between trees, it is unclear how plausible the proposed plantings are, from a successful mature growth standpoint, given their certain proximity to parking areas, the buildings and Airport Road. Even assuming the proposed landscape strategy will work at this site, the trees as proposed in the visual simulations would not be immune to fire or disease and may present significant visual impacts in the future.

The approved project is significantly larger in mass and scale than surrounding development and would obstruct views of ridgelines and significant open space areas, including Pillar Point Marsh, inconsistent with the visual resources policies of the LCP, including those policies sited above. Therefore, the Commission finds that the project is inconsistent with the visual resource policies of the certified LCP, particularly 8.5, 8.7, and 8.13. While it is possible that design alternatives to avoid and minimize visual resource impacts could be addressed through a conditional approval, as discussed elsewhere in the report, other project deficiencies require the submittal of information before the Commission can adequately evaluate the proposed project consistent with all applicable requirements of the certified LCP.

5. Lot Legality

LCP Policy 1.2 Definition of Development states, in part:

As stated in Section 30106 of the Coastal Act, define development to mean:

...change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use....

IP Provision 6328.5 EXEMPTIONS states, in part:

The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section.

[...]

(1) Land division brought about in connection with the purchase of land by a public agency for public recreational use.

[....].

LCP Policy 1.27 Confirming Legality of Parcels states:

Require a Coastal Development Permit when issuing a Certificate of Compliance to confirm the legal existence of parcels as addressed in Section 66499.35(a) of the California Government Code (e.g., lots which predated or met Subdivision Map Act and local government requirements at the time they were created), only if: (1) the land division occurred after the effective date of coastal permit requirements for such division of land (i.e., either under Proposition 20 or the Coastal Act of 1976), and (2) a coastal permit has not previously been issued for such division of land.

LCP Policy 1.28 Legalizing Parcels states:

Require a Coastal Development Permit when issuing a Certificate of Compliance to legalize parcels under Section 66499.35(b) of the California Government Code (i.e., parcels that were illegally created without benefit of government review and approval).

LCP Policy 1.29 Coastal Development Permit Standards of Review for Legalizing Parcels states:

Require Coastal Development Permits to legalize parcels. Where applicable, condition permits to meet the following standards. (Permit applications shall be considered as “conditional uses” for the purposes of review.)

[...]

e. On undeveloped illegal parcels created after Proposition 20, on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, a Coastal Development Permit is necessary to legalize the parcel. A permit may be issued only if the land division is in conformance with the standards of the Coastal Development District regulations.

IP Provision 6105.0. Legal Lot Requirement states:

No permit for development shall be issued for any lot which is not a legal lot. For purposes of this ordinance, development does not include non-structural uses of property including but not limited to roads, fences or water wells.

As mentioned above, the proposed project is located on a site that was divided (from two lots to five lots) in 1999 after San Mateo County’s March 1998 acquisition of certain Pillar Point Marsh land that was located on then-existing APNs 047-312-020 and 047-311-030. LCP Policy 1.27 requires a CDP in conjunction with Certificates of Compliance to establish lots as legally created when “(1) the land division occurred after the effective date of coastal permit requirements for such division of land (i.e., either under Proposition 20 or the Coastal Act of 1976), and (2) a coastal permit has not previously been issued for such division of land.” The County did not process a CDP when the two APNs became five APNs (APNs 047-312-030 and 047-312-040, 047-311-050, 047-311-060 and 047-311-070).

The County's acquisition included portions, but not all, of two of the five newly created APN's (047-312-030 and 047-311-050). (**Exhibit 2**). On June 8, 1999, the County applied for three Certificates of Compliance for the "three remainder parcels created by the County's acquisition of Pillar Point Marsh." These certificates were approved and recorded on July 6, 2000, after the enactment of the Coastal Act. (PLN1999-00442). However, the property lines were not configured along the boundary of its land purchase.

The applicant claims that a CDP was not necessary because pursuant to LCP Policy 1.2 and IP Provision 6328.5(l), CDPs are not required where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use. The Coastal Act and LCP Policy 1.2 do not require a CDP where the land division is brought about in connection with the purchase of *such* land by a public agency for public recreational use, which applies specifically to the parcels owned by the County, in whole or in part, as a result of the acquisition. However, such land divisions must follow the lines of the property acquisition. Here, lines were drawn to create *additional* parcels unrelated to, and not a result of, the acquisition. Also, only portions of 047-312-030 and 047-311-050 are owned by the County for recreational purposes. Therefore, the divisions that created the parcels with APNs 047-312-030 and 047-312-040, 047-311-050 and 047-311-060 were not made along the County purchase lines and these divisions are not exempt from Coastal Act and LCP permit requirements because they are not land divisions brought about in the connection with the purchase of *such* land by a public agency for public recreational use. (**Exhibits 2**). LCP Policy 1.29(e) requires a CDP to legalize any undeveloped illegal parcel created after the Coastal Act of 1976 and that such a permit may be issued only if the land division is in conformance with the standards of the Coastal Development District regulations. Since the County did not process CDPs to substantiate and formally legalize the 1999 creation of parcels 047-312-040 and 047-311-060, the Commission determines that such lots still require CDPs in order to be considered legal under the Coastal Act.²⁰ IP Section 6105.0 states that no permit for development shall be issued for any lot which is not a legal lot. The proposed land divisions (047-312-040 into three new lots and 047-311-060 into 10 new lots) are not consistent with the LCP, because the underlying lot configuration has not yet obtained the necessary CDP authorizations. Any new application for development on the subject property should include an application for the necessary CDP.

6. Locating New Development – Land Use

LCP Policy 1.3 Definition of Urban Areas states:

- a. Define urban areas as those lands suitable for urban development because the area is either: (1) developed, (2) subdivided and zoned for development at densities greater than one dwelling unit/5 acres, (3) served by sewer and water utilities, and/or (4) designated as an affordable housing site in the Housing Component.*
- b. Recognize, however, that in order to make a logical urban/rural boundary, some land has been included within the urban boundary which should be restricted to open space uses*

²⁰ The Commission notes that APN 047-311-070 (west of the subject property) was created and is comprised entirely of marshlands and sensitive habitat. However, in 2011, the County acquired 047-311-070 for recreational purposes, and it now meets the permit exemption of the Coastal Act and LCP because the entire property is owned by a public agency for public recreational use.

and not developed at relatively high densities (e.g., prime agricultural soils, and sensitive habitats).

LCP Policy 1.4 Designation of Urban Areas states:

Designate as urban those lands shown inside the urban/rural boundary on the Land Use Plan Maps. Such areas include Montara, Moss Beach, El Granada, Princeton and Miramar.

LCP Policy 1.16 Definition and Establishment of Urban/Rural Boundary states:

Define urban/rural boundary as a stable line separating urban areas and rural service centers from rural areas in the Coastal Zone and establish this line on the LCP Land Use Maps.

LCP Policy 1.18 Location of New Development states:

- a. Direct new development to existing urban areas and rural service centers in order to:
 - (1) discourage urban sprawl,
 - (2) maximize the efficiency of public facilities, services, and utilities,
 - (3) minimize energy consumption,
 - (4) encourage the orderly formation and development of local governmental agencies,
 - (5) protect and enhance the natural environment, and
 - (6) revitalize existing developed areas.*
- b. Concentrate new development in urban areas and rural service centers by requiring the “infilling” of existing residential subdivisions and commercial areas.*
- c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.*
- d. Require the development of urban areas on lands designated as agriculture and sensitive habitats in conformance with Agriculture and Sensitive Habitats Component policies.*

LCP Policy 1.19 Definition of Infill states:

Define infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities.

LCP Policy 1.24 Protection of Archaeological/Paleontological Resources states:

Based on County Archaeology/Paleontology Sensitivity Maps, determine whether or not sites proposed for new development are located within areas containing potential archaeological/paleontological resources. Prior to approval of development proposed in sensitive areas, require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist/ paleontologist be submitted for review and approval and implemented as part of the project.

As discussed above, LCP Policy 1.3(b) recognizes that in order to make a logical urban/rural boundary, some land has been included within the urban boundary which should be restricted to

open space uses and not developed at relatively high densities, such as prime agricultural subject property is comprised entirely of prime agricultural soils and sensitive habitats, and adjacent to Pillar Point Marsh. LCP Policy 7.20 requires that all development adjacent to Pillar Point Marsh shall, where feasible, contribute to the restoration of biologic productivity and habitat. The proposed project includes subdividing two lots into a total of 13 lots and developing the property at a high density – a total of ten two to three-story buildings within an approximately 10-acre development envelope. This scale of development is not consistent with LUP Policy 1.3(b) which states that land within the urban boundary containing prime agricultural soils and sensitive habitats should not be developed at relatively high densities.

The applicable zoning district for the parcel containing the proposed Office Park allows numerous other, less dense and more compatible uses given the nature and characteristics of the site. The Office Park site (APN 047-311-060) is zoned Light Industrial and Resource Management. The Light Industrial district allows over 150 permitted and conditional uses, including the proposed office park uses, which could be done at a lower density. The Resource Management district which is located on the portions of the subject parcels in proximity of the stream, prioritizes open space and agricultural uses and therefore, that portion of the property is not appropriate for high density office park uses. Therefore, the Commission finds that the proposed project, with regard to scale and density, is inconsistent with Policy 1.3(b), particularly because the Light Industrial zoning district prioritizes other uses more capable of protecting prime soils and sensitive habitats. The Wellness Center site (APN 047-312-040) is discussed in Section G below.

De Novo Review Conclusion

The proposed project is inconsistent with a variety of LCP requirements. It lacks adequate water supply, would not avoid or minimize hazards over its lifetime, would impair significant public views, would not protect natural resources, and would exacerbate Highway One traffic problems. It also has not assured that maximum public access will be provided. Therefore, the Commission must deny the proposed project. As stated above, some of the project deficiencies can be addressed by the imposition of conditions after further analysis is done to determine all impacts and necessary project specific mitigations. Denial of the permit application will not prevent the applicant from redesigning the proposed project and/or reapplying for a permit to develop the property when the applicant is prepared to supply the information necessary to support the permit application and demonstrate its consistency with the certified LCP, including an adequate and reliable water supply, reliable wastewater/sewage disposal capacity, minimized impacts to natural resources, such as the Pillar Point Marsh area and surrounding wetlands, avoided and minimized significant impacts to important public views, sufficient traffic capacity, and remedied shoreline hazards at the project site..

G. DISCRIMINATION AND REASONABLE ACCOMMODATION CLAIMS

The applicant has raised an issue related to state and federal laws prohibiting discrimination on the basis of disability and requiring the provision of reasonable accommodations when necessary

to give persons with disabilities equal ability to the use of their house. The Commission's recommendation on the merits of the application takes into account both the requirements of the Coastal Act and the certified LCP and those of the relevant state and federal laws prohibiting discrimination.

The relevant law

The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act create an affirmative duty for land use permitting agencies to make reasonable accommodations in rules, policies, practices, or services when accommodation may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. (42 U.S.C. § 3604(f)(3)(B) and Gov. Code, §§ 12927(c)(1), 12955(1).)

In addition to the fair housing laws, two other significant federal anti-discrimination laws apply to the Commission and its land use permit decisions: Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 et seq., prohibits discrimination against individuals with ' disabilities in all public services and the Rehabilitation Act of 1973, 29 U.S.C. § 794, prohibits discrimination on the basis of disability in any program or activity that receives federal financial assistance. Both of these latter statutes have been found to apply to land use decisions and to require permitting agencies to make reasonable accommodations to persons with disabilities in the context of their land use and zoning decisions. (*Bay Area Addiction Research v. City of Antioch* (9th Cir. 1999) 179 F. 3d 725.)

The federal and state fair housing laws impose an affirmative duty to make reasonable accommodations in the rules, policies, practices and procedures where accommodation may be necessary to ensure that people with disabilities have equal access to use and enjoy a dwelling. The required accommodations may be in the policies and procedures for obtaining a permit, or in substantive requirements for obtaining a permit. The laws do not require accommodations that impose an undue financial burden on the permitting jurisdiction or accommodations that would require a fundamental alteration in the nature of the permit program. (*City of Edmonds v. Washington State Bldg. Council*, 18 F.3d 802, 806 (9th Cir. Wash. 1994).) If a requested modification creates a fundamental alteration in a government's land use and zoning scheme, it is not a reasonable accommodation. For example, in *Sanghvi v. City of Claremont*, 328 F.3d 532 (9th Cir. 2003), the court found that the requested city sewer services connection to the group home was not an accommodation required by the Alzheimer's patients' illness and disability but instead was a desired personal financial benefit to the owners, as the only thing stopping them from connecting to the sewer was the owners' refusal to be annexed by the city and thus pay more fees, not anything related to the disability.

In addition, the ADA regulations provide that "a public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities." 28 CFR Section 35.130(h).

Application of Relevant Law

In this appeal, San Mateo County approved a land division on 2 parcels owned by the applicant, conversion of an agricultural well to domestic purposes, office park buildings on the northern lot, a mutual water service company and wastewater treatment and recycling plant, commercial public storage, communications and back up power uses, wetland creation, cut and fill and, of concern here for purposes of discrimination and reasonable accommodation claims, an affordable housing residence for 50 developmentally disabled adults and 20 live-in staff on the southern lot, called the Wellness Center.

In its de novo review, the Commission must consider whether the proposed wellness center on the southern lot satisfies two different use restrictions: (1) is the proposed development consistent with the zoning limitations of the Waterfront District; and (2) is the proposed development consistent with the use limitations of the tsunami inundation zone.

Consistency of proposed Wellness Center with limitations of base zoning

Regarding whether the proposed wellness center is consistent with the zoning limitations, the Wellness Center would be located on a parcel that is zoned for Waterfront District, which uses do not include residential uses. However, the County granted a Use Permit for the project, agreeing with the applicant's position that the Wellness Center was a sanitarium, which is allowed pursuant to County Regulation section 6500(d) within any district within the Urban Areas of the Coastal Zone, when found to be necessary for the public health, safety, convenience or welfare. There is no definition of "sanitarium" in the County regulations.²¹

The County's report for this project includes the following analysis:

The term 'sanitarium' (or sanitorium) is a term of varying definition that is not defined in the Zoning Regulations. Some existing definitions and their sources are the following:

- *An institution for the promotion of health (Dorland's Medical Dictionary for Health Consumers, 2007).*
- *A facility for the treatment of patients suffering from chronic mental or physical diseases, or the recuperation of convalescent patients (Mosby's Medical Dictionary, 8th edition, 2009).*

While the Wellness Center would not provide medical treatment on-site for its intellectually or developmentally disabled (DD) adult residents, it is intended to promote their long-term health in a holistic manner. The Wellness Center will

²¹ The City of San Mateo has a definition: **27.04.430 SANITARIUM.** "Sanitarium" means a building and premises in and on which two or more sick, injured or infirm persons are regularly housed or intended to be housed for compensation, not including hospitals. (Ord. 1986-13 § 1 (part), 1986; Ord. 1978-18 § 53 (part), 1978: prior code § 142.01(149)).

offer DD adults social and employment opportunities, an opportunity for semi-independent living apart from their parents, and connections to support and medical services.

In light of the fact that the term is not specifically defined in the Zoning Regulations, and that it is defined in other sources in a manner that reasonably encompasses the Wellness Center concept, the County may conclude that the Wellness Center proposal falls within the meaning of “sanitarium,” as defined in section 6500.d of the Zoning Regulations.[Emphasis added.]

Further, in order to issue a use permit for a sanitarium, it must be found “necessary for the public health, safety, convenience or welfare.” The County found that the project is necessary because there is a shortage of affordable housing. According to an ABAG study, 881 units of affordable housing are needed for the area, and, according to the County’s report, there are currently 523 units. This wellness center would add 57 units of affordable housing.

Given that the LCP contains no definition of a sanitarium, the Commission can exercise its discretion to follow the County’s lead and characterize the proposed facility as a sanitarium that is permissible in the Waterfront District. However, the Commission need only make this determination if the proposed wellness facility would also meet other necessary LCP requirements, including the use limitation on placement of facilities in tsunami inundation areas. If the proposed wellness facility would not qualify under all necessary LCP criteria, including the tsunami inundation criteria referenced below, then the proposed facility can not be approved consistent with the certified LCP regardless of whether the proposed facility does or does not qualify as a sanitarium.

Consistency of proposed wellness center with Tsunami inundation criteria

Regarding whether the proposed wellness center can be sited in a tsunami inundation zone, County Regulation 6326.2, Tsunami Inundation Area Criteria, states: “The following criteria shall apply within all areas defined as Tsunami Inundation Hazard Areas:

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

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

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

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

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

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

The applicant states, and the County agreed, that application of Subsection (a) is a violation of the ADA, the Rehabilitation Act, and the Fair Housing Act; and, therefore, the applicant states, Subsection (b), which allows residential and resort developments designed for transient or other residential use if it meets certain conditions, should be followed as a reasonable accommodation.

In its action approving the proposed project, the County determined that there may be limitations on the enforceability of the restrictions described in subsection (a) as applied to facilities for the disabled. Further, the County found that anti-discrimination law requires that local regulation of land use include accommodations for the disabled. Accordingly, rather than applying Section 6326.2(a) to exclude the developmentally disabled, the County applied subsection (b) as the mechanism by which the safety of disabled individuals could be protected.

The Commission agrees that federal and state laws designed to prevent discrimination against the disabled preclude a local ordinance which would allow housing for some persons in the tsunami inundation zone but exclude the developmentally disabled. Therefore, in determining whether it is permissible to site the proposed Wellness Center in the Tsunami Inundation area, the Commission applies subsection (b), the same standards applicable to other residential structures to the project proposed by the applicant.

However, as discussed above in **Section 2** of the findings addressing Hazards, and in particular tsunami hazards, the project as currently proposed does not meet the standards applicable to other residential structures contained in section 6326.2 (b) of San Mateo County's Tsunami Inundation Area Criteria. Further, as previously discussed above, it does not meet other necessary requirements of the LCP. Therefore, the project as currently proposed is inconsistent with the applicable standards of the certified LCP and must be denied. However, the Commission's action does not constitute a final decision regarding the application of the LCP to

this development proposal. Denial of the permit application will not prevent the applicant from redesigning the proposed project and/or reapplying for a permit to develop the property when the applicant is prepared to supply the information necessary to support the permit application and demonstrate its consistency with the certified LCP. For example, regarding hazards, the applicant could conduct more detailed modeling which demonstrates that a proposed project is consistent with the tsunami inundation criteria contained in subsection (b) of Section 6326.2(a) of the certified LCP.

H. UNPERMITTED DEVELOPMENT

In 2003, Commission staff received a report that vegetation had been cleared from the project site. In 2005, it was alleged that additional vegetation was removed, including disking for what the applicant called fire protection. While no trees or riparian vegetation had been removed, it alleged that clear the vegetation removal was done within the 100-foot riparian buffer. Also in 2005, Commission staff was informed that there were three green water storage tanks plus what appeared to be a well on APN 047-311-060. The County subsequently issued a citation for removal of the tanks. In 2010, Commission staff received a report that there was unpermitted crossing through the creek and riparian areas of the two subject sites. These alleged violations are located in the County's jurisdiction and the County agreed to follow up on the allegation.

Although it is alleged that development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the certified LCP and the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal development permit, or that all aspects of the violation have been fully resolved.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Public Resources Code (CEQA) Section 21080(b)(5) and Sections 15270(a) and 15042 (CEQA Guidelines) of Title 14 of the California Code of Regulations (14 CCR) state in applicable parts:

CEQA Guidelines (14 CCR) Section 15042. Authority to Disapprove Projects. [Relevant Portion.] *A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*

Public Resources Code (CEQA) Section 21080(b)(5). Division Application and Nonapplication. *...(b) This division does not apply to any of the following activities: ... (5) Projects which a public agency rejects or disapproves.*

Public Resources Code (CEQA) Section 21080.5(d)(2)(A). *Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.*

CEQA Guidelines (14 CCR) Section 15270(a). Projects Which are Disapproved. (a)
CEQA does not apply to projects which a public agency rejects or disapproves.

Section 13096 (14 CCR) requires that a specific finding be made in conjunction with coastal development permit applications about the consistency of the application with any applicable requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All above LCP conformity findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context.

Pursuant to CEQA Guidelines (14 CCR) Section 15042 “a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.” Section 21080(b)(5) of the CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the project were approved as proposed and is necessary because there are feasible alternatives and mitigation measures available which would substantially lessen any significant adverse effect the project may have on the environment. Accordingly, the Commission’s denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, does not apply.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. San Mateo County certified Local Coastal Plan
2. Draft (2009) and Final (2010) Environmental Impact Reports for Big Wave Wellness Center and Office Park Project
3. Kleinfelder Midcoast Groundwater Study (April 2009), San Mateo County, California.
4. California Department of Public Health Water Recycling Criteria (CCR Title 22, Div. 4, Ch. 3).
5. Final San Mateo County Congestion Management Program, by the City/County Association of Governments of San Mateo County (C/CAG) (2009 and 2011 versions).
6. Big Wave Office Park and Wellness Center Traffic Report, by Hexagon Transportation Consultants, Inc. (June 24, 2009).
7. Fitzgerald Marine Reserve Master Plan
8. Tsunami Inundation Map, by CalEMA - California Geological Survey (CGS) – University of Southern California
9. CDP #2-06-018/A-2-MAR-08-028 (Lawson's landing)
10. Lander, James F., Patricia A. Lockridge, and Michael J. Kozuch (1993) Tsunamis affecting the West Coast of the United States, 1806-1992, KGRD No. 29, National Oceanic and Atmospheric Administration, National Geophysical Data Center, Boulder, Colorado, USA, September.
11. O'Brien, M.P., *Preliminary Report of Seismic Sea Waves from Aleutian Earthquake of April I, 1946*, Technical Report HE 116207. Wave Project, Fluid Mechanics Laboratory, University of California at Berkeley, April, 1946, 10 pp. (From Lander, Lockridge and Kozuch, op. cit.).
12. Magoon, Orville T., "The Tsunami of May, 1960 as it Affected Northern California," presented at the American Society of Civil Engineers Hydraulics Division Conference, University of California, Davis, California, August 17, 1962. (From Lander, Lockridge and Kozuch, op. cit.).
13. Takahashi, Shigeo et al. *Urgent Survey for 2011 Great East Japan Earthquake and Tsunami Disaster in Ports and Coasts*, Technical Note of Port and Airport Research Institute. Vol. 1231. Print. (April 28, 2011).
14. Moffatt-Nichol Engineers (2007) Tsunami Hazard Assessment for the Ports of Long Beach and Los Angeles,
http://www.portoflosangeles.org/DOC/REPORT_Tsunami_%20April_2007.pdf
15. http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SanMateo/Documents/Tsunami_Inundation_MontaraMountain_Quad_SanMateo.pdf
16. David Skelly. "Tsunami Runup and Force Analysis for Big Wave Wellness Center, Airport Street, Princeton, San Mateo County, California" (2010)
17. Donald T. Resio. and Joannes J. Westerlink, 'Modeling the physics of storm surges', *Physics Today*, (September 2008).
18. "Riparian and Waters/Wetlands Ecosystem Restoration for Big Wave Wellness Center and Office Park, San Mateo County, California" dated March 18, 2012.
19. G.M. Fellers and P.M. Kleeman, titled "California Red-Legged Frog Movement and Habitat Use: Implication for Conservation" in the *Journal of Herpetology*, (2007).

A-2-SMC-11-021 (Big Wave Group, LLC)

20. Tsunamis and potential inundation at Big Wave Memorandum, by L. Ewing, Coastal Engineer (July 12, 2012).

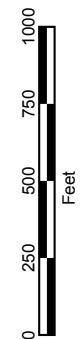
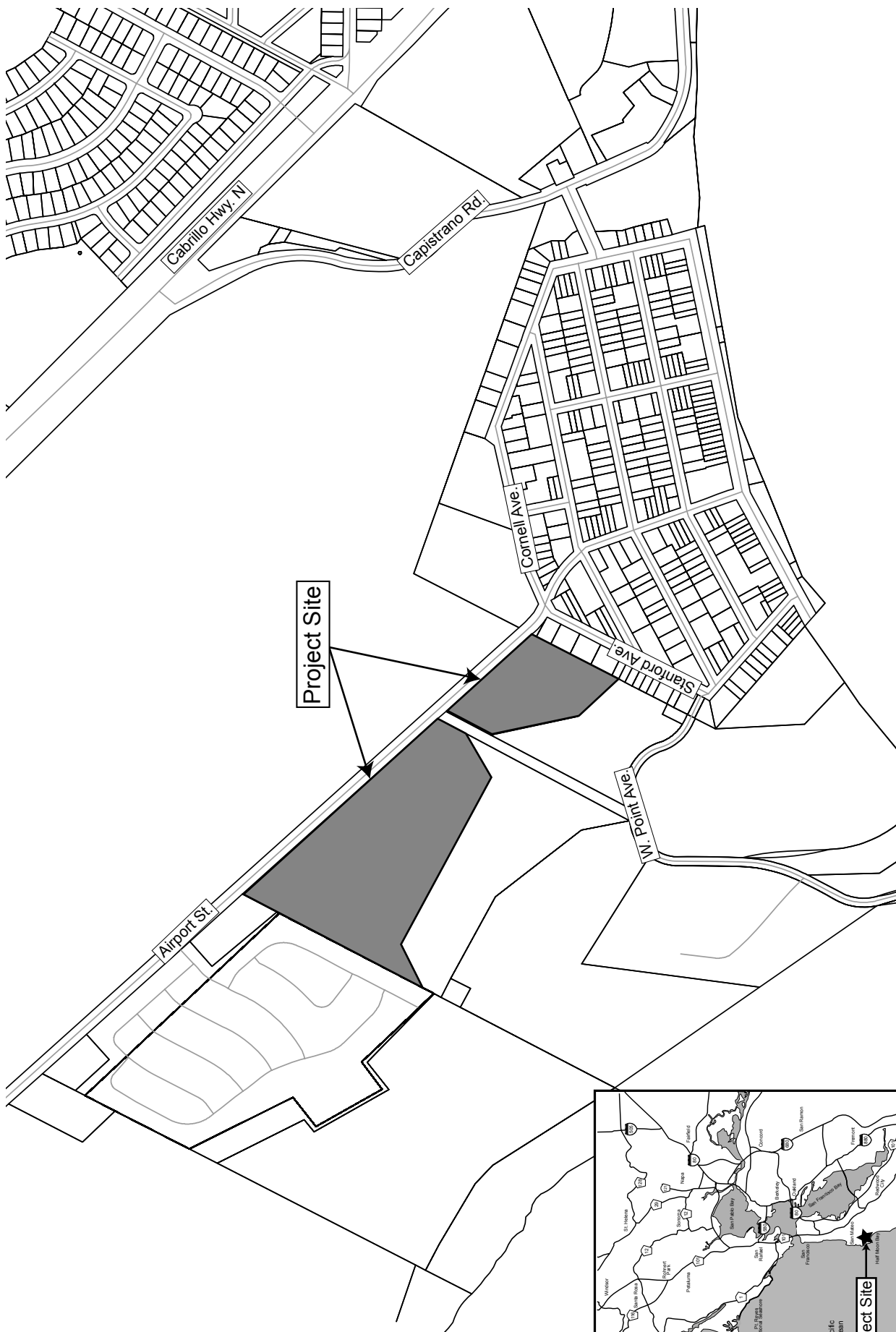
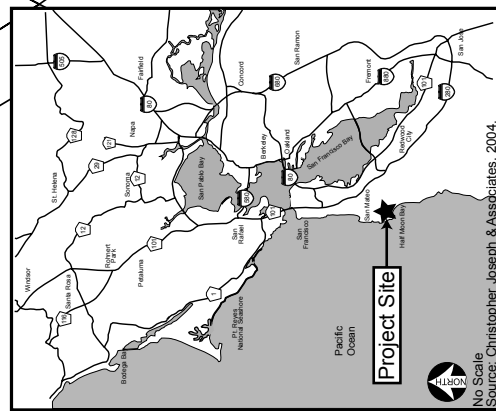


Figure III-1
Regional Vicinity Map

CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Source: San Mateo County GIS, CAJA 2007





Source: Google Earth Pro, 2009.



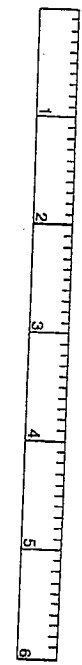
CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure III-4
Aerial Photograph of the
Project Site and Surrounding Area



tion of the first or parcel depicted. For
 the City declares any liability for alleged
 or damage which may result from reliance upon
 map.

TRW-REDI
1-800-345-7334



SCALE IN 1/10 OF AN INCH

BK-37
 29

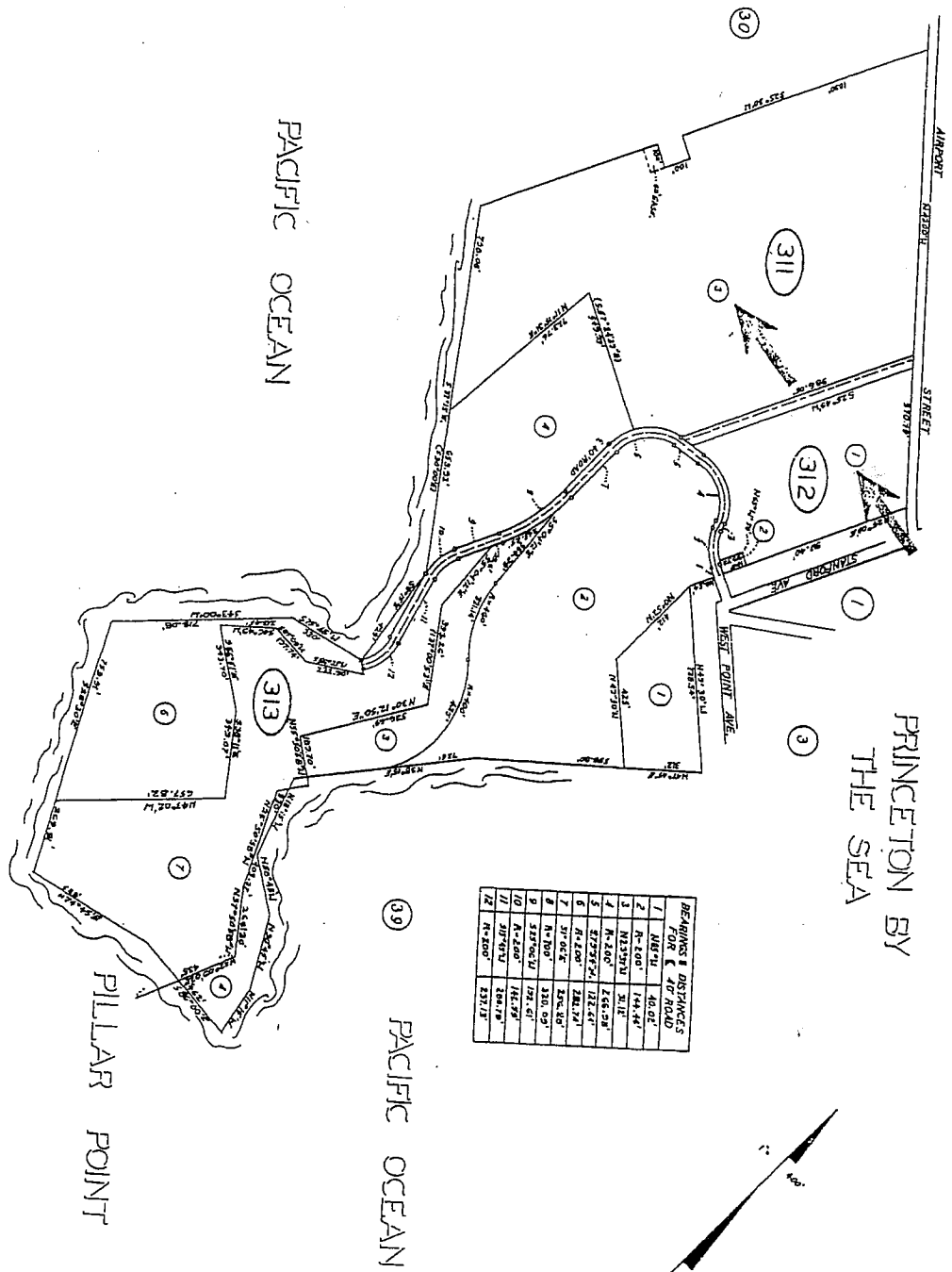
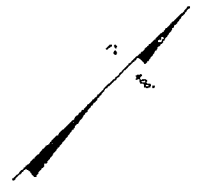
HALF MOON BAY
 AIRPORT

TAX CODE AREA

47-31

PRINCETON BY
 THE SEA

BEARINGS & DISTANCES FOR A/R ROAD	
1 N 89° 11' 40.02"	
2 N 2° 00' 144.44'	
3 N 12° 39' 30.12"	
4 N 2° 00' 268.58'	
5 S 72° 39' 122.47"	
6 N 2° 00' 328.12'	
7 S 7° 00' 328.12'	
8 N 100° 320.09'	
9 S 87° 00' 144.79'	
10 N 2° 00' 144.79'	
11 S 7° 00' 328.12'	
12 N 2° 00' 231.13'	



SAN COUNTY OF SAN MATEO, CALIF.

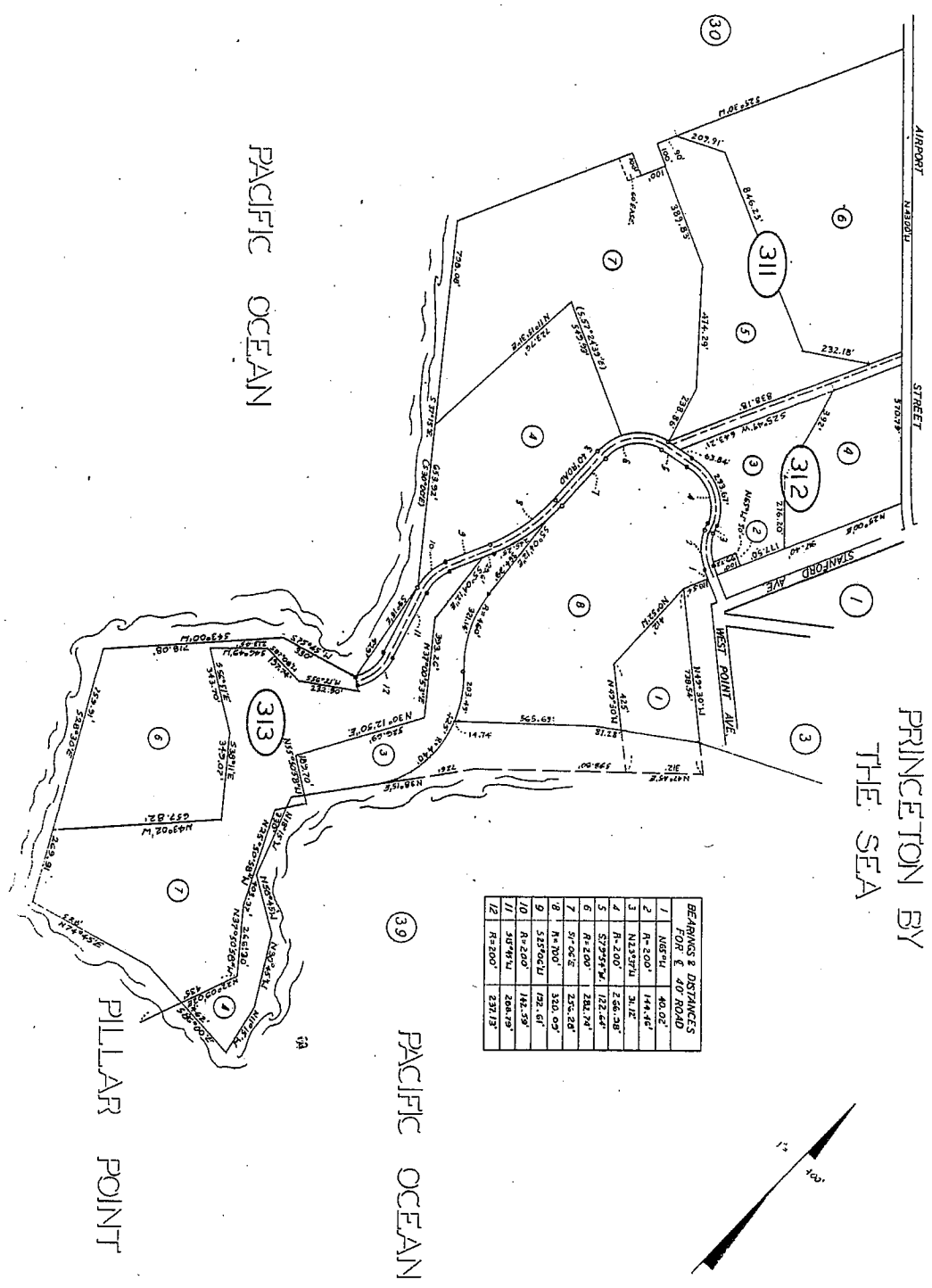
PARCEL MAP VOL. 4/23
 CABRILLO UNITED SCHOOL DISTRICT

BK-37
29

HALF MOON BAY AIRPORT

TAX CODE AREA

47-31



BEARINGS & DISTANCES FOR 40' ROAD	
1	N6°14' 40.02"
2	N-200'
3	N42°37'11" 31.12'
4	N-200'
5	S72°55'W 122.64'
6	N-200'
7	S7°05'E 235.88'
8	N-200'
9	S15°06'E 182.61'
10	N-200'
11	S10°11'E 268.19'
12	N-200'

HALF MOON BAY
AIRPORT

TAX CODE AREA

ALL
CD

47-31

M-1/AO/DR

RM-CZ/AO/DR

PRINCETON BY
THE SEA

STANFORD AVE

M-1/DR

H-1/DR

Bk-47
pg. 33

W/AO/DR

Bk-47
pg. 3

W/DR

CCR/DR

PAD/DR

R-1/
S-13/
DR

RM-CZ/DR

Bk-47
pg. 15

PACIFIC OCEAN

PACIFIC OCEAN

PILLAR POINT

MEASUREMENTS & DISTANCES FOR C 40 R 340			
1	ASSTU	14.07'	
2	ASSTU	144.46'	
3	ASSTU	31.12'	
4	ASSTU	208.19'	
5	ASSTU	22.44'	
6	R 200	281.34'	
7	R 200	27.48'	
8	R 200	32.03'	
9	ASSTU	129.41'	
10	R 200	142.39'	
11	R 200	204.19'	
12	R 200	237.13'	

16.1
16.6



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
 Redwood City, California 94063
 650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
 plngbldg@co.sanmateo.ca.us
 www.co.sanmateo.ca.us/planning

DATE: 4/5/2011

NOTICE OF FINAL LOCAL DECISION

Pursuant to Section 6328.11.1(f) of the San Mateo County Zoning Regulations

CERTIFIED MAIL

California Coastal Commission
 Nr. Central Coast District Office
 Attn: Ruby Pap Coastal Planner
 45 Fremont Street, Suite 2000
 San Francisco, CA 94105-2219

RECEIVED

APR 5 2011

CALIFORNIA
COASTAL COMMISSION

PLANNING CASE NO.: PLN2005-00481 / PLN2005-00482

APPLICANT: SCOTT HOLMES

OWNER: JEFF PECK

PROJECT DESCRIPTION: (1) A Use Permit for the sanitarium component of the Wellness Center and its accessory uses, as well as, proposed uses to be located within the Airport Overlay (AO) Zoning District consisting of 10,000 sq. ft. of commercial public storage use, 6,000 sq. ft. of communications and backup power uses, and 4,000 sq. ft. of misc. Wellness Center storage uses; (2) A Major Subdivision to subdivide the northern parcel of the project site into 10 lots; (3) A Minor Subdivision to subdivide the southern parcel of the project site into 3 lots; (4) A Coastal Development Permit for 8 Office Park buildings containing 225,000 sq. ft. of mixed-office uses and a 640-space parking lot, 2 Wellness Center buildings containing a maximum of 57 dwelling units to provide affordable housing for a max. of 50 developmentally disabled adults and 20 staff persons, a 50-space parking lot, and 10,000 sq. ft. commercial public storage use, as well as wetland habitat creation on both sites, and use of an existing agricultural well for domestic purposes, establishment of a mutual water service company and a community wastewater treatment and recycling system to serve both sites; (5) A Design Review Permit for proposed structures and associated grading; and (6) A Grading Permit to perform 26,050 cubic yards of balanced cut and fill. Project involves a Development Agreement and certification of an EIR for the Big Wave Wellness Center and Office Park. This project is appealable to the California Coastal Commission.

The above listed Coastal Development Permit was approved by the San Mateo County Board of Supervisors on March 29, 2011. Local review is now complete.

This permit **IS** appealable to the California Coastal Commission; please initiate the California Coastal Commission appeal period.

If you have any questions about this project, please contact CAMILLE LEUNG at (650) 363-4161.

Sincerely,

CAMILLE LEUNG, Project Planner



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

FINAL NOTICE OF LOCAL DECISION

April 1, 2011

RECEIVED

APR 05 2011

**CALIFORNIA
COASTAL COMMISSION**

Big Wave LLC
Attn: Jeff Peck
P. O. Box 1901
El Granada, CA 94018

Scott M. Holmes
635 Railroad Avenue
Half Moon Bay, CA 94019

Dear Mr. Peck and Mr. Holmes:

Subject: **LETTER OF DECISION**

File Numbers: PLN2005-00481 and 2005-00482
Location: Airport Street and Stanford Avenue, Princeton
APNs: 047-311-060 and 047-312-040

On March 29, 2011, the San Mateo County Board of Supervisors considered the following matters, upon consideration of appeals of the decision of the San Mateo County Planning Commission:

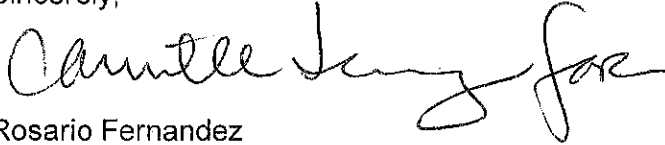
(1) Certification of an Environmental Impact Report (EIR) consisting of a Draft EIR and a Final EIR for the Big Wave Wellness Center and Office Park; (2) the proposed Use Permit, Major and Minor Subdivisions, Coastal Development Permit, Design Review Permit, and Grading Permit; and (3) adoption of an Ordinance approving the execution of a Development Agreement with the County of San Mateo. The Board of Supervisors' decision regarding this project is appealable to the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Board of Supervisors denied the appeals, certified the EIR (DEIR and FEIR), and approved the necessary permits for the project (4-0 vote) by making the required findings in Attachments A and B, and subject to the conditions of approval in Attachment A, including modifications recommended by Staff for conditions 17, 19.g, and 5.ff. The Board of Supervisors also referred the Development Agreement to the Planning Commission for a recommendation regarding modifications that have been made to the Development Agreement that were not previously considered by the Planning Commission.

Jeff Peck
Scott Holmes
April 1, 2011
Page 2

If you have questions regarding this matter, please contact Camille Leung at 650/363-1826.

Sincerely,



Rosario Fernandez
Planning Commission Secretary
Bosdec0329V_rf (jn BW)

Attachment A – Findings and Conditions of Approval
Attachment B – CEQA Findings of Fact of the Board of Supervisors for the Big Wave
Wellness Center and Office Park Project, March 28, 2011

cc:	Dave Byers	Jonathan Wittwer
	Nicole Demartini	Ryan Moroney
	Kathryn Slater-Carter	Lennie Roberts
	Mike Ferreira	Edmundo Larenas
	Carol Ford	Lisa Ketcham
	Ken King	Len Erickson
	David Vespremi	Dave Schricker
	Debby Lesser	William Nack
	Richard V. Johnson	Paul Perkovic
	Terry Gossett	Charise McHugh
	Judy Taylor	Oscar Brun
	Devon Yoshimini	Karen Holmes
	Sabrina Brennan	Vanessa Castaneda
	Francisco Castaneda	William Botieff
	James Larimer	Bill Sanders
	Patrick Winnen	Hal Bohner
	Holly Winnen	Heather Winnen
	Dave Worden	Bill Kehoe
	Carlyle Ann Young	Teri Chatfield
	Nina Pellegrini	Barry Benda
	Dan Haggerty	Mary Lou Williams
	Helena Pisani	Marilyn McCahon Wendt
	Cynthia Giovannoni	Allie Molina
	Patricia Hanson	Linda McCluskey
	Jim Sell	Naomi Patridge
	Sue Digre	James Larimer
	William Botieff	California Coastal Commission
	Sarah Damron	

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also
available at: <http://www.co.sanmateo.ca.us/planning/survey>

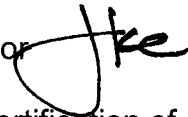


COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: March 1, 2011
BOARD MEETING DATE: March 15, 2011
SPECIAL NOTICE/HEARING: 10-Day Notice/300
Feet
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Jim Eggemeyer, Community Development Director 

SUBJECT: EXECUTIVE SUMMARY: Consideration of (1) certification of an Environmental Impact Report (EIR) consisting of a Draft EIR and a Final EIR; (2) the proposed Use Permit, Major and Minor Subdivisions, Coastal Development Permit, Design Review Permit, and Grading Permit; and (3) adoption of an Ordinance approving the execution of a Development Agreement with the County of San Mateo. This project is appealable to the California Coastal Commission. (Appeal of the decision of the Planning Commission to approve this project.)

RECOMMENDATION:

Deny the appeals and uphold the decision of the Planning Commission to: (1) certify the Environmental Impact Report; (2) approve a Use Permit for the sanitarium component of the Wellness Center and its accessory uses, as well as proposed uses to be located within the Airport Overlay (AO) Zoning District consisting of 10,000 sq. ft. of commercial public storage use, 6,000 sq. ft. of communications and backup power uses, and 4,000 sq. ft. of miscellaneous Wellness Center storage uses; (3) approve a Major Subdivision to subdivide the northern parcel of the project site into 10 lots as described in Alternative C of the EIR and a Minor Subdivision to subdivide the southern parcel of the project site into three lots; (4) approve a Coastal Development Permit for Office Park buildings as described in Alternative C of the EIR, Wellness Center buildings, wetland restoration and habitat creation and other landscaping, associated fencing and grading, use of an existing agricultural well for domestic purposes, and establishment of a mutual water service company and a community wastewater treatment and recycling system; (5) approve a Design Review Permit for proposed project structures and associated grading; (6) approve a Grading Permit to perform 26,050 cubic yards of balanced cut and fill, and (7) adoption of an Ordinance approving the execution of a Development Agreement in the form included as Attachment G of the staff report, by making the required findings and subject to the conditions of approval listed in Attachment A of the staff report.

BACKGROUND:

The 19.5-acre project site consists of two parcels separated by a drainage swale that leads to the Pillar Point Marsh. APN 047-311-060 (northern parcel) is approximately 14.25 acres in size and is zoned Light Industrial/Design Review/Coastal Development District (M-1/DR/CD). APN 047-312-040 (southern parcel) is approximately 5.28 acres in size and is zoned Waterfront/Design Review/Coastal Development District (W/DR/CD). A 125-foot wide portion of both parcels along Airport Street is located within the Airport Overlay (AO) Zoning District. The area of the drainage swale is zoned Resource Management-Coastal Zone/Design Review/Coastal Development District (RM-CZ/DR/CD). The project site contains a 0.74-acre portion of wetlands as defined by the California Coastal Act, including 0.45-acre wetland under Federal jurisdiction.

The applicant, Big Wave Group, LLC, proposes the Wellness Center and Office Park project. The Wellness Center would provide affordable housing to 50 developmentally disabled (DD) adults and 20 aides, as well as employment and recreational opportunities for the DD adults. The applicant also proposes a 10,000 sq. ft. of commercial public storage facility, 6,000 sq. ft. of communication and backup power uses, and 4,000 sq. ft. of miscellaneous storage use within the AO Zoning District of the Wellness Center site. Under Alternative C of the EIR (the version of the Office Park project under review by the Board of Supervisors), the Office Park would consist of eight buildings totaling 225,000 sq. ft., consisting of up to 40% General Office use, 25% Research and Development use, 20% Light Manufacturing use, and 15% Storage use, occupied by private firms with their own workers. The Wellness Center would be funded through shared development costs and Office Park association fees. The proposal includes all Platinum-level Leadership in Energy and Environmental Design (LEED) construction, the creation/restoration of approximately 380,000 sq. ft. of wetland habitat, and development of a Class 1 multiple-purpose trail along Airport Street.

At its November 17, 2010 meeting, the Planning Commission, after extensive public testimony, continued the item to November 23, 2010, to allow public review of a traffic report, which was released by email by staff the following day, that analyzes an alternate traffic circulation which prohibits Office Park vehicles from accessing the site via the Cypress Avenue and Highway 1 intersection. On November 23, 2010, the Planning Commission in a majority vote certified the EIR, approved the Wellness Center and Office Park (Alternative C in the EIR), and recommended that the Board of Supervisors approve the Development Agreement, subject to the findings and conditions of approval listed in the letter of decision, included as Attachment F of the staff report. Subsequently, the Granada Sanitary District, Montara Water and Sanitary District, and the Committee for Green Foothills and co-appellants filed separate appeals of the decision.

DISCUSSION:

Environmental Review: A Draft Environmental Impact Report (DEIR) was issued with a 64-day public review period from October 22, 2009 to December 24, 2009. The Final EIR (FEIR) was issued on October 15, 2010 and includes all comments on the DEIR received during the public review period and response to comments. The Final EIR, together with the DEIR, makes up the EIR.

Compliance with the General Plan: The General Plan designates the areas of proposed development on both sites for General Industrial land use. The General Plan is implemented through the Zoning Regulations, which identify the specific types of uses that are consistent and compatible with the General Plan. In complying with the permitted uses of the M-1 Zoning District, the proposed uses of the Office Park comply with the site's General Plan land use designation. The Wellness Center is a "sanitarium use," a use allowed with a use permit by Section 6500.d.3 of the Zoning Regulations in any district within the urban areas of the Coastal Zone. In this instance, Section 6500.d.3 expands the types of land uses that are explicitly permitted by the underlying zoning district and the General Plan land use designation for the site in order to accommodate those uses that benefit public health, safety, convenience or welfare.

Coastal Development Permit: Local Coastal Program Policy 7.3 (*Protection of Sensitive Habitats*) prohibits any land use or development which would have significant adverse impact on sensitive habitat areas and requires development in areas adjacent to sensitive habitats to be sited and designed to prevent impacts that could significantly degrade those habitats. As stated in the Biological Resources Section of the EIR, the project, as mitigated by Conditions 5.d through 5.h, would not result in significant impacts to special-status species (including the California Red-Legged Frog and San Francisco Grater Snake) and protected wetlands.

Policy 2.33 (*Management of Pillar Point Marsh*) requires facilities wishing to increase water supply from wells in the aquifer serving Pillar Point Marsh to accept the restrictions of a hydrologic study participated in by CUC¹ and CCWD², including limits on groundwater extraction to a "safe yield" range of 528.39 to 570.39 acre-feet per year (AFY). Adding the project potable water demand of 19 AFY to the current pumping rates from the Airport Subbasin of 513 AFY would equal 532 AFY, which is within the range of "safe" yield determined by the referenced hydrologic study. Based on conditions in the entire marsh watershed, the EIR concludes that, as proposed and conditioned, the hydrologic impacts of the project's groundwater withdrawals from the on-site well to the Pillar Point Marsh appear to be minor.

Policy 9.3 (*Regulation of Geologic Hazard Areas*) applies the RM Zoning District regulations to designated hazard areas. Specifically, as the Wellness Center proposal would locate residential structures within a mapped tsunami inundation area, additional review of the project is required. David Skelly, a licensed professional engineer specializing in coastal engineering, concludes that the site is reasonably safe from tsunamis due to the breakwater, the approximately 1 mile setback from the breakwater, and proposed building floor elevations which are located above the potential flood levels.

Compliance with the County's Comprehensive Airport Land Use Plan (CLUP): The CLUP establishes safety zones and sets compatibility criteria for land uses within such zones for the Half Moon Bay Airport. It is estimated that 30% to 50% of near-airport

¹ Citizens Utility Company of California (system subsequently acquired by the Montara Water and Sanitary District).

² Coastside County Water District.

aircraft accident sites lie within the Runway Protection Zone (RPZ or Zone 1) and Zone 2. The project sites are outside of the RPZ or Zone 1 for this airport. Zone 2 is estimated to be approximately 3,000 feet in length and 450 feet wide. With this understanding, it appears that Zone 2 would not extend over the project parcels. The project is required to comply with the occupancy restrictions of the AO Zoning District.

Design Review: The Office Park proposal under Alternative C of the EIR retains the same square footage as the original proposal (four 3-story buildings), but over eight smaller size buildings (four 2-story buildings in the front row and four 3-story buildings in the back row at project buildout). Each building would be required to incorporate a "design overlay" which reduces the appearance of mass and incorporates architectural details of the surrounding environment.

Development Agreement: The Development Agreement is a contract between the applicant and the County whereby the County, in general, agrees that the regulations in place at the time the project is approved shall remain in place and that project approval timelines will be extended. As the Development Agreement would incorporate by reference all conditions of project approval, the Development Agreement may provide additional assurance to the County of compliance with such conditions. On November 23, 2010, the Planning Commission recommended approval of the applicant's Development Agreement to the Board of Supervisors. Subsequently, the Development Agreement has been revised by Office of the County Counsel to provide further protection of the County's interests and to direct the timing of construction to minimize impacts to the area and to ensure the earliest construction of those aspects of the project with the greatest public benefit, such as the Wellness Center and the Class 1 trail along Airport Street.

County Counsel has reviewed and approved the materials as to form and content.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by the construction of 57 units of affordable, special needs housing and the addition of employment opportunities in an urban area of San Mateo County where many employed residents are traveling outside of their communities for work.

FISCAL IMPACT:

Nominal cost to the Planning and Building Department. Conditions of approval minimize costs associated with mitigation monitoring by the Planning and Building Department, by requiring the property owner(s) to post securities for the implementation of mitigation measures and to pay for the costs of associated monitoring.



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: March 1, 2011
BOARD MEETING DATE: March 15, 2011
SPECIAL NOTICE/HEARING: 10-Day Notice/300 Feet
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Jim Eggemeyer, Community Development Director

SUBJECT: Consideration of: (1) the certification of an Environmental Impact Report (EIR) consisting of a Draft EIR (DEIR) and a Final EIR (FEIR), pursuant to the California Environmental Quality Act (CEQA); (2) a Use Permit, pursuant to Sections 6288.2 and 6500(d)3 of the County Zoning Regulations, for the modern sanitarium component of the Wellness Center and its accessory uses, as well as, proposed uses to be located within the Airport Overlay (AO) Zoning District consisting of 10,000 sq. ft. of commercial public storage use, 6,000 sq. ft. of communications and backup power uses, and 4,000 sq. ft. of miscellaneous Wellness Center storage uses, respectively; (3) a Major Subdivision, pursuant to Section 7012 of the County Subdivision Regulations, to subdivide the northern parcel of the project site into ten (10) lots as described in Alternative C of the FEIR and a Minor Subdivision to subdivide the southern parcel of the project site into three (3) lots; (4) a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for eight (8) Office Park buildings (four 2-story and four 3-story buildings) containing 225,000 sq. ft. of mixed-office uses and a 640-space parking lot as described in Alternative C of the FEIR, two (2) Wellness Center buildings (one single-story building and one 3-story building) containing a maximum of 57 dwelling units to provide affordable housing for a maximum of 50 developmentally disabled adults and 20 staff persons and a 50-space parking lot, a 10,000 sq. ft. commercial public storage use, wetland habitat creation and other landscaping, associated fencing and grading, use of an existing agricultural well for domestic purposes, and establishment of a mutual water service company and a community wastewater treatment and recycling system; (5) a Design Review Permit, pursuant to Section 6565.3 of the County Zoning Regulations, for proposed structures and associated grading; (6) a Grading Permit, pursuant to Section 8600 of the San Mateo County Ordinance Code, to perform 26,050 cubic yards of balanced cut and fill; and (7) adoption of an Ordinance approving the execution of a

Development Agreement with the County of San Mateo, for the Big Wave Wellness Center and Office Park proposed on two undeveloped parcels (APN 047-311-060 and APN 047-312-040) located in the unincorporated Princeton-by-the-Sea area of San Mateo County. This project is appealable to the California Coastal Commission. (Appeal of the decision of the Planning Commission to approve this project.)

County File Numbers: PLN 2005-00481 and PLN 2005-00482
(Big Wave Group, LLC)

RECOMMENDATION:

Deny the appeals and uphold the decision of the Planning Commission by considering the following actions:

1. Certify the Environmental Impact Report, by making the required findings listed in Attachment A of this report.
2. Approve a Use Permit for the modern sanitarium component of the Wellness Center and its accessory uses, as well as proposed uses to be located within the AO Zoning District consisting of 10,000 sq. ft. of commercial public storage use, 6,000 sq. ft. of communications and backup power uses, and 4,000 sq. ft. of miscellaneous Wellness Center storage uses, by making the required findings and subject to the conditions of approval listed in Attachment A of this report.
3. Approve a Major Subdivision to subdivide the northern parcel (APN 047-311-060) into ten (10) lots as described in Alternative C of the FEIR and a Minor Subdivision to subdivide the southern parcel (APN 047-312-040) into three (3) lots, by making the required findings and subject to the conditions of approval listed in Attachment A of this report.
4. Approve a Coastal Development Permit for Office Park buildings as described in Alternative C of the FEIR, Wellness Center buildings as described in the FEIR, wetland habitat creation and other landscaping, associated fencing and grading, use of an existing agricultural well for domestic purposes, and establishment of a mutual water service company and a community wastewater treatment and recycling system, by making the required findings and subject to the conditions of approval listed in Attachment A of this report.
5. Approve a Design Review Permit for proposed project structures and associated grading, by making the required findings and subject to the conditions of approval listed in Attachment A of this report.
6. Approve a Grading Permit to perform 26,050 cubic yards of balanced cut and fill, by making the required findings and subject to the conditions of approval listed in Attachment A of this report.

7. Adoption of an Ordinance approving the execution of a Development Agreement in the form included as Attachment G of this report.

BACKGROUND:

Proposal:

Basic Project Components

The proposed Big Wave Wellness Center and Office Park project is intended to be an economically sustainable development that provides housing and employment opportunities for low-income developmentally disabled (DD) adults at the Wellness Center. All buildings and development would be designed to meet Platinum-level Leadership in Energy and Environmental Design (LEED) certified construction. The primary components of the proposed project include:

Wellness Center

- **Housing for DD Adults and their Aides:** The Wellness Center includes 57 dwelling units for the DD adults and their aides.
- **Ancillary Uses:** These uses include, among others, a fitness center, commercial kitchen, dog grooming and laundry facilities, and administrative offices, among other ancillary uses.
- **Commercial Public Storage:** 10,000 sq. ft. commercial public storage facility, including 20 storage units at approximately 500 sq. ft. each.
- **Proposed Subdivision:** The parcel (APN 047-312-040) would be subdivided into three separate lots (Lots 1-3). Lot 1 includes the 3-story, 10,000 sq. ft. commercial public storage use, 6,000 sq. ft. for communications and backup power uses, and 4,000 sq. ft. of miscellaneous storage. Lot 2 includes the 94,762 sq. ft. Wellness Center, which contains 57 dwelling units and ancillary uses, as well as the common areas of the wetlands, wetland buffer areas, area proposed for wetland habitat creation, and fire access lane. Lot 3 includes the 50-space parking lot.
- **Project-Related Business Operations to Generate Income for Wellness Center Residents:** The DD adults would be employed by the Wellness Center and would also provide services to the Office Park, with the Wellness Center funded through association fees and shared development costs. Business operations would be managed by Big Wave Group, Inc., a non-profit corporation, and include: Big Wave (BW) Catering/Food Services; BW Energy; BW Farming; BW Water; BW Transportation; BW Recycling; BW Communications (radio telecom link); and BW Maintenance.

Office Park

- **Proposed Uses:** The applicant proposes the following ratio of uses at the Office Park: 40% General Office, 25% Research and Development, 20% Light Manufacturing, and 15% Storage. The Office Park would be occupied by private firms with their own workers.

- Proposed Subdivision: The parcel on which the Office Park is proposed to be located (APN 047-311-060) would be subdivided into 10 lots (Lots 1-10). Lot 1 includes the common areas of the wetlands, wetland buffer areas, area proposed for wetland habitat creation, and fire trail. Lot 2 includes the 640-space parking lot and walkway areas. Each of lots 3 through 10 would include either a two- or three-story building for a total of 225,000 sq. ft. of space planned for mixed uses, as described above.

Proposed Outdoor Uses Over Project Sites

Creation/restoration of approximately 380,000 sq. ft. of wetland habitat within areas of delineated wetlands and required buffer zone; development of a Class 1 multiple-purpose trail along Airport Street; use of organic, on-site farming for supplemental food sources; establishment of a native plant nursery for revegetation/landscaping efforts; establishment of recycling and composting; and development of shuttle services.

Report Prepared By: Camille Leung, Planner III, Telephone 650/363-1826

Applicant/Owner: Big Wave Group, LLC

Location: The project site is located on the west side of Airport Street, north of Stanford Avenue and across the street from the Half Moon Bay Airport, in the unincorporated Princeton area of the County. The project site currently consists of two adjacent agricultural fields that are part of a larger ongoing and continuous farming operation. The site is relatively flat with elevations at the project site ranging from 9.0 to 27.7 feet National Geodetic Vertical Datum (NGVD), with gentle slopes to the south and west. A natural drainage swale running east to west separates the two parcels and leads to the Pillar Point Marsh, a salt marsh habitat. A total of 0.74 acres (32,180 sq. ft.) of the project site consists of wetlands as defined by the California Coastal Act. A portion of the 0.74-acre total, 0.45 acres, is considered Federal jurisdictional waters/wetlands, under the permit authority of the U.S. Army Corps of Engineers (USACOE).

APNs: APN 047-311-060 and APN 047-312-040

Size: The project site is 19.53 acres in size. APN 047-311-060 (northern parcel) is approximately 14.25 acres in size, and APN 047-312-040 (southern parcel) is approximately 5.28 acres in size.

Existing Zoning:

Northern Parcel (Proposed Office Park site):

- Light Industrial/Design Review/Coastal Development District (M-1/DR/CD)
- Light Industrial/Airport Overlay/Design Review/Coastal Development District (M-1/AO/DR/CD)
- Resource Management-Coastal Zone/Design Review/Coastal Development District (RM-CZ/DR/CD)

Southern Parcel (Proposed Wellness Center Site):

- Waterfront/Design Review/Coastal Development District (W/DR/CD)
- Waterfront/Airport Overlay/Design Review/Coastal Development District (W/AO/DR/CD)
- Resource Management-Coastal Zone/Design Review/Coastal Development District (RM-CZ/DR/CD)

General Plan Designation: General Industrial and General Open Space

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Agriculture

Water Supply: A well on the northern parcel, currently utilized for agricultural irrigation, would continue to operate under the proposed project to provide water for domestic use in a new private water distribution system. Domestic well water would be treated with membrane micro filtration followed by UV light disinfection. Fire suppression water supply options to include: (1) fire system hookup to Coastside County Water District (CCWD), (2) using the on-site fire suppression water supply through the Wellness Center swimming pool and/or an 180,000-gallon tank installed below ground, or (3) a combination of municipal hookup and on-site water storage.

Under the municipal connection option, CCWD would provide domestic water in lieu of a private system. The project site is within the sphere of influence of CCWD, contiguous to CCWD boundaries and eligible for annexation by CCWD. Annexation would require Local Agency Formation Commission (LAFCo) approval of an annexation application and California Coastal Commission approval of an amendment to the CCWD Coastal Development Permit for the El Granada Pipeline to authorize its extension to the project site.

Sewage Disposal: Wastewater systems options are: (1) use of an on-site wastewater treatment plant with disposal through on-site recycled water usage, combined with a connection to the Granada Sanitary District to serve eight (8) equivalent dwelling units (EDUs) that will be used to discharge unused Title 22 treated water if needed, and/or (2) connection to GSD system for all wastewater generated.

Flood Zone: Significant portions of the project site, as shown on the 1984 FEMA flood mapping, are shown in a Zone A flood area (a 100-year flood hazard area). However, in a 2005 Letter of Map Amendment (LOMA), FEMA removed the project parcels from the Zone A flood area.

Environmental Evaluation: A Draft Environmental Impact Report (DEIR) was issued with a 64-day public review period from October 22, 2009 to December 24, 2009. Initially, the public review period was a 45-day public review period ending on December 7, 2009. The Community Development Director extended the public review period to 64 days to

allow more time for responsible agencies and interested members of the public to review the DEIR, including Section IV.N (Utilities and Service Systems), which was inadvertently excluded from the initial hard-copy distribution of the DEIR. Hard copies of Section IV.N of the DEIR were distributed on November 6, 2009.

The Final EIR was issued with a 33-day public review period from October 15, 2010 to October 26, 2010.

Setting: The project site is surrounded by the Half Moon Bay Airport (east), the "Pillar Ridge" Manufactured Home Community (north), the Pillar Point Headlands and Pillar Point Marsh (west), and the Princeton/Pillar Point Harbor industrial/commercial area (south). The Fitzgerald Marine Reserve, which is bracketed by Maverick's Surf break to the south and Montara Beach to the north, is located approximately 0.25 miles to the west.

Chronology:

<u>Date</u>	<u>Action</u>
February 25, 1987	- The existing agricultural well was approved by the San Mateo County Public Health Division for potable use for agricultural, single-family residential and commercial/industrial uses.
July 6, 2000	- Recordation of three (3) Certificates of Compliance, including the project parcels (PLN 1999-00442).
October 18, 2005	- Application is submitted and is deemed incomplete. Planning staff sends out project referrals to collect comments from other County departments.
June 5, 2006	- Pre-application meeting at the El Granada Elementary School.
December 5, 2006	- County enters into an Agreement with Christopher A. Joseph and Associates (CAJA) to perform environmental consulting services, including preparation of a Draft Environmental Impact Report for the project.
2007 to 2008	- After various site inspections by wetland scientists, it was determined that the previous delineation of Federal and State wetlands would need to be revised. The new wetland delineation would require the project footprint to be revised.
September 18, 2008	- Applicant submits revised project plans for both sites, along with a Facilities Plan (Draft #1) for the project, prepared by Big Wave, LLC, which provides a detailed project description and environmental analysis.

- November 18, 2008 - EIR Scoping Meeting conducted at the El Granada Elementary School. CAJA continues preparation of the Draft EIR based on the revised project description.
- January 1, 2009 - Applicant submits revised Facilities Plan (Draft #2), including a revised project description.
- April 30, 2009 - Prior to the release of the Draft EIR, the project is reviewed by the Airport Land Use Committee (ALUC). Based on comments expressed at this meeting, analysis of the potential for the Office Park buildings to create a wind tunnel effect is incorporated into the scope of the Draft EIR.
- October 22, 2009 - Public release date of Draft EIR.
- November 4, 2009 - Community Development Director extends the 45-day public review period to 64 days, with public review period ending on December 24, 2009.
- November 18, 2009 - Planning Commission Informational public hearing of the Draft EIR.
- December 24, 2009 - End of Draft EIR 64-day public review period.
- September 30, 2010 - Prior to the release of the Final EIR, the project is reviewed by the Airport Land Use Committee (ALUC).
- October 15, 2010 - Public release date of the FEIR, which includes revisions to the Draft EIR, proposed minor modifications to the project, all comments on the DEIR received during the public review period and response to comments.
- November 17, 2010 - At the Planning Commission public hearing of the Draft EIR, Final EIR, and proposed project, the Commission continued the item to November 23, 2010, to allow time for Planning staff to release additional traffic report that analyzes the alternate traffic circulation under Alternative C of the FEIR and for the Commission and the public to review the traffic report. End of Final EIR 33-day public review period.
- November 18, 2010 - Planning staff releases by email additional traffic report that analyzes the alternate traffic circulation to Planning Commissioners and interested members of the public.

- November 23, 2010 - At the Planning Commission public hearing, the Commission certified the EIR, approved the proposed project, and recommended that the Board of Supervisors approve the Development Agreement, subject to the revised findings and conditions of approval.
- December 7, 2010 - Separate appeals filed by Granada Sanitary District (GSD) and Montara Water and Sanitary District (MWSD).
- December 9, 2010 - Appeal filed by Committee for Green Foothills and co-appellants.
- December 9, 2010 - End of appeal period (ten (10) business days).
- March 15, 2011 - Board of Supervisors public hearing of the Draft EIR, Final EIR, and proposed project.

DISCUSSION:

I. KEY ACTIONS

A. PLANNING COMMISSION ACTION

At the Planning Commission meeting of November 17, 2010, at El Granada Elementary School, the Planning Commission (Commission) opened the public hearing on the Draft EIR, Final EIR, and proposed project. After extensive public testimony, the Commission continued the item to November 23, 2010, to allow time for Planning staff to release an additional traffic report that analyzes the alternate traffic circulation under Alternative C of the FEIR (the version of the Office Park project currently under review by the Board of Supervisors) and to allow for Commission and public review of the traffic report, which was released by email the following day.

At the Planning Commission meeting of November 23, 2010, the Commission re-opened the public hearing and, after all individuals had been given an opportunity to comment on potential project impacts to traffic, closed the public hearing. A summary of the November 23, 2010 Planning Commission meeting, as approved by the Planning Commission, is provided in Attachment F of this report. The Commission by a 3-2 vote (Ayes: Ranken, Wong, Dworetzky; Nays: Bomberger, Slocum) certified the EIR, approved the proposed project, and recommended that the Board of Supervisors approve the Development Agreement, subject to the findings and conditions of approval as presented in the letter of decision, included as Attachment F.

B. APPEALS FILED

During the appeal period for the Commission action, which ended on December 9, 2010, Planning staff received three (3) applications for appeal of the Planning Commission's decision to approve the project and associated EIR.

1. Appeal Filed by Granada Sanitary District (GSD). The main basis for appeal by the Granada Sanitary District (GSD), as outlined in the appeal included as Attachment B, is as follows:¹

- a. GSD asserts that the EIR lacks a clear project definition and, therefore, the EIR's analysis of wastewater and garbage impacts is flawed. GSD also claims that the EIR does not define the amount of wastewater proposed to enter into the GSD system, thereby preventing an effective analysis of project impacts to the GSD sewer system, including the delineation of adequate mitigation measures.

Staff's Response: The wastewater options are clearly described in the EIR, as "(1) use of an on-site wastewater treatment plant with disposal through a combination of municipal hookup and on-site recycled water usage irrigation and infiltration, and/or (2) municipal hookups" (page III-19, as revised in the FEIR). Table II-10 of the FEIR shows that the Wellness Center and the Office Park would generate a total of 26,000 gallons per day (gpd) of wastewater.

Under the full municipal connection option, all project wastewater would be directed to the sewer system. Page IV.N-15 of the EIR states that, if the project were connected to the SAM system, the additional flow contribution to the system would amount to about 1.1% of the remaining available surplus treatment capacity in the system. The EIR states that the addition of this flow to the system would be a less than significant impact and that, therefore, no mitigation measures are required. Page IV.N-15 of the EIR identifies flow reduction or system expansion measures to address potential project impact to the GSD collection system, in which an average flow of 26,000 gpd would likely require a minimum sewer line diameter of 12 inches or greater; thus the existing 8-inch line would not be adequate for the project. In Comment Letter 204, Comment 30, of the FEIR, the applicant states that wastewater flows will be limited by flow equalization such that it can be accommodated by the existing 8-inch line. Therefore, the potential impacts of full project connection to wastewater collection and treatment facilities would be less than significant.

Under the option that combines both a municipal connection and on-site recycled water, the project would recycle all wastewater through on-site treatment/water recycling and by use in toilet flushing, surface and solar panel washing, and subsurface agricultural irrigation. Under this scenario, while

¹ The main points of the appeal are discussed in this section. The complete appeal is included in Attachment B.

expecting to use all wastewater on-site through recycling, the applicant would nevertheless apply to GSD for a connection to serve eight (8) equivalent dwelling units (EDUs),² where eight EDUs is equivalent to 1,768 gallons per day. The eight EDUs would be used to discharge the unused Title 22 treated water, if needed. As discussed, full project connection would not result in significant impacts to the wastewater collection and treatment facilities. Therefore, the impact of a partial project connection of approximately 1,768 gallons per day to wastewater collection and treatment facilities would also be less than significant, especially in light of the fact that the system is designed to result in no flow to the GSD system.

- b. GSD states that it has not been afforded status as a Responsible Agency, as required by CEQA.

Staff's Response: Page III-A.31 of the FEIR states that "The County notes that the project now contemplates a connection to the GSD system and, on that basis, GSD claims to be a Responsible Agency for this project under CEQA. If the applicant requires a discretionary permit action from GSD in order to secure this sewer connection, GSD would meet the definition of a Responsible Agency under CEQA."

Based on the foregoing, GSD believes it has not been able to fulfill its role as a Responsible Agency and recommends that the Board of Supervisors require revision and recirculation of the EIR to address these issues. However, GSD states that, if the Board of Supervisors denies GSD's appeal, then GSD requests the EIR to be revised to include the following additional mitigation measures, as recommended by GSD:

- GSD-Recommended "Mitigation Measure UTIL-2c"
"The applicant shall obtain a sewer connection permit for the project from the Granada Sanitary District and comply with all conditions of approval for said permit. The applicant will be responsible for all fees (including sewer service, capacity, and Assessment District fees), engineering studies, and additional infrastructure required to serve the project."

The applicant proposes to apply to GSD for a connection to serve eight (8) equivalent dwelling units (EDUs) and therefore, would be subject to fees and requirements as determined by GSD for the requested connection. In any event, staff notes that any approval of this project by the County would be without prejudice to any conditions that GSD asserts are applicable to the project.

- GSD-Recommended "Mitigation Measure UTIL-2d"
"The applicant shall obtain a private wastewater on-site disposal permit for the project's proposed Wastewater Treatment Plant from the Granada Sanitary

² EDUs are used to calculate the connection fee charged by the Granada Sanitary District. One (1) EDU is equivalent to 221 gallons per day.

District and comply with all conditions of approval for said permit. Again, the applicant will be responsible for all fees related to the project."

While staff does not believe that a private wastewater on-site disposal permit appears necessary, as there will be no disposal of sewage on-site, only treatment of wastewater to Title 22 drinking water levels and use of treated recycled water on-site, staff notes that any approval of this project by the County would be without prejudice to any conditions that GSD asserts are applicable to the project.

- GSD-Recommended "Mitigation Measure UTIL-2e"
"The applicant shall subscribe to and pay for the garbage collection and disposal system provided by the Granada Sanitary District and otherwise comply with in all respects with the GSD Ordinance Code provisions related to garbage, including, in particular, Chapter 3 thereof."

As stated in the EIR, solid waste generated in the project area is collected by Seacoast Disposal Company, under a franchise agreement with GSD. Solid waste generated by the project, excluding any solid waste which is composted on-site for use as fertilizer, would be collected by the Seacoast Disposal Company.

Regarding the matters covered in GSD-recommended Mitigation Measures UTIL-2c and 2e, County Planning staff recommends that they be addressed through Conditions of approval 83 and 84. They are administrative requirements and are not mitigation measures, as they are not required to reduce or minimize a potential environmental impact. As previously stated, GSD-recommended Mitigation Measure UTIL-2d is not necessary, as there will be no disposal of sewage on-site. Therefore, as the requested mitigation measure is not relevant to the project, it is not appropriate to include it as a project mitigation measure or a condition of approval.

2. Appeal Filed by Montara Water and Sanitary District (MWSD). The following is a discussion of the main basis for appeal by Montara Water and Sanitary District (MWSD), as outlined in the appeal, a copy of which is included as Attachment C:³

MWSD states that "the decision of the Planning Commission constitutes a prejudicial abuse of discretion for failure to proceed in a manner required by law and is based upon findings not supported by substantial evidence." MWSD references documents submitted by MWSD, as well as transcript or written summary of testimony by MWSD to the Planning Commission.

Staff's Response: The appeal does not directly describe or provide evidence in support of this statement, but instead generally references documents and testimony by MWSD. Documents and testimony were submitted to the Planning Commission and the Commission considered these matters in reaching its decision.

³ The main points of the appeal are discussed in this section. The complete appeal is included in Attachment C.

The Commission determined that MWSD's various objections to the project lack merit. A summary of the November 23, 2010 Planning Commission meeting is included as Attachment F of this report. As described in Section I.B.3.f of this report, the Planning Commission's review of the project complies with the procedural requirements of the CEQA Guidelines.

3. Appeal Filed by Committee for Green Foothills and Co-Appellants. Lennie Roberts, Legislative Advocate for the Committee for Green Foothills (CGF), filed an appeal included as Attachment D, on behalf of CGF and the following organizations listed below:

CGF's Co-Appellants:⁴

Surfrider Foundation, San Mateo County Chapter
Sierra Club, Loma Prieta Chapter
California Pilots Association
Pillar Ridge Homeowners Association
San Mateo County League for Coastsides Protection

CGF and co-appellants are referred to collectively as CGF in this report. The following is a discussion of the main basis for appeal by CGF, as outlined in the appeal, a copy of which is included as Attachment D.⁵

- a. CGF states that the Project is inconsistent with the County's General Plan and certified Local Coastal Program (LCP). They state that the "General Office" uses in the Office Park and the "Residential" uses on the Wellness Center site are not permitted uses within the "General Industrial" land use designation in the LCP and General Plan. CGF also states that the Project is inconsistent with the County's Zoning Ordinance.

Staff's Response: Regarding project compliance with the General Plan and LCP, the areas of the project parcels proposed for construction are designated for "General Industrial" land uses, described as "manufacturing and processing uses including but not limited to fabricating, assembling, and storing products." On the northern or Office Park parcel, the applicant proposes 225,000 sq. ft. of mixed-office use, comprised of 40% General Office, 25% Research and Development, 20% Light Manufacturing, and 15% Storage uses. As discussed in Section II.B.4 of this report, "Administrative, research and professional offices, excluding doctors and dentists," are permitted uses per Section 6271.A.162 of Chapter 17 (*Uses Permitted in the M-1 Light Industrial Districts*) of the County Zoning Regulations. In general, the General Plan is implemented through the Zoning Regulations, which defines the specific types of uses that are consistent and compatible with the General Plan. In this case, the Zoning Regulations define light industrial land uses in a manner that

⁴ Names of representatives of listed organizations are included in Attachment D.

⁵ The main points of the appeal are discussed in this section. The complete appeal is included in Attachment D.

incorporates the proposed business park land uses. Therefore, in complying with the permitted uses of the M-1 Light Industrial Zoning District, the proposed general office use complies with the General Industrial land use designation for the site. For further discussion of project compliance with the County's General Plan and Zoning Regulations, please refer to Section II.B.1 and II.B.4 of this report.

As discussed in Section II.B.4 of this report, staff has concluded that the Wellness Center is a "sanitarium use," which is allowed with a use permit pursuant to Section 6500.d.3 of the Zoning Regulations in any district, within the Urban Areas of the Coastal Zone, when found to be necessary for the public health, safety, convenience or welfare. The general purpose of a use permit is to allow a land use authority to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a public hearing process, thereby providing flexibility within a zoning ordinance.⁶ Here, Section 6500.d.3 expands the type of land uses that are explicitly permitted by the underlying zoning district and the General Plan land use designation for the site in order to accommodate those that benefit public health, safety, convenience or welfare. As discussed in Sections II.B.1 and II.B.4 of this report, the Wellness Center proposal is a sanitarium use and the project, as proposed and conditioned, complies with applicable General Plan policies, including policies of the County's Housing Element.

Regarding project compliance with the County's Local Coastal Program (LCP), staff has concluded that the project, as proposed and conditioned, complies with applicable policies of the LCP. All LCP policies identified by CGF in their appeal are addressed, as they pertain to this project, in Section II.B.3 of this report.

- b. CGF states that the Project is inconsistent with the County's Comprehensive Airport Land Use Plan. CGF states, to be approved, the Project must be found to be compatible with the County's Comprehensive Airport Land Use Plan. CGF states that this finding was not made by the Planning Commission and cannot be made, as the Wellness Center's location is incompatible with the safe operation of the Half Moon Bay Airport. CGF adds that the Federal Aviation Administration (FAA), CalTrans Division of Aeronautics, and the San Mateo County Department of Public Works have objected to placing housing of developmentally disabled individuals so close to the airport and asserts that County airport funding from the FAA could be jeopardized if the County approves this project.

Staff Response: State law requires an airport land use commission to prepare and adopt a comprehensive airport/land use compatibility plan (CLUP) for each

⁶ Source: http://ceres.ca.gov/planning/cup/condition.htm#limitations_anchor, Governor's Office of Planning and Research, State of California.

public use airport in the County. CLUPs have two purposes: (1) to provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and (2) to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The CLUP for Half Moon Bay Airport covers the following primary concerns (each is followed by a discussion of project compliance with applicable policies):

(1) *Aircraft Noise Impact Reduction: Reduce the exposure of people to noise impacts from airport and aircraft operations*

Based on the Half Moon Bay Airport Project 1995 Noise Contours Map contained in the CLUP, a large portion of both project sites lie within the noise impact boundary (i.e., the 55 to 60 CNEL noise contours) for the airport. Aircraft noise/land use compatibility criteria in Table III-2 of the CLUP list single- and multiple-family residential uses and group quarters as compatible uses within the noise impact boundary and requires the preparation of an acoustic study to identify aircraft noise impacts and recommended noise attenuation measures to achieve an interior noise level not to exceed 45 dB CNEL with all windows closed. Professional office, industrial, and manufacturing uses are also compatible land uses within the noise impact boundary.

In preparation of the EIR, CAJA's noise specialist prepared a noise study (included as an addition to Appendix I of the DEIR). According to the noise analysis in the DEIR, the future average daily exterior noise level of the project sites is 58.8 dBA. The future average daily interior noise level of the Wellness Center building located nearest to the airport (public storage building) is projected to be significantly less than 45 dBA, at 28.8 dBA. As noise standards allow for interior noise levels within the proposed residential uses of up to 45 dBA CNEL, interior noise levels at the Wellness Center site would be in compliance with these standards. As stated in the EIR, this is a less than significant impact, and no mitigation measures are required.

(2) *Safety of Persons on the Ground and in Aircraft in Flight: Minimize the number of people exposed to hazards related to aircraft operations and accidents*

The CLUP established the following safety zones at Half Moon Bay Airport: Runway Protection Zone (RPZ) and Approach Protection Zone (APZ). The California Airport Land Use Planning Handbook (January 2002) estimates that 30% to 50% of near-airport aircraft accident sites lie within the Runway Protection Zone (RPZ, also referred to as Zone 1) and the Inner Approach/Departure Zone (also referred to as Zone 2). The CLUP sets compatible land use criteria for uses within the RPZ. The project sites are outside of the RPZ or Zone 1 for this airport. As stated

in the discussion of General Plan Policy 16.42 in Section II.B.1 of this report, staff has determined that Zone 2 would not extend over the project parcels.

The CLUP also sets compatible land use criteria for uses within the APZ. As stated in Impact HAZ-3 of the EIR, the closest office building to the airport is located outside of the Airport APZ, approximately 600 feet southwest of the southern end of Runway 30. However, the EIR notes that 10,000 sq. ft. of commercial public storage use, 6,000 sq. ft. for communications and backup power uses, and 4,000 sq. ft. of miscellaneous storage uses on the Wellness Center site would be located within the APZ.⁷ Table III-3 of the CLUP identifies manufacturing as a compatible land use within the APZ, although it specifically states that storage of bulk petroleum products or chemicals is not permitted and that no uses shall result in a gathering of more than 10 persons per acre at any time. The portion of the project site within the APZ would not involve the gathering of more than 10 persons per acre as this area is subject to the requirements of the AO Zoning District, which prohibits uses that would result in more than three persons occupying the site at any time. Condition 53 has been added to prohibit the storage of bulk petroleum products or chemicals in all areas of the property located within the AO Zoning District.

(3) *Height Restrictions/Airspace Protection: Protect the navigable airspace around airports for the safe and efficient operation of aircraft in flight*

As stated in the CLUP, FAR Part 77, *Objects Affecting Navigable Airspace*, defines a series of imaginary surfaces surrounding airports to provide airspace protection. Any object or structure which would penetrate any of the imaginary surfaces defined in FAR Part 77 is considered by the FAA to be an obstruction to air navigation. Imaginary surfaces are illustrated in Figure III-5 of the CLUP. Proposed structures comply with the imaginary surfaces defined in FAR Part 77 for the Half Moon Bay Airport. Additionally, Condition 54 has been added to require the project to comply with CLUP policies regarding hazards to aircraft in flight (e.g., use of flashing or steady lights, reflective surfaces, attraction of birds, etc.).

As discussed above, the project, as proposed and conditioned, would comply with the applicable policies of the CLUP. The above discussion was included in the staff report for the Planning Commission meeting of November 23, 2010. While the finding is not required for project approval, Finding 16 of Attachment A has been revised to include a finding of compatibility with the CLUP.

⁷ It should be noted that the DEIR identified that the Communications Building associated with the Office Park would be located within the Airport APZ. This building has been eliminated, with communications integrated within the Wellness Center buildings.

With regard to grant conditions imposed by the Federal Aviation Administration (FAA) in connection with grants to Half Moon Bay Airport, they require, among other things, that the County limit land uses around airports to those that are compatible with airport use. In a letter dated July 8, 2010, a representative of the FAA reiterated that, based on grant conditions (Assurance 21, Compatible Land Use), airport sponsors are required to take appropriate action to restrict use of land adjacent to the airport to activities that are compatible with normal airport operations (refer to Attachment AJ). The letter further states that, generally, while planning and environmental documents proffer that there will not be any negative environmental impacts related to the proximity of the Wellness Center to the airport (e.g., noise impacts), based on past cases, the FAA representative believes that the Wellness Center residents will complain about noise associated with the airport. Also, based on past experience, the FAA representative states that the public policy reaction to the complaints will be proposals to impose additional restrictions on normal airport operations. It should be noted that, as the local land use authority, the County, in this instant case the Planning Commission and the Board of Supervisors on appeal, has the authority to determine whether the sanitarium use is a compatible land use. That said, such a finding by this Board would not necessarily be dispositive with respect to whether the FAA determines that there has been a breach of grant conditions by the County.

Both the mitigation measures of the EIR and the conditions of approval in Attachment A of this report adequately address concerns related to noise as expressed by the FAA. Mitigation Measure HAZ-3 (*Hazards Associated with Airport Operations*) of the EIR requires, prior to approval of final development plans, an avigation easement to be executed and recorded for the project site, in a form satisfactory to the County Director of Public Works. The mitigation measure requires the avigation easement to be recorded and shown on the vesting tentative map. Even without implementation of Mitigation Measure HAZ-3, the EIR states on page IV.G-25 that the project would result in a less than significant impact associated with airport safety hazards to people residing or working in the area of a public airport. The mitigation measure does not reduce potential hazard impact, but is a disclosure tool that preserves the County's ability to continue airport operations in that, through the recordation of the easement, the property owner grants a right to the airport subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.

In response to the FAA's letter, Mitigation Measure HAZ-3 (also Condition 5.t) has been revised in the FEIR, to further clarify and disclose the potential airport noise to the Wellness Center owner(s), staff, and residents. Condition 5.t requires the following:

"Prior to approval of final development plans, an avigation easement shall be prepared for the project site, subject to the approval of the County Director of Public Works. The avigation easement shall be recorded and

shown on the vesting tentative map. With approval of the Wellness Center, it is understood that the Wellness Center property owner(s) and tenants, and their successor's in interest in perpetuity, acknowledge the project's location adjacent to an airport and the noise level inherent in the use. The following statement shall be included in the details of the aviation easement on the recorded Final/Parcel Maps, prior to the issuance of the Certificate of Occupancy for any residential unit at the subject property:

"This parcel is adjacent to the Half Moon Bay Airport. Residents on this parcel may be subject to inconvenience or discomfort arising from airport operations, including but not limited to aircraft landings, take-offs, in air maneuvers and fly-overs, and on-the-ground engine start-ups and taxiing. San Mateo County recognizes the value of the Half Moon Bay Airport to the residents of this County and intends to preserve airport operations from significant interference and disruption. With approval of the Wellness Center, it is understood by both the Wellness Center property owner(s) and the Half Moon Bay Airport that airport operations shall continue, notwithstanding noise complaints received from property owners, residents, staff, guests, and others from the Wellness Center. In the event that the Wellness Center resident(s) or property owner(s) are unwilling to live under such noise conditions and/or remain unsatisfied with the noise reduction measures being implemented by the airport, the affected resident(s) shall be relocated, with assistance provided by the property owner, to the satisfaction of the Planning and Building Department and/or the Department of Housing."

As proposed, the Wellness Center buildings incorporate sound insulation and sound deflection and are shielded with landscaping designed to provide further noise buffering. Per Condition 44, the applicant would also be required to place vents and other openings away from noise sources and avoid structural features which direct noise toward interior spaces, to the extent feasible. In response to the FAA's letter, the applicant has offered to make minor interior and exterior modifications to the Wellness Center buildings to further reduce noise levels to Wellness Center residents. The applicant proposes the following modifications:

- (1) Relocate the residential units so that they are as far as possible from the airport.
- (2) Construct non-residential ancillary uses along the length of Building A of the Wellness Center, such that the non-residential areas are used to separate and buffer the residential units from the airport, further insulating the units from airport related noise.

- (3) Construct the residential units such that all face to the west and away from the airport, whereby no residential windows will face the airport and the residents.

Per Condition 56, the applicant is required to implement the above proposals to address the FAA's comments, subject to the review of the Coastsides Design Review Officer and to the approval of the Community Development Director. While the implementation of Items (1) and (2) in the above list may result in some minor changes to the footprint of the Wellness Center buildings, the following shall remain as approved by the Board of Supervisors: total building area and footprint, building area and footprint of structures located within the AO Zoning District, maximum building heights, and visual appearance. As proposed and conditioned, the project would incorporate disclosures and mitigations that staff submits are adequate to address the concerns expressed by the FAA, including Conditions 55 and 56 which minimize noise impacts to Wellness Center residents and Condition 5.t which is intended to protect the airport operations from the need to adjust operations as a result of potential noise complaints from Wellness Center residents.

- d. CGF states that the EIR prepared for the Project is inadequate under CEQA for the reasons listed below. CGF identifies the reasons listed below, which are followed by staff's response:

- (1) CGF states that the Project EIR did not adequately address airport wind tunnel effect and that the County should have conducted a wind study.

Staff's Response: At the Airport Land Use Committee (ALUC) meeting of April 30, 2009, Rich Newman (Chair of the ALUC) suggested that there was the potential that the proposed office buildings as described in the DEIR (i.e., four buildings at 45 feet in height) could create a wind tunnel effect comparable to the one at San Carlos Airport caused by the Skyway Landing office buildings at 959 and 999 Skyway in the City of San Carlos. As shown in Attachment AN, the two Skyway Landing office buildings are "L"-shaped and are sited such that the open sides of each building face each other, thereby collecting and channeling wind from the west through the space between the buildings toward an adjoining airport runway, thus creating a westward wind tunnel that has the potential to make airplane landings on the adjoining runway more difficult.

At the ALUC meeting, Mr. Newman's analysis of the potential for wind tunnel effect was based on westward wind flows and supposed similarities in the projects, in that both involve close orientation of large buildings and are adjacent to runways at the respective airports.

However, as discussed below, the EIR specifically addresses the concerns raised at the ALUC meeting (westbound wind flows and similarities in the scale and orientation of buildings and winds generated from the

west) by describing how westward wind flows at the project site would follow a pattern dissimilar to the pattern of wind flows at the Skyway Landing site, due to differing topography in the areas, which is a significant factor in determining wind flows.

- The DEIR illustrates the dissimilarity in topography between the project and Skyway Landing sites, stating that “the potential for a project-related wind tunnel is anticipated to be low, due to the terrain at the project site. The Pillar Ridge Mountains currently block prevailing winds from the west and would prevent a wind tunnel effect” (page IV.G-25 of the DEIR).
- The FEIR further describes the subject of the potential for wind tunnel. In response to comments regarding the adequacy of this analysis in the DEIR, the FEIR states “As described in the DEIR, the potential for a wind tunnel effect was identified at an Airport Land Use Committee (ALUC) meeting during the preparation of the DEIR. The discussion specifically focused on effects from winds generated from the west (Pacific Ocean). As the Pillar Ridge Mountains are located west of the project site and currently block winds to the site, any tunnel effect would be minimal at this location (Response to Comment Letter 193-3-5 of the FEIR).

Therefore, the EIR has addressed the concerns raised regarding a potential wind tunnel effect. It should be noted that the Planning Commission did not approve the proposed four building Office Park configuration, but the eight building Office Park configuration described under Alternative C in the FEIR (the version of the Office Park project currently under review by the Board of Supervisors). It appears to staff that this building configuration, illustrated in Attachment N, would further reduce the potential for wind tunnel effect by introducing gaps both vertically (buildings of varied height) and horizontally (between buildings and rows of buildings), through which wind flows could disperse, thereby eliminating the “tunnel” that gets created between two large impenetrable masses. Furthermore, landscaping along the perimeter of the site would further block and disperse wind flows.

- (2) CGF states that the Project EIR did not adequately address airplane noise reflection from the proposed office buildings to the Pillar Ridge property. CGF states that aircraft take-off noise does not originate in a single location and that the resulting noise, which is reflected at the same angle as the original sound, will result in a larger area of impact. CGF states that the FEIR concludes, without analysis, studies or references, that reflected noise from Office Building A would only impact the propane service yard along Airport Street, and not the Pillar Ridge residences.

Staff's Response: The Pillar Ridge Homeowners Association raises the concern regarding aircraft noise reflection from the proposed office buildings in Comment 185-36 of the FEIR, which states that the "DEIR does not address potential for aircraft noise reflecting off tall Office Buildings toward the residences at Pillar Ridge." The comment references the County Airport Manager's letter dated December 5, 2008, quoting "Due to its proximity to the beginning of the runway, the project area is subject to extended single event engine noise impacts as aircraft apply full take-off power...."

As illustrated in Attachment AK, Runway 12 - 30 of the Half Moon Bay Airport is oriented northwest-southeast and consists of a northern approach (Runway 12) and a southern approach (Runway 30). Aircraft take-offs take place at both Runway 12 and Runway 30. Runway 30, the runway closest to the project site, is used for a minority of take-offs, while Runway 12 is used for the majority of take-offs.

The FEIR's response addresses the noise source presented by the commenter (aircraft take-offs) at the location closest to the project site (take-off flight path of Runway 30 at the Half Moon Bay Airport). As the take-off flight path for Runway 30 is located to the east of the project site, the response focuses on the reflection of noise sources from the east, stating that "Based on the placement and angle of Office Building A, if noise is reflected from the airport off of the office buildings, the noise would primarily travel to the property owned by Buck's Butane-Propane Services, Inc. (located along Airport Street and east of the Pillar Ridge property) and to Airport Street." The response does not address aircraft take-off noise from the flight path for Runway 12, as the noise source is located at the northern end of the airport and would impact Pillar Ridge directly (not through reflection from the Office Park buildings).

Regarding reflection of other noises (e.g., general aircraft noise), the FEIR states that "the nearest office building is located over 200 feet from the Pillar Ridge property," "intervening trees on the Big Wave site and fencing along the property line would also act as a noise buffer," and that "noise reflected from the other office buildings would not travel to the Pillar Ridge property but to another office building or into space."

The EIR has fully and appropriately addressed the concern regarding the reflection of noise from aircraft take-offs from office buildings to the Pillar Ridge property, as discussed above.

- (3) CGF states that the Project EIR defers identification and mitigation of potential impacts into the future; specifically, potential impacts associated with geological hazards, adequacy of the on-site wastewater treatment facility, project traffic, and adequacy of the infiltration system.

Potential Impacts Associated with Geological Hazards

CGF states that Mitigation Measures GEO-3a, GEO-3b, and GEO-4, and GEO-6 defer critical geotechnical investigations into the future and that the mitigation measures themselves may create additional impacts that are not analyzed.

Staff's Response: Section 15126.4(a)(1) (*Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects*) of the CEQA Guidelines states that "An EIR shall describe feasible measures which could minimize significant adverse impacts." Section 15370 (*Mitigation*) states that "mitigation" includes the following:

- (a) *Avoiding the impact altogether by not taking a certain action or parts of an action.*
- (b) *Minimizing impacts by limiting the degree or magnitude of the action and its implementation.*
- (c) *Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.*
- (d) *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.*
- (e) *Compensating for the impact by replacing or providing substitute resources or environments.*

The following subsections provide additional guidance:

- (b) *Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.*
- (d) *If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.*

Mitigation Measures GEO-3a, GEO-3b, and GEO-4, and GEO-6 of the EIR meet the definition of "mitigation" in that the implementation of mitigation measures would reduce or eliminate the impact over time by maintenance operations during the life of the action (Section 15370(d)). Specifically, mitigation measures require the implementation of specific performance standards (e.g., design measures) in the construction of project structures in order to minimize the impact of geologic conditions over the life of the structures. CEQA Guidelines Section 15126.4.a.1

(Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects) states that while formulation of mitigation measures should not be deferred until some future time, measures may specify performance standards that may be accomplished in more than one specified way and would mitigate the significant effect of the project.

With potential geologic hazards identified and the feasibility of mitigation determined, the role of the final geotechnical report is to determine the appropriate performance standard. It is appropriate to require the final geotechnical report during the building permit stage, when the precise locations of the buildings and building footings are known. Compliance with the appropriate performance standard prior to the approval of project plans would minimize any potential significant effect of the project. Please reference Table II-1 of the FEIR for a detailed discussion of how mitigation measures GEO-3a, GEO-3b, and GEO-4, and GEO-6 comply with CEQA.

Regarding potential impacts from the implementation of mitigation measures, the size, depth and number of piers may vary depending on the results of the final geotechnical report. As discussed in Topical Response 10 (Final Geotechnical Report) of the FEIR, variation in the number, depth and size of piers would result in changes to grading limited to the footprint of development and would not impact the wetlands or other areas not proposed for development. Impacts of grading within the footprint of development, including local, temporary effects to groundwater and soils conditions, are as discussed in the EIR. Therefore, variation in the size, depth and number of piers would not result in any new significant environmental impacts. For further discussion, the issue of the deferral of mitigation is discussed in detail in Topical Responses 4 (Deferral of Mitigation Measures) and 10 (Final Geotechnical Report) of the FEIR.

Adequacy of the On-Site Wastewater Treatment Facility

CGF states that the on-site wastewater treatment facility has not been demonstrated to be adequate in treating and disposing of all the project's wastewater and that the EIR fails to respond to numerous GSD comments.

Staff's Response: Project wastewater generation is discussed in Topical Response 15 of the FEIR which states that 26,000 gpd is the upper limit of project wastewater generation. Wastewater generation would be reduced in drought years to 21,000 gpd, due to water conservation measures. The applicant proposes to use all treated wastewater on-site through toilet flushing, solar panel and surface washing as well as irrigation uses. Any unused treated wastewater, should there be any, will be disposed into the Granada Sanitary District system. Table 1, below, estimates the amount of recycled water for each of the listed uses:

Table 1		
Estimated Project Wastewater Generation and Disposal, Based on EIR Analysis		
	Volume (gpd)	
	Average Year	Drought Year
Total Project Wastewater Generation¹	26,000	21,000
Use of Treated Wastewater ² (Treated to Title 22 Requirements)		
Toilet Flushing, Solar Panel and Surface Washing	9,000 ⁴ - 16,000	9,000 ⁴ - 16,000
Irrigation (on-site farm and landscaping) ⁵	10,000 - 17,000 ⁴	5,000 - 12,000 ⁴
Total Excess Treated Wastewater³	0	0
¹ Based on total water usage for both Wellness Center and Office Park. ² The applicant's intent is to use all treated wastewater on-site. Disposal method will vary based on quantity of recycled water flushed in toilets. If less is used, then more recycled water will be used for irrigation. ³ Unused treated wastewater, should there be any, will be disposed into the Granada Sanitary District system. ⁴ The EIR estimates recycled water use based on toilet flushing uses only at 9,000 gpd. ⁵ Estimates based on Table II-11 of the FEIR.		

It should be noted that the volume of recycled water used for each of these uses will vary depending on use of recycled water for toilet flushing. Specifically, if less recycled water is used for toilet flushing, more recycled water will be used for landscape watering. As the recycled water system would require on-site landscape watering to be flexible (where the amount of recycled water for landscaping may vary from a minimum of 10,000 gpd and up to a maximum of 17,000 gpd recycled water use), landscaping would be designed to absorb a maximum of 17,000 gpd of recycled water.

If, on a regular basis, the use of recycled water for toilet flushing is consistent with the applicant's estimate of approximately 16,000 gpd, then only 10,000 gpd would be regularly available for irrigation (per Condition 6.p, only recycled water shall be used for landscape irrigation). As landscaping would be designed to absorb up to 17,000 gpd of recycled water, this may negatively affect the condition of some of the landscaping.

Condition 5.jj requires the property owner(s) to verify the following: (a) the adequacy of plans for irrigation uses of recycled water; and (b) the sufficiency of the proposed landscape areas for winter season dispersal of all wastewater flow not distributed for toilet flushing. The condition also requires the project's use of treated wastewater for irrigation to be managed and controlled to prevent changes in existing drainage and hydrology that could adversely impact the biology or hydrology of wetland

habitats or result in ponding that could result in health, circulation, or structural stability problems. Prior to Planning approval of any grading permit, the property owner must submit a report prepared by a biologist/hydrologist to determine appropriate recycled watering levels and landscaping appropriate for such watering levels for all seasons, based on the revised water budget analysis. The report would be reviewed by the Environmental Health Division, RWQCB, and the County Planning Department. This condition also requires the use of recycled water for irrigation and landscaping to be monitored for two years by a biologist/hydrologist to adjust water levels as necessary based on actual site conditions.

Therefore, as proposed and conditioned, project landscaping and the use of recycled water on landscaping, coupled with access to the GSD system, if needed, would be adequate in treating and disposing of the project's wastewater. As stated in the EIR, the project, as proposed and conditioned, would not result in discharges of untreated wastewater, significant impacts to surface water runoff, or changes in existing drainage and hydrology that could adversely impact the biology or hydrology of wetland habitats or result in ponding that could result in health, circulation, or structural stability problems at the project site.

- (4) CGF states that mitigation measures for Project Impacts to the California Red-Legged Frog (CRLF) and San Francisco Garter Snake (SFGS) in the Project EIR are in conflict with the U.S. Fish and Wildlife Service (USFWS) letter dated February 27, 2009, and are inadequate to protect CRLF and SFGS from harm as required by the Federal Endangered Species Act of 1973.

The USFWS letter from Christopher Nagano, Deputy Assistant Field Supervisor, dated February 27, 2009, provides comments on the Big Wave "Facilities Plan," which preceded the release of the DEIR in October 2009, and it does not address the DEIR. The USFWS did not comment on the DEIR during the public comment period. Rather, additional comments on the project were provided by USFWS in an email to Planning staff dated January 7, 2011 (Attachment AE).

California Red-Legged Frog

Staff's Response: The CRLF species is listed as threatened by the USFWS and is recognized as a California Species of Concern (CSC) by the California Department of Fish and Game (CDFG). The CRLF requires both a permanent water source and complex vegetation structure to complete its life cycle.

In a letter dated February 27, 2009, Mr. Nagano states that "the proposed project area is located adjacent to and within suitable habitat for CRLF and SFGS." Mr. Nagano cites recorded occurrences of CRLF at Denniston Creek (CDFG 2009) and within the drainage south of West

Point Road (CDFG 2009). Mr. Nagano also states that CRLF have been observed in “the Denniston Creek Watershed, Pillar Point Marsh, and within the former stock ponds near the proposed project area” and explains that, based on research, agriculturally disturbed lands do not preclude the presence of CRLF, with CRLF using lands as “migration corridors.” Based on the foregoing, Mr. Nagano concludes that CRLF are “reasonably certain to occur at the proposed project area.”

The EIR analysis of project impact to the CRLF is based on observations and analysis performed at the project sites between November 2001 and February 2009, as described in three biological impact reports (contained in Appendix E of the EIR). The following table summarizes details in each report pertaining to the CRLF:

<p>Table 2</p> <p>Results of Biological Impact Reports, Pertaining to CRLF</p>			
Report Date	Preparer	Study Area	CRLF Analysis
November 2001	Wetlands Research Associates, Inc. (WRA)	Northern Parcel Only	High Potential for Occurrence in the Study Area. CRLF have been observed in pools located in wetland area near West Point Road adjacent to property site. The property site may serve as suitable dispersal and foraging habitat due to the presence of the riparian corridor.
May 2003	Wetlands Research Associates, Inc. (WRA)	Both Project Sites	No potential CRLF habitat occurs within the Project Area or within 100 feet of the Project Area. Potential upland dispersal habitat occurs within the southern portion of the property.
August 5, 2008 (Revised February 23, 2009)	WSP Environment and Energy	Both Project Sites	Suitable habitat for the CRLF is not present on the project site.
Source: Appendix E of the EIR.			

On page IV.D-89, the EIR cites the two recorded occurrences of the CRLF cited by Mr. Nagano. Based on the results of these reports, the EIR states that “the project site does not contain any areas of permanent water” and that “due to continual ongoing agricultural practices on the site, suitable vegetation is limited to the wetland interface and pockets of exotics near power pole lines where plowing and disking are not practicable (WSP 2009).” The EIR states that, “although there is no suitable breeding or foraging habitat on-site, CRLF have a moderate potential to

occur on-site due to known occurrences in the immediate vicinity of the site and potential breeding habitat within Pillar Point Marsh and Denniston Creek.

As outlined on page IV.D-19 of the EIR, a “moderate” potential of occurrence describes a site where “there are known records of occurrence in the vicinity of the site; and/or some of the required habitat components are available on the site, but the site lacks some critical components required by the species.” Conversely, a “likely” potential of occurrence describes a site where “habitat components are available on the site, but no record of the species utilizing the project site exists.” Based on a review of the biological reports in Appendix E of the EIR and the description of the classifications for the potential for occurrence, the EIR’s analysis is consistent with the “moderate” potential of occurrence classification for CRLF.

The EIR adds that the project site occurs outside of the designated critical habitat areas for CRLF, which were recently approved by the USFWS. In an email dated January 7, 2011, Mr. Nagano confirms this and describes regulations regarding “take.” The potential for “take” of special-status species is analyzed on page IV.D-2 of the EIR:

“No direct impact or take of special-status species is expected as a result of the proposed project due to the lack of habitat suitable on-site to support those species with a potential to occur or known to occur in the project vicinity. However, development on the project site has the potential to indirectly impact special-status species such as western pond turtle, San Francisco garter snake and California red-legged frog due to the availability of suitable habitat in the immediate vicinity of the project as well as documented occurrences of the species in the project vicinity. Therefore, impacts would be potentially significant.”

The EIR then states that implementation of Mitigation Measure BIO-1a (or Condition 5.d), which, as discussed below, requires that the property owner take specified measures to comply with USFWS requirements and protect CRLF and SFGS, would reduce the potential indirect impact to special-status species to a less than significant level. Therefore, the project, as proposed and conditioned, would result in a less than significant impact to CRLF.

San Francisco Garter Snake (SFGS)

Staff’s Response: The San Francisco Garter Snake (SFGS) is a federally and State-listed endangered species. It is also considered a fully protected species by CDFG. Their preferred habitats are densely vegetated ponds near open hillsides; however, considerably less ideal habitats can be successfully occupied (WRA, May 2003). The SFGS is a feeding

specialist which prefers a diet of two specific amphibian species, the CRLF and Pacific treefrog.

Mr. Nagano of the USFWS, in a letter dated February 27, 2009, stated that "the proposed project area is located adjacent to and within suitable habitat for CRLF and SFGS." Mr. Nagano cites a recorded occurrence of SFGS upstream within Denniston Creek (CDFG 2009), and states that the waterway provides for dispersal of the species, and states that the prey of the SFGS (e.g., the CRLF and Pacific treefrog) have been observed in "the Denniston Creek Watershed, Pillar Point Marsh, and within the former stock ponds near the proposed project area." Based on the foregoing, Mr. Nagano concludes that SFGS are "reasonably certain to occur at the proposed project area."

The EIR analysis of project impact to the SFGS is based on observations and analysis performed at the project sites between November 2001 and February 2009, as described in three biological impact reports (contained in Appendix E of the EIR). The following table summarizes details in each report pertaining to the SFGS:

<p>Table 3</p> <p>Results of Biological Impact Reports, Pertaining to SFGS</p>			
Report Date	Preparer	Study Area	SFGS Analysis
November 2001	Wetlands Research Associates, Inc.	Northern Parcel Only	Low Potential for Occurrence in the Study Area. It is unlikely that suitable perennial aquatic habitat is present on the site. It is possible that perennial pools in wetlands on the adjacent property provide suitable habitat for this species.
May 2003	Wetlands Research Associates, Inc.	Both Project Sites	SFGS has an extremely low probability of occurring adjacent to or on the property, the proposed development does not lie between areas of potential habitat, and the proposed development area is not characteristic of suitable upland habitat for SFGS.
August 5, 2008 (Revised February 23, 2009)	WSP Environment and Energy	Both Project Sites	No snakes have been observed on or near the project site and suitable habitat does not occur at the site.
Source: Appendix E of the EIR.			

On page IV.D-88, the EIR cites the singular recorded occurrence of the SFGS cited by Mr. Nagano. Based on the results of these reports, the EIR states that “because the majority of the site is in agricultural production, the extent of usage would most likely be limited to the drainage separating the project parcels and suitable habitats along the parcels’ western boundary.” The EIR adds that “SFGS might also use the site during overland movements to and from nesting sites and aquatic habitats, such as Denniston Creek located less than a half of a mile east of the site.” Based on the foregoing, the EIR concludes that “although current use of the site is limited due to ongoing agricultural activities, SFGS have a moderate potential to occur on the project site due to the presence of suitable aquatic (e.g., Pillar Point Marsh and Denniston Creek) and terrestrial habitat (undisturbed upland communities) in the immediate vicinity of the project site.”

Based on a review of the biological reports in Appendix E of the EIR and the description of the classifications for the potential for occurrence, as described previously, the EIR’s analysis is consistent with the “Moderate” potential of occurrence classification for SFGS.

Page IV.D-2 of the EIR states that, while the project has the potential to indirectly impact special-status species, including the San Francisco garter snake, due to the availability of suitable habitat in the immediate vicinity of the project as well as documented occurrences of the species in the project vicinity, implementation of Mitigation Measure BIO-1a (or Condition 5.d), which, as discussed below, requires that the property owner take the following measures to comply with USFWS requirements and protect CRLF and SFGS, would reduce the potential indirect impact to special-status species to a less than significant level. Therefore, the project, as proposed and conditioned, would result in a less than significant impact to SFGS.

Implementation of Mitigation Measure BIO-1a Reduces Project Impact to the CRLF and SFGS to a Less Than Significant Level

Condition 5.d (Mitigation Measures BIO-1a) requires that the property owner take the following measures to comply with USFWS requirements and protect CRLF and SFGS:

- A qualified biologist (hereafter, biological monitor), capable of monitoring projects with potential habitat for western pond turtle (WPT), San Francisco garter snakes (SFGS), and California red-legged frogs (CRLF) shall be present at the site prior to and within three (3) days of installation of exclusion fencing... Immediately following installation of exclusion fencing, the biological monitor shall survey the enclosed grading and construction zone for the presence of WPT, SFGS and CRLF.

- If any life stage of the WPT, SFGS or CRLF is found during these surveys or excavations, the Department of Fish and Game and the U.S. Fish and Wildlife Service shall be contacted immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.
- The biological monitor shall complete daily monitoring reports for each day present, to be maintained in a monitoring logbook kept on-site. Reports must contain the date and time of work, weather conditions, biological monitor's name, construction or project activity and progress performed that day, any listed species observed, any measures taken to repair and/or maintain fencing, and any grading and construction modifications required to protect habitat. The monitoring logbook with compiled reports shall be submitted to the Executive Director upon cessation of construction as part of a construction monitoring report.

Therefore, as proposed and conditioned, the mitigation measures of the EIR are adequate to protect CRLF and SFGS from harm as required by the Federal Endangered Species Act of 1973.

- (5) CGF states that the Project EIR's standard of comparison for traffic impacts is flawed, as the EIR does not compare impacts of the proposed project to current conditions at the intersection of Cypress Avenue and Highway 1 but rather to forecasted future conditions. CGF states that the standard of comparison for traffic impacts should be current conditions.

Staff's Response: In analyzing the traffic impacts of the project, the EIR evaluates traffic at the intersection of Cypress Avenue and Highway 1, as well as other study intersections, under the following conditions:

- *Existing Conditions* (existing traffic volumes on the existing road network);
- *Background Conditions* (estimated by adding traffic generated by approved developments in the area to existing traffic counts);
- *Project Conditions* (estimated by adding traffic generated by the project to background traffic volumes); and
- *Cumulative (Future) Conditions* (applies a growth factor to existing volumes and adds trips from approved developments for "Cumulative Without Project" conditions and for "Cumulative with Project" conditions, adds project trips to the cumulative figure.

As shown above, the EIR compares impacts of the proposed project to existing conditions at the intersection of Cypress Avenue and Highway 1, as well as to forecasted future conditions. Therefore, it is assumed that CGF's comment with regard to traffic analysis does not apply to the EIR's traffic analysis in general, but to Mitigation Measure TRANS-1 or Condition 5.ff. Currently, this mitigation measure states that "If Levels of Service fall below *existing* levels for the intersection of Cypress Avenue and SR 1 (LOS C in the AM and LOS D in the PM), the applicant shall coordinate with CalTrans to pay a fair share for the installation of a signal as necessary to ensure that the signal will be installed within one (1) year of the date of that report." A traffic report prepared by Hexagon Consultants, dated June 24, 2009, upon which the EIR analysis is based, shows that LOS at the intersection would exceed existing levels, thereby requiring installation of a signal, without the project. Specifically, Cumulative Without Project conditions for the intersection are projected to be at LOS D in the AM and LOS E in the PM.

Mitigation measures require a nexus between the project's impacts and required mitigation of such impact. In order to improve the nexus between the project's impacts and required mitigation, Planning staff, in consultation with Department of Public Works staff, drafted the current version of Mitigation Measure TRANS-1 (Condition 5.ff) to establish triggers for implementation of mitigation measures at affected intersections, based on "cumulative with project" worst case LOS for all intersections, except for Airport Street and Stanford/Cornell where "cumulative with project" worst case is LOS B (level of delay that does not require mitigation), while the trigger is LOS C.

- e. CGF states that the Planning Commission certified the EIR and approved the Project based upon a traffic study that was provided to the public only one business day before the Planning Commission approved the Project.

Staff's Response: As stated in the project chronology, the Planning Commission (Commission) continued the public hearing of November 17, 2010 to November 23, 2010, in order to allow time for Planning staff to release an additional traffic report that analyzes the alternate traffic circulation under Alternative C of the FEIR and to allow time for Commission and public review of the traffic report. Planning staff emailed the traffic report prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010 (included as Attachment Y), to the Planning Commissioners and interested members of the public on the evening of November 18, 2010. The Commission and the public were afforded four full calendar days (two full business days) to review a report that contained six pages of narrative traffic analysis.

There is no minimum timeframe for the review of materials submitted by Planning staff or the public to a decision-making body. While the Planning Department strives to provide as much time as possible for the public and

Commission to review materials relevant to a project under consideration, four full calendar days (or two full business days) was an appropriate amount of time to review the supplemental traffic report.

The alternate traffic circulation prohibits project and project construction traffic along Cypress Avenue, a largely residential street, thereby limiting traffic to non-residential streets in Princeton. Planning staff has added Condition 64.c to require review of all on-site and off-site access improvements at the Wellness Center and Office Park by the Sheriff's Office of Emergency Services (OES), Coastside County Fire Protection District (Fire District) and the Department of Public Works (DPW), to ensure that on- and off-site traffic improvements do not negatively impact site access or public road access during an emergency and are adequate for the purpose of emergency evacuation.

In order to gain preliminary input from emergency service agencies, Planning staff forwarded a plan for the proposed modifications to Airport Street to DPW, Fire District, and OES staff. A comment letter from OES staff on behalf of OES and the Fire District is included as Attachment AG. In the letter, OES staff states that the single-lane outlet from the Office Park parking lot is inadequate for the day-to-day egress from the facility and for emergency evacuation.

In an email correspondence to Planning staff dated February 27, 2011, included in Attachment Z, Gary Black, President of Hexagon Transportation Consultants, Inc., states that his "rule of thumb" is one driveway for every 500 cars in a parking lot. Based on the 640 total parking spaces proposed at the Office Park, the average number of parking spaces per Office Park building is 80 spaces. Under this scenario, based on averages, approximately six Office Park buildings could be constructed before a second driveway would be required. Condition 5.ff of Attachment A, requires the property owner(s) to submit a traffic report for each building permit for every additional 40,000 sq. ft. of space (or 1.5 buildings), where each traffic report must evaluate potential impacts of on- and off-site improvements to tsunami evacuation routes, including capacity limitations of driveway access improvements. Should the traffic report identify the single-lane exit driveway as inadequate to accommodate the proposed increased occupancy, then mitigation of the problem would be required prior to the issuance of the proposed building permit. The applicant, a licensed civil engineer, stated that an additional exit driveway could be added at the middle of the site by shifting the entrance driveway 200 feet to the north. Condition 64.c requires OES, DPW, and Fire District review of recommended access mitigations prior to the issuance of any building permits for the Office Park.

Therefore, proposed and conditioned, the alternate traffic circulation would not result in negative impacts to traffic or emergency access along Airport Street.

- f. CGF states that the Planning Commission failed to make the required CEQA findings for the Project. CGF states that the CEQA findings adopted by the

Planning Commission do not satisfy the requirements of CEQA Section 21081(a)(1), which prohibits mere conclusory statements, and requires inclusion of statements describing the County's reasoning.

The California Environmental Quality Act, under Public Resource Code Section 21081(a)(1) (*Necessary Findings Where Environmental Impact Report Identifies Effects*), states the following:

"Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) *The public agency makes one or more of the following findings with respect to each significant effect:*
 - (1) *Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
 - (2) *Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
 - (3) *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) *With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."*

On November 23, 2010, prior to certifying the EIR, the Planning Commission made the following "Environmental Review" findings, as outlined in the letter of decision included as Attachment F, including, but not limited to the following:

2. That, on the basis of the Draft and Final EIR, no substantial evidence exists that the project, as proposed, mitigated, and conditioned, will have a significant effect on the environment. The EIR reveals that the project may only result in impacts considered "less than significant."

3. That the Mitigation Monitoring and Reporting Program incorporated within the Final EIR, which monitors compliance with mitigation measures intended to avoid or substantially lessen environmental effects that would be significant absent such mitigation, has been adopted. Compliance with the conditions of approval listed below shall be monitored and confirmed according to implementation deadlines as specified within each condition.

In making Findings 2 and 3, as listed above, the Planning Commission acknowledged that the project, as proposed, mitigated and conditioned, would not have a significant effect on the environment and adopted the Mitigation Monitoring and Reporting Program (incorporated within the Final EIR) which monitors compliance with mitigation measures intended to avoid or substantially lessen environmental effects that would be significant absent such mitigation. Therefore, the Planning Commission, in making its findings, complied with Public Resource Code Section 21081(a). As proposed, mitigated, and conditioned, the project would not result in any significant impact and the Planning Commission has made the required findings to certify the project EIR, as they apply to this project.

C. MINOR REVISIONS TO THE CONDITIONS OF APPROVAL MADE BY PLANNING STAFF

Since the Planning Commission's approval of the project, Planning staff has identified minor revisions to the project conditions of approval (Attachment A) in order to address concerns expressed by a Commissioner at the November 23, 2010 public hearing and in subsequent meetings with Planning staff. Revised conditions address two primary concerns expressed by the Commissioner: (1) difficulties associated with the County's monitoring of mixed-office uses to prevent intensification of uses at the Office Park resulting in additional parking and traffic impacts (e.g., conversion of non-office space to office space), and (2) providing for proper review of proposed improvements within the Airport Street right-of-way by emergency service agencies such that emergency access is not negatively impacted. Revisions to the project conditions of approval are shown in tracked changes (strike-through and underline) in Attachment A. These revisions are consistent with the Planning Commission's recommendation of approval for the project and are, therefore, minor in nature. Staff has provided a summary of the revisions made to the conditions of approval to address these concerns:⁸

- Condition 3 has been revised, based on comments from a Commissioner, to disclose the restrictions regarding the types and amounts of approved uses to future tenants and owners of the Office Park. The revised condition requires the property owner(s) of the Office Park to include a note on the Final Map and record a deed restriction to limit the administrative, research and professional office uses, excluding doctor and dentist office use, at the Office Park to 90,000 sq. ft. (or 40%) over the sum total of all the properties on the Office Park site. However, the condition clarifies that reduced areas of office space and

⁸ Minor revisions to conditions of approval which are self-explanatory have not been summarized.

increased areas of research and development use, light manufacturing use and storage use over the sum total of all the properties on the Office Park site may be permitted without additional County permitting and State CEQA requirements, if such percentages are not deemed to be an intensification of use, as determined by the Community Development Director.

Condition 3 has also been revised to require construction of Office Park buildings to proceed in a specified manner such that buildings closest to the Pillar Ridge Manufactured Home community would be built last and only after the construction of buildings located at the center of the property (Building B, C, F, or G) such that the gaps between constructed Office Park buildings would not exceed the area of one non-constructed building. Former Condition 43 required Office Park buildings closest to the Pillar Ridge homes to be built first, such that the buildings would act as a noise buffer during project construction. However, staff determined that it may be aesthetically beneficial to the Pillar Ridge community to have buildings constructed on the southern or Wellness Center side of the property first. Additionally, temporary noise barriers between the Office Park site and the Pillar Ridge property are already required by Condition 5.cc.

- Condition 4 has been revised, based on comments from a Commissioner, to require regular County monitoring of the types and amounts of approved uses within the Office Park. The revised condition requires regular administrative reviews of the Office Park, including payment of applicable review fees to the County, to ensure compliance with the conditions of approval every year after occupancy of the first Office Park building for 50 years.
- Condition 5.gg has been revised, based on comments from a Commissioner, to require project construction vehicles carrying extra wide and/or long loads (including scrapers, excavators, cat crawlers and extended lift trucks) to access the site between 9:00 p.m. and midnight and between 11:00 a.m. and 2:00 p.m. only, using the following route to and from the project sites: Capistrano Road-Prospect Way-Broadway-California Avenue-Cornell Avenue-Airport Street. Planning staff determined the appropriate route and hours in discussion with Ed McKevitt of Big Ed's Crane Service (located at 155 Broadway) and Margie MacDougal of Exclusive Fresh (located at 165 and 175 Airport Street).
- Condition 64 has been added by Planning staff, based on comments from a Commissioner, to require review of proposed improvements within the Airport Street right-of-way by emergency service agencies (including the Sheriff's Office of Emergency Services, Coastside County Fire Protection District and the Department of Public Works) such that emergency access is not negatively impacted. The condition has been reviewed by the listed agencies.

In addition to those revisions discussed above, staff has also made minor revisions to the conditions of approval to address concerns expressed by members of the public, concerns expressed by the applicant, to provide additional clarity, and to require accountability of all property owners for project requirements. Revisions to the project conditions of approval are shown in tracked changes (strike-through and underline) changes in Attachment A. These revisions are minor in nature and are consistent with the Planning Commission's recommendation of approval for the project. The following is a summary of these minor revisions:

- Condition 5.ff has been revised by Planning staff in the following ways:
 - a. Based on comments from a Committee for Green Foothills representative, the condition has been revised to require Office Park property owner(s) to submit traffic reports for each building permit for every 40,000 sq. ft. of space, until full buildout. The 40,000 sq. ft. increment better tracks the sizes of the proposed buildings (22,500 sq. ft. or 33,750).
 - b. Planning staff, based on comments from the Commission, has revised the condition to require traffic reports to analyze project impacts related to queuing and pedestrian and bicyclist safety and requires all on- and off-site improvements to be analyzed for potential impact to tsunami access.
 - c. Based on comments from County Department of Public Works, Planning staff has revised the condition to require the property owner(s) to construct a signal prior to issuance of any additional building permits at the Office Park, if a traffic report identifies that the proposed additional floor space at the Office Park property will trigger a lower level of service than the "cumulative without project" level of E at the intersection of Cypress Avenue and Highway 1. Condition 12 requires the property owner(s) to submit securities based on the full cost of designing and constructing a traffic signal at the intersection of Cypress Avenue and Highway 1 and/or other mitigation measures required by the Department of Public Works, prior to recordation of the Final Map for the Office Park.
- Condition 6.f has been revised by Planning staff to further describe the funding and employment arrangement between the Big Wave Wellness Center and Office Park, as generally described in the EIR, so that the described arrangement may be maintained between the two projects, for the life of the projects.
- Condition 15 has been revised, based on comments from a Committee for Green Foothills representative, to require the property owner(s) of the Wellness Center and Office Park to revise the grading plans to eliminate unnecessary fill along the western building edge of project structures.

- Condition 19.f has been revised and Condition 77 has been added by Planning staff, based on discussions between the applicant and the County Department of Parks, to require the installation of visible and accurate markers delineating all sides of the shared property line between the subject parcels and County property, as approved by the County Department of Parks, and to prohibit trespass by project property owner(s) and tenants without the County's authorization.
- Condition 26 has been revised by Planning staff to require the property owner(s) to specify in the required conservation easement over areas of delineated wetland and required wetland buffer zones that paving and/or construction within the easement area is prohibited.
- Condition 38 has been revised by Planning staff, based on discussions between Planning staff and a C/CAG representative, to provide additional clarity regarding the required preparation and implementation of a Transportation Demand Management (TDM) Plan, per City/County Association of Governments of San Mateo County C/CAG's requirements. For all projects that would generate a net 100 or more peak hour trips on the Congestion Management Program roadway network, the developer is required to implement a TDM plan in order to minimize peak hour trips.
- Condition 41 has been revised by Planning staff, based on comments from the applicant, to clarify that the total amount of beach user parking (10 parking spaces at the Wellness Center site and 104 parking spaces at the Office Park site or 20% of all parking spaces) would be required only if all proposed parking spaces over both properties are constructed. If a lesser amount of parking is constructed, a proportional amount of beach user parking (20% of constructed parking spaces) would be required.
- Condition 66 has been revised by Planning staff, based on discussions between the applicant and the County Department of Parks, to clarify that a road adjustment and the installation of k-rails within the Airport Street right-of-way (northbound only) over the drainage channel would only be required if a bridge widening project (a separate project under CEQA and LCP) is not implemented within three (3) years of the occupancy of the Wellness Center. The revision is necessary to allow the applicant and the County Department of Parks to coordinate efforts to improve the coastal trail system by widening the bridge across the drainage.

D. REVISIONS TO THE DEVELOPMENT AGREEMENT

The development agreement is a contract between the applicant and the County whereby the County, in general, agrees that the regulations in place at the time the project is approved shall remain in place and that project approval timelines will be extended, in exchange for benefits from the applicant. The development agreement, included in Attachment G, is subject to the approval of the Board. If approved

by the Board, the development agreement would provide the applicant with a level of regulatory certainty in the processing of necessary permits for the implementation of the approved project. As the development agreement would incorporate by reference all conditions of project approval, the development agreement may provide additional assurance to the County of compliance with such conditions through the contractual agreement.

While the draft development agreement proposed by the applicant was reviewed by the Planning Commission, and the Commission has recommended approval of the development agreement to the Board of Supervisors, the Office of the County Counsel has subsequently recommended several changes to the development agreement to address comments from County departments and to provide further protection of the County's interests. Also, the development agreement includes a revised construction phasing schedule which, along with the conditions of approval (Attachment A), ensures the earliest construction of those aspects of the project with the greatest public benefit, including the Wellness Center and the Class 1 trail along Airport Street.

Planning staff recommends that the Board of Supervisors approve the development agreement.

II. KEY ISSUES

A. ENVIRONMENTAL REVIEW

1. Preparation of the FEIR

The 64-day Draft EIR public review period began on October 22, 2009 and ended on December 24, 2009. The purpose of the review period was to provide interested public agencies, groups and individuals the opportunity to comment on the adequacy of the DEIR and to submit testimony on the possible environmental effects of the proposed project. During this period, the County received 245 comment letters.

Pursuant to Section 15132 of the *California Environmental Quality Act (CEQA) Guidelines*, this FEIR consists of: (a) Corrections and Additions to the Draft EIR, (b) a list of persons and organizations that commented on the Draft EIR, (c) comments received on the Draft EIR, (d) the County's responses to significant environmental points raised in the review and consultation process, and (e) any other information added by the County. Between the close of the DEIR public review period on December 24, 2009 and the release date of the FEIR on October 15, 2010, the County prepared the FEIR. Initially, Planning staff worked with its environmental consultant for this project, Christopher A. Joseph and Associates (CAJA), on the FEIR, along with information provided by the applicant, until the County's contract with CAJA was terminated in March 2010. Subsequently, Planning staff completed the FEIR in collaboration with staff from other County departments, while drawing on information provided by the applicant and other interested parties. The FEIR was reviewed by County staff, including the Planning and Building Department's

geotechnical consultant, staff from the Airport and Road Divisions of the Department of Public Works, staff from the Environmental Health Division, staff from the Local Agency Formation Commission (LAFCo), and County Counsel. The Final EIR, together with the DEIR, makes up the Final EIR as defined in the *State CEQA Guidelines* Section 15132.

As Lead Agency under CEQA, the County of San Mateo may provide an opportunity for members of the public to review the Final EIR before certification, although this is not a requirement of CEQA. In compliance with the CEQA Guidelines, the FEIR was made available on October 15, 2010, at the Planning Department website, at the Planning Department counter, and at the Half Moon Bay Library. Full hard copies of the FEIR were also provided to the Pillar Ridge manufactured home community and other community organizations on the same day.

2. Summary of Comments on the DEIR

The 245 comment letters to the Draft EIR presented complex questions covering a large number of topics. However, the County received a number of similar questions and comments about certain topics. A comprehensive response to these topics was provided in the "Topical Responses," in Section II.D of the FEIR. Topical Responses were prepared for the following subject areas, among others, as summarized below:⁹

- a. Story Poles/Visual Simulations of the Proposed Project: Generally, public comments regarding story poles include requests that the applicant be required to erect story poles at the site during the public comment period, raise questions about the County's requirement for story poles, challenge the accuracy of computer-generated simulations contained in the DEIR, and assert that story poles are needed to provide an accurate depiction of the project's visual impacts. Topical Response 7 of the FEIR outlines the methodology underlying the creation of the visual simulations and maintains that they are accurate.
- b. Deferral of Mitigation Measures: Generally, public comments regarding the alleged deferral of mitigation include requests to revise or recirculate the Draft EIR to provide additional technical details or the results of additional studies necessary to determine the extent of project impacts. Commenters assert that the DEIR defers important project details and studies into the future and that without such information it is difficult to assess impacts and develop appropriate mitigation. Topical Response 4 of the FEIR describes how each required mitigation measure in the DEIR complies with the CEQA Guidelines.

⁹ Only some of the Topical Responses are listed here. Therefore, numbering of Topical Responses does not match the FEIR.

- c. Alternatives to the Proposed Project: Generally, public comments regarding the alternatives to the proposed project request the County to consider a described alternative or an alternative project location. Topical Response 5 of the FEIR outlines the methodology underlying the County's selection of Project Alternatives and adds clarification to the alternatives that were considered to be infeasible in the DEIR.
- d. Traffic and Parking Impacts: Generally, public comments regarding traffic and parking impacts of the proposed project include statements that: (1) the capacity of the existing road network and levels of service cannot accommodate the amount of traffic that would result from the project at full occupancy (particularly traffic associated with the Office Park) and (2) Mitigation Measure TRANS-1 of the DEIR should be revised to require the signal at Cypress Avenue and Highway 1 to be installed prior to occupancy of the Office Park. Topical Response 8 of the FEIR described modifications made to Mitigation Measure TRANS-1 in order to require a new traffic report to be submitted with each building permit for every 60,000 sq. ft. of space (under Condition 5.ff, a traffic report would now be required at every 40,000 sq. ft. of space until full build out). Also, the revised mitigation measure requires traffic reports to study the following additional intersections to evaluate if they maintain a LOS level "C" or better: Airport Street and Stanford/Cornell (Study Intersection 3 of DEIR), Broadway and Prospect Way (Study Intersection 2), Prospect Way and Capistrano (Study Intersection 1), and State Route 1 and Capistrano (Study Intersection 8). The revised mitigation measure shortens the timeframe for the implementation of the recommendations of the traffic report, including signal installation, to prior to issuance of any additional building permit.
- e. Tsunami Hazards: Generally, public comments regarding potential tsunami hazard at the project site include statements that the applicant should consider an alternative location for the Wellness Center, on the basis that it is inappropriate to provide housing for the developmentally disabled in a tsunami hazard area. Other comments offered informational resources regarding the design of structures within tsunami areas and evacuation methods. Topical Response 9 outlines applicable County regulations and summarizes additional information provided by the applicant to address concerns including the design of proposed structures in the tsunami inundation zone and tsunami evacuation plans.
- f. Sanitarium Use Permit: Several of the commenters stated that the Wellness Center is not a permitted use in the Waterfront (W) Zoning District and/or that the project does not meet the definition of a "sanitarium," as that term is used in the County Zoning Regulations. Topical Response 11 of the FEIR outlines applicable County regulation and clarifies how, in the view of staff, the proposed use is consistent with a sanitarium use.
- g. Construction Phasing for the Office Park: Generally, commenters stated that the 30- to 36-month time estimate provided in the DEIR for construction of the Office Park is unrealistic, due to the demand-based phasing of the Office Park

buildings. Some commenters assert that construction is likely to take place over a longer timeframe and result in a longer exposure to noise for people residing or working in the area. Topical Response 12 of the FEIR illustrates three potential scenarios for the construction of the Office Park buildings (3-year, 7.4 years, and 20 years), each resulting in somewhat different noise impacts.¹⁰ The three scenarios turn on variations in the demand for mixed-office space and vary in the following factors: (1) number of buildings being constructed at any given time, (2) continuous or non-continuous construction (gaps or no gaps in time between buildings), and (3) the total duration for the completion of project construction.

- h. County Permit History: Generally, public comments regarding violations at the project site make assertions involving one or both of the following: (1) that the property owner destroyed wetlands on the southern project parcel through recent, illegal grading and filling, specifically referring to the disappearance of a “finger” of wetlands shown on a 1994 map prepared by the U.S. Army Corps of Engineers; and/or (2) that the existing agricultural well on the Office Park site never received a Coastal Development Permit or Exemption and is not legal. Topical Response 13 of the FEIR outlines the permit history, including violations, at the project sites and concludes that, with regard to the past grading, there are no outstanding violations at the site. However, the topical response acknowledges that, while the County is unable to find documentation of the issuance of a Coastal Development Permit or Exemption for the agricultural well on the northern parcel, the County has confirmed that the well was approved by the San Mateo County Public Health Division, and is, therefore, a legal well. The review and approval of a Coastal Development Permit for the proposed domestic well use will also resolve the coastal permit status of the well.
- i. Location of Project Near the Half Moon Bay Airport: Generally, public comments regarding Half Moon Bay Airport focus on the concerns of placing residential units in close proximity to the airport. Concerns expressed focus on potential impacts related to safety, noise, electromagnetic fields, and dust. Comments also focused on the County’s responsibility to maintain compatible land uses adjacent to the airport due to the County’s acceptance of grants from the Federal Aviation Administration (FAA). Topical Response 14 of the FEIR provides analysis of project compliance with the safety compatibility zones of the California Airport Land Use Planning Handbook (Handbook), provides clarification of noise analysis in the DEIR, and describes how the applicant intends to address concerns expressed by the FAA regarding the Wellness Center as an incompatible land use to the Half Moon Bay Airport.

¹⁰ County staff realizes that, in reality, there may be a range of potential scenarios, but in order to simplify the range of possible construction scenarios for noise impact analysis, three scenarios are described.

- j. Project Potable and Recycled Water Demand: Generally, public comments regarding the DEIR's analysis of project water consumption assert the presence of inconsistencies and call for additional studies or information to adequately analyze the impacts of water consumption. Topical Response 15 of the FEIR provides estimates of project potable water demand, wastewater generation and disposal through a combination of treatment/recycling and connection to the Granada Sanitary District system, and recycled water demand. The proposal for subsurface wastewater disposal (i.e., drainfields) described in the DEIR has been eliminated.

3. Project Updates in the Final EIR

As described in the FEIR, the applicant has made the following changes and clarifications since the publication of the Draft EIR:¹¹

a. Wellness Center

- Reduced Size of Wellness Center: The residential component of the Wellness Center has been reduced in size from 78,785 sq. ft. to 76,462 sq. ft., and the number of residential units has been reduced from 70 units to 57 units, in order to avoid disturbance of the archaeological site identified on the project site. The occupancy of the Wellness Center has not changed and remains at 50 developmentally disabled adults and 20 staff persons. The seven (7) Wellness Center buildings and outdoor recreation facilities shown in the DEIR have been condensed into two buildings. Building A includes 49 dwelling units, public storage uses, and other ancillary uses. The remaining eight units (Breezeway Units) are located within Building B. The garage shown in the site plan has been eliminated.
- Reduced Size of Commercial Public Storage and Communications Uses: The commercial public storage building has been reduced in size from 20,000 sq. ft. to 10,000 sq. ft. and incorporated into the design of the Wellness Center. The communications building (originally on the Office Park parcel) has also been incorporated into the main Wellness Center building.
- Elimination of Community Center: The Community Center has been removed to reduce environmental impacts. The pool, fitness center, and locker facilities will now be restricted for use by Wellness Center residents, staff and their guests and Office Park employees only. Initially, these facilities were proposed to be available to the general public.

¹¹ Main project updates are summarized here but described in detail in the Section III of the Final EIR.

b. Office Park

- Office Park Shuttle: Prior to occupancy of any Office Park building, the applicant will implement shuttle services to the Office Park (to accommodate a minimum of 50 cars and their drivers) for the purpose of reducing project traffic.
- Modified Alternative C: Alternative C of the DEIR has been modified to further reduce impacts, based on public comments and Lead Agency input. With the following minor revisions, Modified Alternative C has been found to be the Environmentally Superior Alternative:
 - (1) Design: In order to increase the compatibility of the buildings with the commercial/industrial Princeton area and improve project consistency with design review standards, the modified alternative retains the same square footage as the original alternative, but rather than the four 2-story buildings that were originally proposed, Alternative C includes eight smaller buildings (two stories in the front row closest to Airport Street and three stories in the back row, at full buildout). Planning staff recommends the application of Design Overlays, as shown in Attachment O, over all Office Park buildings.
 - (2) Building Footprint: The original Alternative C would have resulted in a 41% increase in the project footprint. The modified alternative would result in a 15% increase in the project footprint compared to the original Office Park proposal, while retaining the same total building square footage.
 - (3) Traffic: Based on review of public comments concerning traffic impacts to Cypress Avenue and Cabrillo Highway, staff has worked with the applicant to propose an optional alternate traffic circulation under Modified Alternative C. The alternate traffic circulation directs all construction traffic and project operational traffic to the south through the commercial area of Princeton, avoiding the residential area of Moss Beach, as shown on the traffic circulation plan for Modified Alternative C.

c. Utilities

- Clarification of Water Source Options: Domestic water supply options, as described by the DEIR, include options for water systems such as: (1) domestic hookups and one fire system hookup, and (2) use of well water/treatment systems. The FEIR adds fire suppression water supply options to include: (1) fire system hookup, (2) using the on-site fire suppression water supply through the Wellness Center swimming pool and/or below-ground 180,000 gallon tank, or (3) a combination of municipal hookup and on-site water storage.

- Clarification of Wastewater System Options: In the DEIR, the proposed options for wastewater systems were: (1) use of an on-site wastewater treatment plant with disposal through irrigation and infiltration through three drainfields, and/or (2) municipal hookups. The FEIR clarifies wastewater systems options as: (1) use of an on-site wastewater treatment plant with disposal through a combination of municipal hookup and on-site recycled water usage, and/or (2) municipal hookups.

This clarification eliminates the three subsurface drainfields from the project. All wastewater will be treated to a level meeting Title 22 requirements. A majority of treated wastewater will be recycled through toilet flushing, below-ground drip irrigation of on-site landscaping, and surface and solar panel washing. Any excess recycled water will be directed into the Granada Sanitary District (GSD) system. The GSD connection will also provide emergency backup wastewater treatment.

d. Stormwater Drainage

The project, as described in the DEIR, directed roof drainage into "rain gardens" in the wetlands. Project drainage is revised to direct all of the roof runoff through a perforated pipe system to an infiltration system located in trenches below the parking lots. Likewise, all surface water in the parking lots would be absorbed into the permeable pavers and infiltrate into the same system. The parking lot infiltration system is sized for a 10-year storm and includes 6 inches of concrete, underlain by 12 inches of open graded baserock, which then sits on clayey sandy soils. Both the concrete and baserock have permeabilities of 3 inches per hour, with the underlying soil having a permeability of one-half inch to 1 inch per hour. Based on the elimination of surface water runoff from rooftops, the project will not increase or only minimally increase storm runoff and surface flows from existing conditions.

e. Landscaping

In addition to the 29,000 proposed trees and plants in the Planting Plan, 4,000 upland trees and about 6,000 upland shrubs will be installed around the perimeter of the property that will provide a visual and noise buffer. These plantings will be designed in accordance with the Palustrine Scrub Shrub I and II Palustrine Forest I of the "90% Basis of Design - Riparian and Water/Wetlands Ecosystem Restoration" added to Appendix E of the DEIR. Trees would be watered using recycled water via subsurface drip irrigation.

B. COMPLIANCE WITH COUNTY REGULATIONS

1. Compliance with the County's General Plan

Discussion of General Plan (GP) policies is limited to policies fundamental to project review. It should be noted that policies that relate to topics discussed substantively relative to another County policy (e.g., Local Coastal Plan policy, grading regulation) elsewhere in this report, have not been discussed in this section, to minimize redundancy.

a. Soil Resources Policies

Policies 2.20 (*Regulate Location and Design of Development in Areas With Productive Soil Resources*) and 2.21 (*Protect Productive Soil Resources Against Soil Conversion*) call for land use and subdivision of productive soil resources to utilize appropriate management practices to protect against soil conversion, including, but not limited to, measures which require clustering of structures. Project sites contain prime soils and are currently farmed. However, the parcels are designated for urban land uses.

As described in the EIR, conversion of these lands already designated for non-agricultural uses is not considered a significant impact. Also, the applicant proposes to continue to farm a portion of the Wellness Center site and portions of the Office Park site (that are not under construction). As described previously, the design of the Wellness Center has been modified to avoid an archaeological site. The modified design, as described in the FEIR, improves project compliance with this policy by clustering the Wellness Center buildings with existing buildings in Princeton adjoining the site to the south and consolidating the public storage and communications uses (previously separate independent structures) within the Wellness Center buildings. The eight proposed Office Park buildings are located between 10 feet and 20 feet apart and are clustered together at the center of the site.

b. Visual Quality Policies

Policy 4.20 (*Utility Structures*) calls for minimization of the adverse visual quality of utility structures, including roads, roadway and building signs, overhead wires, utility poles, TV antennae, windmills and satellite dishes. Communication equipment for the project is located underground or as an accessory use within the proposed buildings. In the revised proposal, the Communications Building has been eliminated and the functions of this building are located within the larger Wellness Center building. Condition 50 requires that the project utilize existing utility poles and prohibits new utility poles.

c. General Land Policies

The General Plan land use designations for the project site are General Industrial and General Open Space (limited to portions in delineated wetland areas and wetland buffer zones). The General Industrial land use designation is described as "Manufacturing and processing uses including but not limited to fabricating, assembling, and storing products." On the northern or Office Park parcel, the applicant proposes 225,000 sq. ft. of mixed-office use, comprised of 40% General Office, 25% Research and Development, 20% Light Manufacturing, and 15% Storage uses. As discussed in Section II.B.4 of this report, Section 6271.A.162 of Chapter 17 (*Uses Permitted in the M-1 Light Industrial Districts*) of the County Zoning Regulations allows "Administrative, research and professional offices, excluding doctors and dentists," as a permitted use. In its implementation of the General Plan, the Zoning Regulations define the specific type of light industrial land uses that are consistent and compatible with the General Plan. Therefore, in complying with the permitted uses of the M-1 Light Industrial Zoning District, the proposed general office use complies with the General Industrial land use designation for the site. The proposed uses of the Office Park comply with this designation.

As discussed in Section II.B.4 of this report, the Wellness Center is a modern "sanitarium use," a use allowed with a use permit by Section 6500.d.3 of the Zoning Regulations in any district, within the Urban Areas of the Coastal Zone, when found to be necessary for the public health, safety, convenience or welfare. The general purpose of a use permit is to allow a municipality to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a public hearing process, thereby providing flexibility within a zoning ordinance.¹² In this instance, Section 6500.d.3 allows for an additional layer of flexibility in land use than is explicitly permitted by both the underlying zoning district and the General Plan land use designation for the site. The Zoning Regulations, as the instrument of the General Plan, permit flexibility in the application of site-specific zoning and general land use regulations by allowing for case-by-case review of uses outlined in Section 6500, based on the necessity of the proposed use to public health, safety, convenience or welfare. In this instance, the relevant question is not whether the proposed use is compatible with the site-specific land use or zoning designation, but whether the project complies with zoning regulations (e.g., required findings, development standards) and General Plan policies applicable to the specific project. As discussed in Sections II.B.1 and II.B.4 of this report, the Wellness Center proposal is consistent with a sanitarium use and the project, as proposed and conditioned, complies with applicable General Plan policies, including policies of the County's Housing Element.

¹² Source: http://ceres.ca.gov/planning/cup/condition.htm#limitations_anchor, Governor's Office of Planning and Research, State of California.

The General Open Space land use designation is described as “resource management and production uses including, but not limited to, agriculture, oil and gas exploration; recreation uses including, but not limited to, stables and riding academies; residential uses including, but not limited to, non-transient housing; and service uses including, but not limited to, hotels and motels.” The applicant proposes only wetland landscaping uses in order to provide habitat within wetland and wetland buffer zones. The proposal is consistent with the land use designation.

d. Urban Land Use Policies

Policy 8.1 (*Urban Land Use Planning*) calls for the County to plan for a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well-integrated land uses which meets general social and economic needs. Proposed Office Park uses are consistent with the zoning and GP land use designation for the area. The Wellness Center would provide 57 affordable housing units and job opportunities for disabled adults in an area that contains existing commercial, industrial, and residential uses. Due to the proximity of the proposed projects, the residents of the Wellness Center would provide support services to businesses at the Office Park without generating traffic and parking impacts. Therefore, the project, which provides additional housing and industrial and office uses, is consistent with the existing mix of uses in the area.

Policies 8.2 (*Land Use Objectives for Urban Communities*) and 8.5 (*Definition of Urban Community*) define Urban Communities as large, populated areas which contain a wide range of residential land use densities and a mix of land uses which provide services to surrounding areas and meet, in part, the internal shopping, employment and recreational needs of the community residents. Policy 8.8 (*Designation of Existing Urban Communities*) designates Montara-Moss Beach-El Granada as an existing Urban Community. The “Overview Background and Issues, Part 1” of the General Plan includes Princeton in the “Montara-Moss Beach-El Granada” community designation, specifically naming Pillar Point Harbor as a “cluster” of commercial use and the Half Moon Bay Airport as an area dominated by industrial uses on the Mid-coast. The proposed Wellness Center and Office Park uses are consistent with Princeton’s Urban Community designation, in that the Wellness Center proposal would add higher density, affordable, special needs housing and the project would add employment opportunities for Wellness Center residents and 585 jobs¹³ at the Office Park, to the area.

¹³ Source: Table 1 (Trip Generation) of “Traffic Analysis of the Revised Access Plan for Big Wave Office Park and Wellness Center,” prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010. It should be noted that the DEIR provides a conservative estimate of peak Office Park employment at 780 jobs, which, as stated in the DEIR, is based on the applicant’s estimates. The DEIR estimates Wellness Center employment at 45 jobs.

Policy 8.24 (*Buffers*) seeks to buffer industrial development when needed to protect adjacent land uses. The Office Park would be set back over 200 feet from the mobile home park located to the north of the project site, with only parking, landscaping and a trail to be located within this buffer area. The proposed Office Park would be buffered from the proposed Wellness Center by the existing drainage and a 100-foot wetland buffer zone on each side of the drainage. The Office Park site is buffered from the Fitzgerald Marine Reserve to the rear (west) by a 100-foot wetland buffer zone. The project site is buffered from the Half Moon Bay Airport across the street to the east by a 153-foot front setback that, per Condition 51, contains only parking uses, trail uses and landscaping.

Policy 8.42 (*Buildings*) encourages the construction of energy efficient buildings that use renewable resources, to the maximum extent possible. As proposed and conditioned, all buildings will achieve a Platinum-rating from Leadership in Energy and Environmental Design (LEED). Condition 6 requires that the project is implemented as proposed and discussed in the Draft EIR and approved by the Board of Supervisors, including the project's LEED rating.

e. Water Supply Policies

Policy 10.3 (*Water Conservation*) calls for the conservation and efficient use of water supplies. The applicant proposes to use an existing well located on the Office Park (northern) parcel as the domestic water supply to both the Wellness Center and the Office Park. The applicant proposes a municipal connection, on-site water storage (below-ground tank or swimming pool) or a combination of both for fire suppression water supply. In order to minimize impacts to groundwater supplies and conserve water usage, wastewater will be treated and then either recycled or used for irrigation on-site.

Policy 10.10 (*Water Suppliers in Urban Areas*) calls for water systems to be considered the preferred method of water supply in urban areas and specifically discourages the use of wells to serve urban uses. However, the policy allows for well use when all of the following criteria are demonstrated:

- (1) Water quality meets County and State standards: As proposed and mitigated, the project will comply with the requirements of the County Environmental Health Division and the State Regional Water Quality Control Board.
- (2) The water flow meets County and State standards and is sufficient to meet the needs of the requested use: Page IV.N-36 of the EIR states that "the existing well capacity [approximately 24,000 gpd] would be sufficient to meet an anticipated higher net water demand" of the project (approximately 17,000 gpd).

- (3) The well is a safe distance from potential sources of pollution and other existing wells: As discussed in Impact HAZ-2 of the EIR, domestic use of the existing well would not, as proposed and mitigated, result in a significant impact involving an accidental release of hazardous materials in groundwater or groundwater from hydraulically up-gradient properties. As discussed in Impact HYDRO-2 and HYDRO-6 of the EIR, the proposed use of the well would not, as proposed and mitigated, substantially deplete groundwater supplies, substantially interfere with groundwater recharge or otherwise substantially degrade groundwater quality.

As discussed in Section II.B.3 of this report, the County has added Condition 9 to require the applicant to actively pursue a water connection to CCWD for the potable water and fire suppression needs of the entire project. As stated in the FEIR, connection to CCWD would require annexation to CCWD, which would require review and approval by LAFCo and approval of amendments to the Coastal Development Permits for the El Granada Pipeline replacement project (A-1-HMB-99-20 and A-2-SMC-99-63). Until a municipal water connection can be granted, the proposed well use would be allowed as approved on an interim basis. If and when a connection is granted, the existing well would be closed to the property owner for all uses other than agricultural use.

Policy 10.26 (*Wastewater Reuse*) directs the County to encourage the reuse and recycling of water whenever feasible and encourage the use of treated wastewater that meets applicable County and State health agency criteria. The project includes a water treatment and recycling plant that, as proposed, mitigated and conditioned, will comply with Regional Water Quality Control Board requirements. All project wastewater is intended to be recycled or used for subsurface landscape irrigation. In the event that there is excess unused wastewater, the excess amount will be disposed of into the Granada Sanitary District (GSD) system.

f. Wastewater Policies

Policy 11.5 (*Wastewater Management in Urban Areas*) calls for sewerage systems to be considered as the appropriate method of wastewater management in urban areas. As discussed in detail in Section II.B.5 of this report, with regard to the Subdivision Regulations, the applicant proposes a combination of on-site wastewater treatment and recycling and wastewater disposal to the GSD sewer system for eight (8) equivalent dwelling units (EDUs),¹⁴ where eight EDUs is equivalent to 1,768 gallons per day. The eight EDUs will be used to discharge the unused Title 22 treated water, if needed. The project is consistent with GP Policy 10.26, which encourages wastewater treatment and reuse.

¹⁴ EDUs are used to calculate the connection fee charged by the Granada Sanitary District. Taxes for eight (8) EDUs have been assessed by GSD to the property. One (1) EDU is equivalent to 221 gallons per day.

g. Transportation Policies

Policy 12.15 (*Local Circulation Policies*) calls for the County to plan for providing the following:

- (1) Maximum freedom of movement and adequate access to various land uses: The traffic analysis prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010 (Attachment Y), analyzed the “alternate traffic option” described in Modified Alternative C of the FEIR. Specifically, the report analyzes proposed roadway barriers in Airport Street to discourage project trips to and from Cypress Avenue and Airport Street to the north, in order to minimize project trips on residential streets. The report demonstrates that the alternate traffic option further reduces traffic impacts identified in the DEIR as less than significant after mitigation. The alternate traffic option reduces daily project trips (from 2,123 to 1,943 trips), AM project trips (from 292 to 267 trips), and PM project trips (from 268 to 257 trips), from estimates in the DEIR. Hexagon also determined that all Princeton intersections would operate at acceptable Levels of Service (LOS) of C or better and that LOS along Cypress Avenue and Airport Street would be improved from a worst case level of F to maintain the existing worst case LOS of level D.

Per Condition 5.ff, the applicant is required to submit traffic reports for every 40,000 sq. ft. of built mixed-office space, evaluating the levels of service at intersections that would be used to access the site, including Cypress Avenue/Highway 1 and intersections in Princeton. The traffic report shall state whether or not the level of service at Cypress Avenue and SR 1 warrants a signal or equivalent mitigation measure and shall evaluate study intersections in Princeton to verify that they maintain a LOS level of “C”¹⁵ or better. The applicant shall implement report recommendations, as required by the Department of Public Works and the Planning and Building Department. As proposed and conditioned, project traffic impacts would not be significant and, as mitigated, all study intersections would operate at LOS C or better or, in the case of Cypress Avenue and SR 1, no worse than cumulative without project conditions.

- (2) Improved streets, sidewalks, and bikeways in developed areas: The applicant proposes to install a Class 1, 10-foot wide multi-purpose paved trail fronting the project sites along Airport Street, to accommodate pedestrians, persons in wheelchairs, and bicyclists.

¹⁵ For unsignalized intersections, a Level of Service (LOS) “C” represents operations with average delays resulting from fair progression and includes delays from 15.1 up to 25 seconds.

- (3) Minimal through traffic in residential areas: Should the Board of Supervisors desire to approve the version of the Office Park presented in Alternative C, the applicant would be required by Condition 68 to prohibit project and construction traffic along Cypress Avenue, a largely residential street, thereby limiting traffic to non-residential streets in Princeton.
- (4) Routes for truck traffic which avoid residential areas and are structurally designed to accommodate trucks: See (3) above. In addition, Condition 5.5g requires project construction vehicles carrying extra wide and/or long loads (including scrapers, excavators, cat crawlers and extended lift trucks) to access the site using the following route to and from the project sites: Capistrano Road-Prospect Way-Broadway-California Avenue-Cornell Avenue-Airport Street.¹⁶
- (5) Access for emergency vehicles: As stated in Impact HAZ-4 of Section IV.G (Hazards and Hazardous Materials) of the EIR, emergency vehicle access to the project site is provided from major roadways near and adjacent to the site. Major roadways near the project site include State Route (SR) 1 (Cabrillo Highway) and Airport Street. The project site can be directly accessed from the surrounding streets, including: Cypress Avenue, Marine Boulevard; Capistrano Road, Prospect Way; and California and Cornell Avenues, located to the west, east and south of the site, respectively. Project traffic impacts would not be significant and, as mitigated, all study intersections would operate at LOS C or better or, in the case of Cypress Avenue and SR 1, no worse than cumulative without project conditions. Therefore, impacts associated with an emergency response or evacuation plan would be less than significant.
- (6) Bicycle and pedestrian travel: See (2) above. Also, see discussion of General Plan Policies 12.38 and 12.39.
- (7) Access by physically handicapped persons to public buildings, shopping areas, hospitals, offices, and schools: See (2) above.
- (8) Routes and turnouts for public transit: As stated on page IV.M-40 of the EIR, the proposed project would not generate a need for additional transit service.
- (9) Parking areas for ridesharing: Condition 38 requires the applicant to implement a Transportation Demand Management program, to be implemented to the satisfaction of C/CAG, for the purpose of reducing project traffic on the Congestion Management Program roadway

¹⁶ Planning staff determined the appropriate hours in discussion with Ed McKeivitt of Big Ed's Crane Service (located at 155 Broadway).

network. Also, Condition 6.n requires the TDM Plan to include shuttle services to the Office Park (to accommodate a minimum of 50 cars and their drivers) for the purpose of reducing project traffic on Cypress Avenue, Prospect Way, Broadway to Cornell Avenue, Harvard Avenue, and Yale Avenue, or equivalent traffic reduction measures, as approved by the Community Development Director.

- (10) Coordination of transportation improvement with adjacent jurisdictions: Should improvements become required per Mitigation Measure TRANS-1, the property owner(s) will be required to coordinate with the County of San Mateo.

Policy 12.38 (*Facilities for Bicyclists*) encourages large employers to provide shower and locker facilities for their employees who bike to work as part of a commute alternative program. Per Condition 38, the property owner of the Office Park shall construct shower and locker facilities for every 56,250 sq. ft. constructed mixed-office space.

Policy 12.39 (*Pedestrian Paths*) calls for the provision of safe and adequate pedestrian paths in new development connecting to activity centers, schools, transit stops, and shopping centers. As proposed and conditioned, the applicant will provide a sidewalk meeting the requirements of a Class 1 multiple use trail along the frontage of both properties. In order to separate pedestrians and bicyclists from vehicle traffic along the narrow portion of Airport Street that crosses over the drainage channel, Condition 66 requires the applicant to install k-rails within this section of the Airport Street right-of-way (northbound only).

h. Natural Hazards Policies

Policy 15.20 (*Review Criteria for Locating Development in Geotechnical Hazard Areas*) establishes the following review criteria:

- (1) Avoid the siting of structures in areas where they are jeopardized by geotechnical hazards, where their location could potentially increase the geotechnical hazard, or where they could increase the geotechnical hazard to neighboring properties. As stated in Section IV.F (Geology and Soils) of the EIR, the northwestern portion of the northern parcel of the project site is located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act. However, only a portion of the Office Park parking lot is proposed within the Earthquake Fault Zone and no habitable structures are proposed within the Earthquake Fault Zone. Therefore, as stated in Impact GEO-1 of the EIR, project impacts related to fault rupture on the Office Park property would be less than significant.

The southern parcel of the project site is not within an Earthquake Fault Zone and no known or potentially active faults exist on the parcel. Since the project site is located in a seismically active region, the remote possibility exists for future faulting in areas where no faults previously existed; however, based on the proximity of the known fault traces, their orientation and trend, and their degree of activity, the risk of surface faulting and consequent secondary ground failure at the Wellness Center property is considered low. As such, project impacts related to fault rupture on the Wellness Center property would be less than significant and no mitigation measures are required.

- (2) Wherever possible, avoid construction in steeply sloping areas (generally above 30%). As stated in Section V-5.2 (Impacts Found to be Less Than Significant) of the EIR, the probability of seismically-induced landslides and slope instabilities affecting the project site is considered to be remote, due to the relatively flat nature of the site (slope is approximately 1%) and surrounding area.
- (3) Avoid unnecessary construction of roads, trails, and other means of public access into or through geotechnical hazard areas. Currently, the site plan for the Office Park includes a fire trail within the area of the Alquist-Priolo Earthquake Fault Zone. Condition 79 has been revised to prohibit location of any fire routes within the earthquake fault zone. As proposed and conditioned, the project does not involve the creation of any new roads or trails into or through geotechnical hazard areas.
- (4) In extraordinary circumstances when there are no alternative building sites available, allow development in geotechnically hazardous and/or steeply sloping areas when appropriate structural design measures to ensure safety and reduce hazardous conditions to an acceptable level are incorporated into the project. As described above, no structures are proposed within geotechnically hazardous and/or steeply sloping areas. However, Office Park buildings would be located adjacent to an Earthquake Fault Zone. All Office Park and Wellness Center structures would be required to comply with Conditions 5.m through 5.r (Mitigation Measures GEO-3a through GEO-8 of the EIR), which require project buildings to incorporate structural design measures to ensure safety and reduce potentially hazardous conditions to an acceptable level.

i. Noise Policies

Policy 16.2 (*Reduce Noise Impacts Through Noise/Land Use Compatibility and Noise Mitigation*) calls for the reduction of noise impacts through measures that promote noise/land use compatibility and noise mitigation. As discussed in the Noise Chapter of the EIR, project construction may result in potentially significant noise and ground-borne vibration impacts to off-site sensitive receptors. However, per Condition 5.cc, the applicant would be required to implement

noise muffling of construction equipment and install temporary sound barriers between the Pillar Ridge manufactured home community and the Office Park building construction area. Per this condition, the applicant shall use drilled piles, as proposed by the applicant, instead of impact pile drivers to minimize ground-borne vibration. The applicant would also be required to comply with the County's Noise Ordinance limiting construction hours to between 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturdays, and prohibiting construction on Sundays, Thanksgiving and Christmas. Conditions of approval, as discussed above, would further reduce project noise and vibration impacts, which will occur at less than significant levels.

Policies 16.5 (*Noise Reduction Along the Path and at the Receiver*) and 16.15 (*Architectural Design Noise Control*) promote noise reduction along the path and at the receiver through techniques which can be incorporated into the design and construction of new development, including, but not limited to, site planning, noise barriers, architectural design, and construction techniques, including (1) grouping noise sensitive rooms together separated from noise sources, (2) placing windows, vents and other openings away from noise sources, and (3) avoidance of structural features which direct noise toward interior spaces. As discussed in Topical Response 14 of the FEIR, the Wellness Center would be located in an area where noise levels are dominated by vehicular traffic on Airport Street and aircraft activity at Half Moon Bay Airport. The EIR states that new residential projects generally provide an exterior-to-interior noise reduction of more than 30 dBA, thereby reducing estimated future exterior noise levels (approximately 58.8 dBA CNEL) to estimated interior noise levels that are lower than the County Interior Noise Standard of 45 dBA CNEL. Therefore, the project would not expose Wellness Center residents to excessive noise levels. Also, as discussed in Section I.B.3 of this report and required by Condition 56, noise levels experienced by Wellness Center residents would be further reduced due to the following site design aspects, as illustrated in the Conceptual Wellness Center Floor Plan included as Attachment AO:

- (1) The applicant proposes to relocate the residential units so that they are as far as possible from the airport.
- (2) The applicant proposes to locate non-residential uses within and along the length of Building A of the Wellness Center, such that the non-residential areas are used to separate and buffer the residential units from the airport.
- (3) The applicant proposes to construct the residential units such that all face to the west and away from the airport, whereby no residential windows will face the airport and the residents.

In addition, Condition 44 requires the property owner(s) to incorporate the noise-reducing design techniques of the above policies into the design of the

Wellness Center, to the extent feasible, prior to Planning approval of a building permit for the applicable project.

j. Airport Safety Policies

Half Moon Bay Airport is a general aviation, single runway airport, owned and operated by the County of San Mateo. The airport is administered by the County Department of Public Works. Runway 12 - 30 is oriented northwest-southeast and is 5,000 sq. ft. long (physical length) and 150 feet wide, with a threshold of displacement at both runway ends of 763 feet. Runway 12 is the northern approach and Runway 30 is the southern approach. It should be noted that, while Airport Land Use Committee (ALUC) review of the project is not required as the project does not involve a General Plan Amendment or Rezoning, the project has been presented at two ALUC meetings and, subsequently, the County has received comments from City/County Association of Governments of San Mateo County (C/CAG) on behalf of ALUC. These comments are included in the FEIR (Comment Letter 192). It should be noted that the Federal Aviation Administration (FAA) has commented on this project (Letter is included as Attachment AJ). For a discussion of concerns expressed by the FAA regarding the proposed location of residential uses of the Wellness Center near Half Moon Bay airport, refer to Section I.B.3 of this report.

Policy 16.42 (*Limit Land Uses at Ends of Runways*) limits land uses in approach zones, clear zones and other areas of high accident potential at ends of airport runways to low intensity, non-structural uses, including, but not limited to, agriculture, open space, and storage. According to the California Airport Land Use Planning Handbook (Handbook), 30% to 50% of near-airport aircraft accident sites lie within the Runway Protection Zone (RPZ or Zone 1) and Zone 2, as defined in the Handbook. As discussed in Topical Response 14 of the FEIR, the location of Zone 1 for Half Moon Bay Airport has been established. As shown in the *Half Moon Bay Airport: Airport Layout Drawing* (Attachment AK), the RPZ (Zone 1) for this airport is located entirely on airport property. For the purpose of approximating the location of Zone 2 for the EIR, County used guidelines from the Handbook and the FAA-approved map of Zone 1. Zone 2 is estimated to be approximately 3,000 feet in length and 450 feet wide. With this understanding, it appears that Zone 2 would not extend over the project parcels.

The intent of the Airport Overlay (AO) Zoning District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be greatest. In compliance with the AO Zoning District regulations, no structures are proposed in areas of the AO Zoning District on the Office Park property, only outdoor parking uses, trail uses and landscaping. On the Wellness Center property, the applicant proposes to locate accessory communications uses to serve the entire property, as well as Wellness Center storage uses and commercial public storage use within the AO Zoning District (refer to Attachment S). Per AO

Zoning District requirements, uses located within the AO zone will require a Use Permit and capacity shall be restricted to no more than three (3) persons occupying the site at any one time. Further discussion of project compliance with the regulations of the AO Zoning District is provided in Section II.B.4 of this report.

State law requires an airport land use commission to prepare and adopt a comprehensive airport/land use compatibility plan (CLUP) for each public-use airport in the County. Project compliance with the San Mateo County Comprehensive Airport Land Use Plan was discussed in detail in Section I.B.3 of this report.

k. Hazardous Materials Policies

Policy 16.48 (*Strive to Ensure Responsible Hazardous Waste Management*) directs the County to strive to ensure that hazardous waste generated within San Mateo County is stored, treated, transported and disposed of in a legal and environmentally safe manner so as to prevent human health hazard and/or ecological disruption. The applicant proposes to provide up to 225,000 sq. ft. of mixed-office space, which are proposed to be distributed as follows: 40% General Office, 25% Research and Development, 20% Light Manufacturing, and 15% Storage uses. Future businesses locating at the Office Park would be required by the County Environmental Health Division (Division) to complete and submit a Business Plan¹⁷ within 30 days of handling or storing a hazardous material equal to or greater than the minimum reportable quantities. If a Business Plan is required, inspection of the business, which includes a review of emergency response procedures and employee training records, would be performed at least once every two years. Monitoring by Division staff will ensure that project-generated hazardous waste is stored, treated, transported and disposed of in a legal and environmentally safe manner so as to prevent human health hazard and/or ecological disruption. Condition 71 requires all Office Park businesses and the Wellness Center to comply with Division requirements for the handling and/or storing of hazardous materials.

Policy 16.53 (*Regulate Location of Hazardous Material Uses*) directs the County to regulate the location of uses involving the manufacture, storage, transportation, use, treatment, and disposal of hazardous materials to ensure community compatibility, as well as provide adequate siting, design, and operating standards. Office Park buildings would be located within an M-1 Zoning District, which allows for the storage of hazardous materials. Condition 53 prohibits the storage of bulk petroleum products or chemicals within all areas of the property located within the Airport Overlay (AO) Zoning District. Office Park buildings are separated from the Wellness Center buildings by the width of the drainage swale and two 100-foot wetland buffers on both sides of

¹⁷ The Hazardous Materials Business Plan Program is also known as the Community Right to Know Program and any citizen has the right to review these plans upon request.

the swale. The Office Park buildings are set back over 200 feet from the Pillar Ridge manufactured home community.

2. Compliance with the County's Housing Element of the General Plan

The County's Housing Element (Amended in 2004) estimates that, Countywide, there are 107,440 persons with disabilities, approximately 15% of the County's total population. The disabled population of the entire Bay Area is approximately 1.1 million persons, comprising approximately 16% of the total population. The 2000 Census identified six disability categories including sensory, physical, mental, self-care, go-outside-home and employment disabilities. Of all persons with disabilities, 57,120 or 53% of the total report having one of the above disabilities, while 50,320 or 47% report having two or more disabilities. Of those persons with one disability, 10% have a mental disability.

The Housing Element sets the following goals and objectives, as stated in Policies and Programs 2003-2006: (1) maintain and improve quality and affordability of existing housing stock, (2) promote sufficient production of new housing, (3) provide housing near employment, transportation, and community services, and (4) ensure equal access to housing.

The following table lists and provides discussion of policies applicable to the project:

Table 4 Policies and Programs 2003-2006 Housing Element (Amended in 2004)			
Policy Number and Title		Policy	Discussion of Project Compliance
PROGRAM: PROVIDE NEW HOUSING OPPORTUNITIES			
<i>Encourage Availability of Land and Infrastructure for New Housing</i>			
14.19	Encourage New Housing Near Employment and Services	This policy encourages the provision of housing near employment centers and/or where adequate infrastructure and services exist or can be provided.	The project would provide 57 affordable housing units to house up to 50 disabled adults and 20 aides, on-site employment opportunities, and would utilize proposed and existing infrastructure to provide adequate water and wastewater services.
14.23	Direct Developers to Identified Housing Sites	Regularly identify appropriate sites for higher density housing development. Establish a program to actively recruit developers to develop or redevelop identified sites throughout the County.	As described in Alternatives Considered to be Infeasible in the EIR, the designated affordable housing sites have various environmental constraints and thus development of the Wellness Center at such sites would not

Table 4

**Policies and Programs 2003-2006
Housing Element (Amended in 2004)**

Policy Number and Title		Policy	Discussion of Project Compliance
			reduce all of the significant impacts associated with the project and would create new significant impacts. Also, use of one of these sites would not be financially viable, as it would require the non-profit to purchase one of these alternative sites at market rate.
<i>Reduce Housing Construction and Energy Costs</i>			
14.31	Minimize Permit Processing Times	The policy suggests measures including standardizing and streamlining the permit review process through comprehensive revision of the Zoning Regulations and priority processing for affordable housing developments.	(Policy applies to County)
14.32	Institute Flexible Parking Standards	The policy calls to revise Zoning Regulations to enhance the feasibility of developing affordable housing, such as allowing for compact spaces or reducing the standard size of parking spaces, reducing the number of spaces required where it can be demonstrated that fewer are needed, and allowing joint use of parking areas.	(Policy applies to County)
14.33	Improve the Energy Efficiency of New Housing	Enforce State energy codes and encourage the use of on-site renewable energy sources.	The developer proposes the use of renewable energy sources such as solar cells for heating/energy, wind turbines and generators, and geothermal cooling systems.
14.34	Promote Sustainable Building Practices	Promote "green" building by continuing community outreach and education efforts to encourage local builders to adopt green practices.	(Policy applies to County)

Table 4

**Policies and Programs 2003-2006
Housing Element (Amended in 2004)**

Policy Number and Title		Policy	Discussion of Project Compliance
<i>Encourage the Development of Affordable Housing</i>			
14.46	Encourage Self-Help Housing Developments	Support non-profit developers and others to create self-help housing opportunities for very low and low-income households.	(Policy applies to County)
14.47	Encourage Private-Public Partnerships for Affordable Housing Development	Encourage the use of private-public partnerships to facilitate the development of affordable housing.	(Policy applies to County) The project is privately funded.
PROGRAM: HOUSING INDIVIDUALS WITH SPECIAL NEEDS			
14.48	Expand Housing Choices by Increasing the Diversity of Housing Types	Increase the variety in location, size, type and price of housing available to special needs groups, including the disabled.	(Policy applies to County)
14.49	Provide Affordable Housing Opportunities and Supportive Services for the Disabled	Programs include development of new shared housing and group homes and development of new supportive services.	(Policy applies to County)
14.50	Promote Housing for the Disabled in Appropriate Locations	Consider the following high priority locations: (1) lands within urban areas that are located close to public transportation and other essential services such as stores, banks, and medical facilities, and (2) lands that do not have major topographic constraints.	The project site has been designated for urban land uses and is located near the cities of Half Moon Bay and Pacifica and near the commercial areas of Princeton and Moss Beach. On-site employment opportunities allow residents to work on-site. The project includes shuttle services to connect residents to off-site supportive services. The site is relatively flat.

3. Compliance with the County's Local Coastal Program (LCP)

a. Locating and Planning New Development Component

Policy 1.4 (*Designation of Urban Areas*) calls for the designation as "urban" those lands shown inside the urban/rural boundary on the Land Use Plan Maps. Such areas include Montara, Moss Beach, El Granada, Princeton and Miramar. The project sites are designated for urban use.

Policy 1.18 (*Location of New Development*) directs the County to (1) direct new development to existing urban areas by requiring infill of existing residential subdivisions and commercial areas, and (2) allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered. Policy 1.19 (*Definition of Infill*) defines infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities. As proposed and conditioned, the project is consistent with the LCP's definition of infill.

Regarding water service, Condition 9 requires the project to connect to CCWD for water service. In the instance that a connection is not authorized by permitting agencies, water would be provided to the project through the use of an on-site well to supply approximately 16,000 gallons per day (gpd), where 26,000 gpd is required for project operation. Other water demands (approximately 10,000 gpd) will be supplied using on-site recycled water. Regarding wastewater service, the applicant proposes to connect to the Granada Sanitary District (GSD) sewer system for eight equivalent dwelling units for the discharge of unused Title 22 treated water if needed. The applicant proposes to treat all 26,000 gpd through an on-site membrane bioreactor (MBR) wastewater treatment facility designed to meet Title 22 requirements. If a water connection to CCWD is granted, the project, as proposed and conditioned, would meet the objective of infill in that the project sites would be served by the sewer district and water district. In the instance that a connection to CCWD cannot be secured, the project, as proposed and conditioned, would meet the general objective of infill in that the project sites would be served by the sewer district and water to the project sites would be supplied in a manner that incorporates progressive methods to limit project demand for well water (e.g., wastewater treatment, recycling, and reuse).

Policy 1.24 (*Protection of Archaeological/Paleontological Resources*) calls for the County, prior to approval of development proposed in sensitive areas, to require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist/paleontologist, be submitted for review and approval and implemented as part of the project. Analysis and recommendations for mitigation of potential project impacts were prepared for the Cultural Resources Section of the EIR by Tom Origer, a professional archaeologist. As shown in the FEIR, the revised Wellness Center site plan avoids site CA-SMA-

151, as required by Mitigation Measure CULT-2a (Condition 5.i) and, therefore, the project complies with LCP Policy 1.24.

b. Public Works Component

Policy 2.2 (*Definition of Public Works*) defines “public works” as: utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission except for energy facilities; all public transportation facilities and other related facilities; all publicly financed recreational facilities and any development by a special district; and all community college facilities. The project is a private improvement and is not a Public Works facility and, therefore, this policy is not applicable to the project and compliance with the policy is not required.

Policy 2.14 (*Establishing Service Area Boundaries*) requires the County to confine urban level services provided by governmental agencies, special districts and public utilities to urban areas, rural service centers and rural residential areas as designated by the Local Coastal Program on March 25, 1986, but allows some exceptions, including when alternatives have been fully explored. Project connection to CCWD, as required by Condition 9, would require annexation to the CCWD service area, which would require review and approval by LAFCo and approval of amendments to the Coastal Development Permits for the El Granada Pipeline replacement project (A-1-HMB-99-20 and A-2-SMC-99-63). Permit applications required for project connection to CCWD are separate project(s) under CEQA and the LCP and will be subject to review with applicable LCP policies at that time. It should be noted that the alternative to connection to CCWD (e.g., water supply via an on-site well and water recycling) has been fully explored in the EIR for this project.

Policy 2.24 (*Environmental Compatibility of Treatment Plants*) requires that utilities, prior to approval of construction or addition to treatment plants, submit a plan for successful mitigation of any potential impacts on the surrounding residential and recreational area and on resources, including habitats and air quality. The policy also requires that plants be designed and landscaped to be visually compatible with surrounding areas, particularly nearby residences or recreational areas. Potential environmental impacts of the sewage treatment plant (including, but not limited to, air quality, biological resources, and aesthetics) have been evaluated in the EIR, whereby all project impacts were found to be less than significant. Condition 50 requires treatment plant facilities to be designed and landscaped to be visually compatible with surrounding areas, particularly nearby residences or recreational areas.

Policy 2.32 (*Groundwater Proposal*) requires, if new or increased well production is proposed to increase supply, that:

- (1) Water quality be adequate, using blending if required, to meet potable water standards. As described in the EIR, well water after treatment, via filtration and UV disinfection, will meet the standards of the Safe Water Drinking Act in accordance with Title 22.
- (2) Wells are installed under inspection according to the requirements of the State and County Department of Public Health (CDPH). As required by Condition 5.x, the on-site well must meet CDPH criteria for well protection. The applicant shall prepare, if required by the CDPH or County Department of Health Services, a Drinking Water Source Assessment and Protection (DWSAP) application to identify and protect against potential well contaminants.
- (3) The amount pumped be limited to a safe yield factor which will not impact water dependent sensitive habitats, riparian habitats and marshes. As stated in the Technical Memorandum #1 (TM #1), dated May 15, 2009, prepared by Schaaf and Wheeler (included in Appendix H of the EIR), the hydrologic impacts of the proposed groundwater withdrawals to the Pillar Point Marsh from the on-site well based on conditions in the entire marsh watershed appear to be minor. As currently proposed, all rainwater from surfaces and roof gutters will be directed to underground storage systems below the pervious parking lots. As stated in the EIR, under worst-case conditions where the project would increase stormwater flows from the site, these flows would still only represent 6% of the total flows to the marsh. TM #1 adds that planned stormwater Best Management Practices should serve several hydrologic and water quality functions, including maximizing groundwater recharge, minimizing quantities of stormwater runoff, and reducing pollutant loadings in stormwater runoff. These recommendations have been added to Mitigation Measure HYDRO-5 or Condition 5.w.
- (4) Base the safe yield and pumping restriction on studies conducted by a person agreed upon by the County and the applicant which shall:
 - (a) Prior to the granting of the permit, examine the geologic and hydrologic conditions of the site to determine a preliminary safe yield which will not adversely affect a water dependent sensitive habitat: Refer to (3) above.
 - (b) During the first year of operation of the domestic well, monitor the impact of the well on groundwater and surface water levels and quality and plant species and animals of water dependent sensitive habitats to determine if the preliminary safe yield adequately protects the sensitive habitats and what measures should be taken if and when adverse effects occur. This monitoring requirement has been added as Condition 74.

Policy 2.33 (*Management of Pillar Point Marsh*) requires, as a condition of development permit for any facilities to increase water supply, that any water system that presently draws or proposes to draw water from wells in the aquifer serving Pillar Point Marsh agree to participate in and assist in the funding of the hydrologic study of Pillar Point Marsh required by Policy 7.20 and to accept the restrictions resulting from that study. With regard to the hydrologic study, Policy 7.2 (*Management of Pillar Point Marsh*) restricts groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD). Water system capacity permitted and the number of building permits allowed in any calendar year shall be limited if necessary by the findings of the study.

The hydrologic study referenced in these LCP policies and the results of the study are contained in the following documents: (1) Half Moon Bay Airport/Pillar Point, Marsh Groundwater Basin, Phase I Study Report (June 1987); (2) Half Moon Bay Airport/Pillar Point Marsh, Groundwater Basin, Phase II (September 1991); and (3) Half Moon Bay Airport/Pillar Point Groundwater Basin Report, Phase II, Supplemental Data (June 1992). The following is a discussion of project compliance with the specific requirements of this policy, including limiting groundwater extraction in the aquifer to a safe yield and other restrictions of the study:

"Safe" Yield

Section VI of the 1991 report, "Groundwater Basin Yield and Management," estimates that an increase of 45 to 87 acre-feet per year (AFY) above current pumping levels can be accommodated without causing impacts to Pillar Point Marsh and the groundwater basin. Table 3.2 of the 1992 report shows that, over the study period, peak total production by CCWD and Citizens Utilities Company (CUC) was 431.39 AFY in 1988. While the report acknowledges that estimated CUC production during the study period does not include production from the three wells at the Pillar Ridge mobile home park, the report states that "the estimated increase in pumpage which could be considered for the basin of 45 to 87 AFY is in addition to that produced by the park wells." The 1992 report estimates that the wells at the mobile home park produce 52 AFY. Therefore, the "safe" yield for groundwater pumping for the Airport aquifer established by the study is 431.39 (peak production during study period), plus 52 AFY (Pillar Ridge property wells), plus 45 to 87 AFY (range of increase for "safe" yield), for a total range of "safe" yield of 528.39 to 570.39 AFY.

The Kleinfelder Midcoast Groundwater Study (April 2009) states that approximately 513 acre-feet of groundwater is pumped annually from the Airport Subbasin. These withdrawals consists of 169 acre-feet of average annual pumping by the Coastside Community Water District, 224 acre-feet of average annual pumping by the Montara Water and Sanitary District (which subsequently acquired the CUC system), about 96 acre-feet of extractions by approximately six agricultural wells, and approximately 24 acre-feet of withdrawals by approximately 87 domestic and other wells.

The upper limit of the EIR's estimate of project potable water demand is 17,000 gpd, or 19 AFY. As stated in the EIR, the applicant estimates that the project would only use 10,000 gpd or 11 AFY. Increasing the current annual pumping rates from the Airport Subbasin of 513 AFY by the upper range of the project demand of 19 AFY would equal 532 AFY of annual pumping.¹⁸ This yield is within the total range of "safe" yield of 528.39 to 570.39 AFY. Therefore, the project would be consistent with the range of "safe" yield determined by the hydrologic studies referenced by Policies 2.33 and 7.20.

Study Restrictions

The report assumes continued collection of monitoring data and recommends management considerations involving the development of contingency plans during a drought. Condition 74 requires the property owner(s) to submit reports to the Environmental Health Division and the Planning and Building Department prepared by a licensed civil engineer evaluating the impact of the well on groundwater and surface water levels and quality and plant species and animals of water dependent sensitive habitats to determine if the preliminary safe yield adequately protects the sensitive habitats and what measures should be taken if and when adverse effects occur. Condition 75 requires the property owner(s) to comply with the annual monitoring and reporting requirement of Section 4.68.250 of Chapter 4.68 (Wells) of the San Mateo Ordinance Code, which requires any well used or operated as a domestic water supply to have a meter installed on the well to record the volume of water used. This condition requires that a record of such water usage to be submitted by the permittee to the County Health Officer annually, unless otherwise requested by the County Health Officer. Therefore, the project would be consistent with the study restrictions of the hydrologic studies referenced by Policies 2.33 and 7.20.

Regarding the building permit quota for the construction of residences in the Midcoast, LCP Policy 1.22 establishes a quota of 125 per year, but excludes the construction of affordable housing in this quota. Condition 6.I requires all housing units in the Wellness Center to be kept at an affordable rate, such that residents and aides are required to meet income qualifications for affordable housing.

Policy 2.36 (*Findings*) requires, as a condition of permit approval for any facilities to increase water supply, the following findings to be made:

¹⁸ It should be noted that present agricultural well production was accounted for in the Kleinfelder study and that project well production is anticipated to be less than production under current agricultural uses. However, Planning staff's analysis takes a conservative approach by adding project water demand to current pumping rates for the Airport Subbasin, without subtracting rates of present agricultural well production.

- (1) The addition of this water supply facility is consistent with the Capacity Limits and Allocations of this Component: The increased use of this well is consistent with LCP policies regulating well water production, Policies 2.32, 2.33, and 7.20, as discussed above.
- (2) Storage is adequate to ensure that sufficient emergency supply is available and any additional development allowed because of this increase in water supply will be served during dry summer months: As described in the EIR, the project backup system includes two (2) days of water storage to provide water during an emergency.¹⁹ Also, as described in the EIR, the existing well capacity is sufficient to meet the applicant's estimated potable water demand of 10,000 gpd. It should be noted that the Kleinfelder study concluded that the groundwater basin appears to be in long-term hydrologic balance under current pumping conditions and should remain so with a moderate increase in water extractions.
- (3) The development of this facility minimizes energy consumption: The applicant proposes the use of renewable energy sources such as solar cells for heating/energy, wind turbines and generators, and geothermal cooling systems. As stated in the EIR, the project would not create wasteful, inefficient, and unnecessary consumption of energy.
- (4) The siting of this facility is consistent with LCP policies: The property owner(s) propose to utilize an existing well.

c. Housing Component

Policy 3.1 (*Sufficient Housing Opportunities*) calls on the County to protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside, work or can be expected to work in the Coastal Zone, through both public and private efforts. The proposed Big Wave Wellness Center and Office Park project is an economically sustainable development that provides 57 affordable housing units and employment opportunities for low-income developmentally disabled (DD) adults at the Wellness Center. According to the U.S. Department of Housing and Urban Development (HUD), the generally accepted definition of affordability is for a household to pay no more than 30% of its annual income on housing. The cost of Wellness Center operations are funded by the developer (Big Wave, LLC), revenue generated by the Office Park, other private party donations, and residential housing revenues. The revenue from the 225,000 sq. ft. Office Park would allow a portion of the Wellness Center units to be affordable to disabled persons living below the poverty line. The applicant estimates that, if there is no demand for office space and none of the office buildings are built, the Wellness Center would continue to provide housing to disabled adults, but the

¹⁹ Source: Page II-63 of the FEIR.

units would not be affordable to disabled adults in the “extremely low” income category or those living below the poverty line. However, all Wellness Center units would still meet the definition of “affordable housing” and would be affordable to the “low” or “very low” income populations. Condition 6.I requires the property owner to keep the rental rates for all 57 units of the Wellness Center “affordable,” such that residents shall be limited to those of Extremely Low Income, Very Low Income, Low Income, and Moderate Income (definitions are included in the County’s Housing Element and in Attachment AP of this report), with the exception that residents may use up to 100% of their Social Security income for housing costs. This exception allows for residents who have no other income other than Social Security payments to use up to the full amount of their payment toward rental costs at the Wellness Center. As stated in Condition 4, the approval will require regular review and monitoring of the project by the County, at the owner’s expense, to ensure that the project is operated in a manner that is consistent with the County’s approval.

Policy 3.2 (*Non-Discrimination*) calls for the County to strive to ensure that decent housing is available for low and moderate income persons regardless of age, race, sex, marital status or other arbitrary factors. Policy 3.4 (*Diverse Housing Opportunities*) calls for the County to strive to improve the range of housing choices, by location, type, price, and tenure, available to persons of low and moderate income. Housing opportunities for the disabled are extremely limited in San Mateo County. Based on County Housing Authority data, only 356 units are currently available for the disabled in unincorporated San Mateo County of which only 194 units (or 54%) are affordable.²⁰ None of these existing units are located in the Coastal Zone. The Wellness Center would provide 57 housing units to house up to 50 disabled adults and 20 aides.

Policy 3.3 (*Balanced Developments*) calls for the County to strive to provide such housing in balanced residential environments that combine access to employment, community facilities and adequate services. The Wellness Center site is separated from an existing residential area (Pillar Ridge manufactured home community) only by the Office Park site and would offer on-site employment opportunities. Project compliance with LCP water supply and wastewater policies is discussed above. Project compliance with LCP policies that relate to energy is addressed below.

Policy 3.5 (*Regional Fair Share*) defines the regional fair share assisted housing allocation for the San Mateo County Coastal Zone as that which provides housing opportunities for low and moderate income households with members who reside, work or can be expected to work in the Coastal Zone. Policy 3.6 (*Allocation of Affordable Units*) calls for the County to cooperate with the City of Half Moon Bay toward achieving its fair share allocation. It should be noted that the County has not performed a separate Midcoast sub-area

²⁰ San Mateo County Affordable Rental Housing for Low and Moderate Income Households, San Mateo County Department of Housing, May 1, 2008.

allocation as implied in these policies. The Association of Bay Area Governments (ABAG) determines each municipality's regional housing need for the 9-county Bay Area. ABAG's allocation for unincorporated San Mateo County²¹ is provided in the table, below:²²

Table 5 ABAG's Housing Needs Allocation, 2007-2014¹ For Unincorporated San Mateo				
	<i>Very Low Income</i>	<i>Low Income</i>	<i>Moderate Income</i>	<i>Total</i>
Income Limit (2009) ²	\$39,600	\$63,350	\$81,300	N/A
Units	343	247	291	881
Total Affordable Housing Units Allocated				881
Existing Affordable Units (2008)				523
<i>Total Existing Need</i>				358
Total Proposed Units at the Wellness Center				57
<i>Total Need with the Wellness Center</i>				301
¹ This table does not include the 625 units allocated as "Above Moderate Income," as these units are not considered affordable. Source: San Francisco Bay Area Housing Needs Plan, 2007-2014, Association of Bay Area Governments. ² Income limit is based on a single person family size. Median income is \$67,750. Source: San Mateo County Department of Housing 2009 San Mateo County Income Limits as defined by U.S. Housing and Urban Development and State of California Housing and Community Development.				

The Wellness Center would provide 57 affordable housing units to house up to 50 disabled adults and 20 aides, helping the County of San Mateo to fulfill its affordable housing allocation. As stated previously, Condition 6.I requires the property owner to keep the rates for all 57 units of the Wellness Center as affordable (i.e., accessible to very low income, low income, and moderate income households), such that residents and aides shall meet income qualifications for affordable housing. Per Condition 58, the Wellness Center would be required to prioritize disabled adults residing in the Coastal Zone over those who do not reside in the Coastal Zone in the consideration of residential applications.

Policy 3.13 (*Maintenance of Community Character*) requires that new development providing significant housing opportunities for low and moderate-income persons contribute to maintaining a sense of community character by being of compatible scale, size and design. The policy calls for the County to

²¹ ABAG does not provide a RHNA allocation specific to the unincorporated Coastsides area.

²² The County of San Mateo General Plan Housing Element (Housing Element) contains Regional Housing Needs Allocation for a 7-year period from 1999 to 2006. These figures are superseded by the 2007-2014 allocation, which has been adopted by the Board of Supervisors. The County's Housing Element is currently being updated.

limit the height of such structures providing affordable housing to two stories to mitigate the impact of development on the surrounding neighborhoods and to assess negative traffic impacts and mitigate as much as possible. As proposed, Building A of the Wellness Center is three stories in height. While buildings in the immediate vicinity are generally one and two stories in height, including the warehouse buildings in Princeton and the homes in the Pillar Ridge manufactured home community, several buildings in the project vicinity are three stories in height. While these buildings do not contain affordable housing, they contribute to the existing visual character of the neighborhood. As a 3-story structure, the project could maximize affordable housing resources as directed by LCP Policies 3.1, 3.2, 3.3, and 3.5 and still maintain community character in light of the other 3-story buildings in the vicinity. It should be noted that story restrictions would not apply to non-affordable or market rate housing developments.

Policy 3.14 (*Location of Affordable Housing*) states that, on the Midcoast, affordable housing intended for sites other than the designated affordable housing sites should be located within the urban boundary, or in the rural area as specified in Policies 3.22 and 3.23. The project complies with this policy as project sites are designated for urban use.

d. Energy Component

Policy 4.42 (*Alternative Energy Sources*) encourages the development of non-polluting alternative energy resources including but not limited to co-generation, biomass, wind and solar. As proposed, the project incorporates the on-site use of non-polluting alternative energy resources, including energy produced from solar voltaics, solar heating, geothermal/evaporative cooling, and wind power.

e. Agriculture Component

Policies 5.1 (*Definition of Prime Agricultural Lands*) and 5.2 (*Designation of Prime Agricultural Lands*) call for the designation of any parcel which contains prime agricultural lands as Agriculture on the Local Coastal Program Land Use Plan Map, subject to the following exceptions: State Park lands existing as of the date of Local Coastal Program certification, urban areas, rural service centers, and solid waste disposal sites necessary for the health, safety, and welfare of the County. While the property contains soil mapping units that meet the criteria for Prime Farmland as defined in Policy 5.1 and has been used for agriculture, the property is not designated for Agricultural Land Use.²³ This LCP policy calls for the designation of all prime agricultural lands for agricultural land use, with various exceptions including parcels in urban areas. The property is designated for urban land use by the County's LCP and

²³ The property contains soil mapping units that meet the criteria for Prime Farmland as defined in U.S. Department of Agriculture's Land Inventory and Monitoring (LIM) Project for the San Mateo Area.

General Plan, specifically General Industrial and General Open Space land uses. Therefore, conversion of prime farmlands within an urban area not designated for agricultural use would not result in a significant impact to agricultural resources.

f. Sensitive Habitats Component

Policy 7.1 (*Definition of Sensitive Habitats*) defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable, including wetland areas supporting rare, endangered, and unique species. As discussed in the Biological Resources Chapter of the EIR, the majority of the project site has been disturbed by agricultural activities and, therefore, the extent of natural vegetation communities and wildlife habitats on the site are limited to those that are contiguous to habitats in and around Pillar Point Marsh. Based on the foregoing, on-site sensitive habitat is limited to the areas of the riparian corridor (along the drainage swale) and delineated wetlands.

No direct impact or take of special-status species is expected as a result of the proposed project due to the lack of habitat suitable on-site to support those species with a potential to occur or known to occur in the project vicinity. However, development on the project site has the potential to indirectly impact special-status wildlife species (such as western pond turtle, San Francisco garter snake, and California red-legged frog) and bird species, due to the availability of suitable habitat in the immediate vicinity of the project, as well as documented occurrences of the species in the project vicinity. Therefore, project-related impacts would be potentially significant. Conditions 5.d through 5.g require the applicant to schedule disturbance activities so as to minimize habitat disturbance and to work with a qualified biologist to monitor the site prior to and during construction to minimize impact to these species.

Policy 7.3 (*Protection of Sensitive Habitats*) prohibits any land use or development which would have significant adverse impact on sensitive habitat areas and requires development in areas adjacent to sensitive habitats to be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats. As stated in Biological Resources Section of the EIR, the project, as mitigated by Conditions 5.d through 5.h, would not result in significant impacts to special-status species, sensitive natural communities, federally protected wetlands, wildlife movement and habitat connectivity, or result in cumulative impacts to biological resources.

Policy 7.4 (*Permitted Uses in Sensitive Habitats*) calls for the County to:

- (1) Permit only "resource dependent uses" in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique

species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.2, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986. In compliance with these policies, within areas of the riparian corridor and delineated wetlands and their associated buffer zones, proposed uses would be limited to wetlands and upland landscaping that would provide visual screening of the project as well as functioning biological habitat. Refer to the "90% Basis of Design - Riparian and Water/Wetlands Ecosystem Restoration" included as Attachment AA.

- (2) In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations. As discussed in Section I.B.3 of this report, Conditions 5.d and 5.e (Mitigation Measures BIO-1a and 1b) require project compliance with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

Policy 7.5 (*Permit Conditions*) call for the County to:

- (1) As part of the development review process, require the applicant to demonstrate that there will be no significant impact on sensitive habitats. When it is determined that significant impacts may occur, require the applicant to provide a report prepared by a qualified professional which provides: (1) mitigation measures which protect resources and comply with the policies of the Shoreline Access, Recreation/Visitor-Serving Facilities and Sensitive Habitats Components, and (2) a program for monitoring and evaluating the effectiveness of mitigation measures. Develop an appropriate program to inspect the adequacy of the applicant's mitigation measures. As stated in the Biological Resources Section of the EIR, the project, as mitigated by Conditions 5.d through 5.h, would not result in significant impacts to special-status species, sensitive natural communities, federally protected wetlands, wildlife movement and habitat connectivity, or result in cumulative impacts to biological resources. Refer to the Mitigation Monitoring and Reporting Program for the project included as Attachment AI. Mitigation measures comply with the policies of the Shoreline Access, Recreation/Visitor-Serving Facilities and Sensitive Habitats Components in that they minimize the impacts of project construction and operation to special-status species by requiring coordination with regulatory agencies and setting performance standards.
- (2) When applicable, require as a condition of permit approval the restoration of damaged habitat(s) when in the judgment of the Community Development Director restoration is partially or wholly feasible. Although the project, as mitigated, would not result in a significant impact to biological resources, the project proposes to provide for functioning wetlands and uplands habitat within delineated wetland areas, buffer zones, and upland areas of the site, as shown in Attachments Q and V. Condition 28 requires the applicant to revise planting plans to suit the approved site

plans for the Wellness Center and Office Park, retaining the overall square footage of the proposed landscaping.

Policy 7.14 (*Definition of Wetland*) defines wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Furthermore, Policy 7.15 (*Designation of Wetlands*) designates the Pillar Point Marsh as wetlands requiring protection. A total of 0.74 acres (32,180 sq. ft.) of wetlands on the project site consists of wetlands as defined by the California Coastal Act. A portion of this total, 0.45 acres on the project site, is under Federal jurisdictional waters/wetlands under the permit authority of the U.S. Army Corps of Engineers (USACOE). Wetland boundaries relative to the project site are shown on Attachment K.

Policy 7.16 (*Permitted Uses in Wetlands*) limits uses in wetland areas to nature education and research, fish and wildlife management, among other uses. In addition to protecting the existing wetlands (0.74 acres), the applicant proposes to perform wetlands habitat restoration or creation on approximately 44% of the project sites, including 5.9 acres of wetlands on the Office Park property, and 2.8 acres of wetlands on the Wellness Center property. The only uses proposed within wetland areas are associated with wetland habitat enhancement and monitoring. Condition 26 requires the property owner(s) to record a conservation easement over all wetlands and wetland buffer areas which limits uses to those consistent with this policy.

Policy 7.17 (*Performance Standards in Wetlands*) requires that development permitted in wetlands minimize adverse impacts during and after construction. Specifically, this policy requires that: (1) all paths be elevated (catwalks) so as not to impede movement of water, (2) all construction takes place during daylight hours, (3) all outdoor lighting be kept at a distance away from the wetland sufficient not to affect the wildlife, (4) motorized machinery be kept to less than 45 dBA at the wetland boundary, except for farm machinery, (5) all construction which alters wetland vegetation be required to replace the vegetation to the satisfaction of the Community Development Director including "no action" in order to allow for natural reestablishment, (6) no herbicides be used in wetlands unless specifically approved by the County Agricultural Commissioner and State Department of Fish and Game, and (7) all projects be reviewed by the State Department of Fish and Game and State Water Quality Board to determine appropriate mitigation measures. Proposed wetland habitat creation is described in the "90% Basis of Design - Riparian and Water/Wetlands Ecosystem Restoration" report included as Attachment AA. Condition 32 requires habitat creation and monitoring activities to comply with this policy. Condition 26 requires the property owner(s) to record a conservation easement over all wetlands and wetland buffer areas which limits uses to those consistent with this policy.

Policy 7.18 (*Establishment of Buffer Zones*) states that buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem. The project incorporates a 100-foot wetland buffer zone on each project parcel, which Planning staff has concluded is adequate to protect the functional capacity of the wetland ecosystem on the project site.

Policy 7.19 (*Permitted Uses in Buffer Zones*) limits uses within buffer zones to uses allowed within wetlands, as well as public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands. The proposed location of the native plant nursery (an agricultural use) within the 100-foot wetland buffer zone was considered in the analysis of the biological impact of this project, and was determined to produce no impact on the adjacent wetlands with the implementation of mitigation measures. No other uses are proposed in the buffer zones. Condition 26 requires the property owner(s) to record a conservation easement over all wetlands and wetland buffer areas which limits uses to those consistent with this policy.

Policy 7.20 (*Management of Pillar Point Marsh*) calls for the following: (1) the County to restrict groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD); (2) adjacent development, where feasible, to contribute to the biologic productivity and habitat; and (3) the County to limit the number of building permits allowed in any calendar year based on the findings of the study. As discussed in Section II.B.3 of this report, the project would result in an increase in the current annual pumping rates from the Airport Subbasin of 513 AFY by 19 AFY (project demand), with annual pumping equaling 532 AFY.²⁴ The yield is within the total range of "safe" yield of 528.39 to 570.39 AFY, as determined by the hydrologic studies referenced by Policies 2.33 and 7.20. As discussed under Policy 7.16, in addition to protecting the existing wetlands, the applicant proposes to perform wetlands habitat restoration or creation on approximately 44% of the project sites. LCP Policy 1.22 establishes a building permit quota for the construction of residences in the Midcoast to 125 per year, but excludes the construction of affordable housing in this quota. Condition 6.I requires all housing units in the Wellness Center to be kept at an affordable rate, such that residents and aides are required to meet income qualifications for affordable housing.

²⁴ It should be noted that present agricultural well production was accounted for in the Kleinfelder study and that project well production is anticipated to be less than production under current agricultural uses. However, Planning staff's analysis takes a conservative approach by adding project water demand to current pumping rates for the Airport Subbasin, without subtracting rates of present agricultural well production.

Policy 7.36 (*San Francisco Garter Snake*) calls on the County to prevent any development where there is known to be a riparian or wetland location for the San Francisco garter snake (SFGS) and requires developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake. Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors. As discussed in the Biological Resources Section of the EIR, development on the project site has the potential to indirectly impact special-status wildlife species, including SFGS, due to the availability of suitable habitat in the immediate vicinity of the project, as well as documented occurrences of the species in the project vicinity. As discussed in the EIR, the project, as proposed and conditioned, would not result in significant impact to SFGS or significant impact to wildlife movement and habitat connectivity.

Condition 5.d (Mitigation Measure BIO-1a) requires a qualified biologist capable of monitoring projects with potential habitat for SFGS to perform pre-disturbance surveys and monitoring during the installation of all construction fencing and during habitat creation and planting activities outside of the construction zone, perform weekly site visits during construction, and prepare a training document for construction workers.

g. Visual Resources Component

Policy 8.1 (*Definition of Landforms*) defines landforms as natural topographic and landscape features which include, but are not restricted to, ridgelines, hillsides, canyons, coastal terraces, headlands, mountains, rock outcroppings, hills, cliffs and bluffs, sand dunes, beaches, wetlands, estuaries, streams, and arroyos. As discussed in the Aesthetics Section of the EIR, the project would not result in any significant impacts to public views or scenic vistas, scenic resources, or the existing character or quality of the site and its surroundings. However, as discussed in the EIR, new lighting sources, such as outdoor street lighting, security lighting, indoor lighting, and light generated by vehicle headlights, may create new sources of substantial light or glare which may adversely affect day or nighttime views in the area. Implementation of Condition 5.a (Mitigation Measure AES-4), which requires Planning Department review and approval of a detailed lighting plan, as well as glass and other potentially reflective exterior building materials, would reduce this impact to a less than significant level and bring the project into conformance with this policy.

Policy 8.5 (*Location of Development*) calls for new development to be located on a portion of a parcel where the development is:

- (1) Least visible from State and County Scenic Roads: The EIR analyzed the potential impacts of the proposed project at two intervals, immediately

following construction with immature landscaping and 15 years after construction when landscaping has reached maturity. As shown in Figure IV.A-8 (View 5.A) of the EIR, immediately following construction, the views of Pillar Point, the forested hills, and the skyline would not be obstructed for motorist traveling north and southbound on Highway 1 (a County designated scenic corridor). However, existing views of development in the background would be replaced with views of new intervening buildings. In 15 years (View 5.B), views from Highway 1 would remain substantially unchanged due to the elevation and distance from the project site. Views of the project site from this roadway segment constitute a small portion of the field of view, and while development on the project would be noticeable, the project would not affect the overall value of the views from this roadway. Implementation of the project would not obstruct views of Pillar Point and the skyline, and therefore impacts would be less than significant. The visibility of the Office Park buildings would be further reduced under Alternative C (version of project under current review) due to the use of smaller 2-story and 3-story buildings, where 3-story buildings are located further away from Highway 1.

- (2) Least likely to significantly impact views from public viewpoints. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. The EIR analyzes project impact to five important public viewpoints (i.e., Airport Street, Airport Street/Stanford Avenue, West Point Avenue, North Trail, and Highway 1). As described in the FEIR, the Wellness Center site plan has been revised to cluster the front-most building (e.g., public storage building) with existing development south of the project site, thereby leaving a larger area of open space around the drainage separating the parcels at the front of the parcel. Also, the Office Park site plan, as described in Alternative C of the FEIR, relocates the communications building, formerly a stand-alone structure located at the front-most part of the Office Park parcel, and incorporates the use within the Wellness Center. Based on the foregoing, proposed structures are located in areas least likely to significantly impact views from public viewpoints. As discussed in Impact AES-1 of the EIR, based on an analysis using visual simulations of the project as viewed from five vantage points with both immature (post-construction) and mature landscaping (15 years after project construction), project impacts to public views and scenic vista would be less than significant. Visual simulations are included as Attachment AH.
- (3) Consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. The project maintains a 100-foot buffer from Pillar Point Marsh and the drainage swale separating the parcels and would perform wetlands habitat creation or restoration on approximately 44% of the project sites. As discussed in this section of the report, staff has concluded that the project, as proposed and conditioned,

is consistent with applicable LCP policies. As described above, project structures located at the front of the sites would be clustered with existing development to the south of the sites. Additionally, project structures are clustered together within the project sites. Based on the foregoing, the project best preserves the visual and open space qualities of the parcels overall.

Policy 8.7 (*Development on Skylines and Ridgelines*) prohibits the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel. General Plan Policy 4.7 defines “skyline” as a line where sky and land masses meet, and ridgelines are the tops of hills or hillocks normally viewed against a background of other hills. As shown in Figure IV.A-8, Views 5.A and 5B of the EIR, which shows the project structures in the west, as viewed from Cabrillo Highway to the east, the proposed buildings would not project above a skyline or ridgeline (e.g., Pillar Point Ridge). Therefore, the project complies with this policy.

Policy 8.10 (*Vegetative Cover*) requires the replacement of vegetation removed during construction with plant materials (trees, shrubs, ground cover) which are compatible with surrounding vegetation and is suitable to the climate, soil, and ecological characteristics of the area. The 90% Basis of Design Report, prepared by Lyndon C. Lee, Ph.D., an ecologist specializing in wetlands, includes a description of existing plant species within the delineated wetlands and buffer areas as well as a planting plan designed to maintain the fidelity of native plant community structure, function, and composition of the project sites. Therefore, the proposed wetland planting plan complies with this policy as it was prepared by a qualified professional with knowledge and experience in wetlands restoration (resume included as Attachment AB). As stated in Condition 6.g, the property owner(s) shall implement the 90% Design Report and associated 10-year monitoring plan. As proposed and conditioned, the planting plan is compatible with surrounding vegetation and is suitable to the climate, soil, and ecological characteristics of the area.

Policy 8.12 (*General Regulations*) requires the County to apply the Design Review (DR) Zoning District to urbanized areas of the Coastal Zone and employ the design criteria set forth in the Community Design Manual (CDM) for all new development in urban areas. A discussion of project compliance with the design criteria of the DR Zoning District is provided in Section II.B.4 of this report. As proposed and conditioned, the project complies with the County’s CDM, as discussed below.²⁵

- (1) Landscaping: The CDM calls for landscaping to have an informal character and provide a smooth transition between the development and

²⁵ This section includes a discussion of policies unique to the Community Design Manual (or concepts not otherwise covered by policies of the Design Review Zoning District, General Plan and LCP).

adjacent open spaces, specifically recommending the planting of vegetation in an irregular fashion to give an informal character. The CDM also recommends the use of tree and plant materials native to the area to assure against non-native plant intrusion, to reduce irrigation and maintenance requirements, and to minimize visual impact. The proposed landscaping plan includes irregular pattern tree planting within the wetland habitat creation areas, but linear tree planting within the parking lot areas. Staff has added Condition 29 to require the applicant to revise parking lot landscaping for both sites such that tree planting occurs in an irregular, more natural fashion. The landscaping plan proposes plants and trees that are native and appropriate for the coastal environment.

- (2) Open Space Preservation: The CDM calls for siting of structures to retain maximum open space and to reduce the visual impact in scenic open space areas. The project maintains a 100-foot buffer from Pillar Point Marsh and the drainage swale separating the parcels and would perform wetlands habitat creation on approximately 44% of the project sites. The design under Alternative C would increase the footprint by 15% from the original Office Park proposal but would result in a smaller footprint than Alternative B (the environmentally superior alternative identified in the DEIR). This design under Alternative C would also reduce visual impact of the project by breaking up the total square footage into eight buildings (instead of four) and would closely cluster the eight buildings, distancing the buildings from the Pillar Ridge homes and Airport Street such that front and right side setbacks, as originally proposed under the 4-building scenario, are maintained.
- (3) Paved Areas: The CDM states a preference for small separate paved parking lots to large single paved lots and recommends screening of parking areas from residential areas and scenic roadways. As discussed in the Aesthetics Section of the EIR, proposed landscaping would provide a visual screen of the development from the adjoining manufactured home community and from the Cabrillo Highway County Scenic Corridor. Staff has added Condition 30 to require the revised landscaping plan to utilize landscaping to further break up the large amount of parking.
- (4) Signs: The CDM calls for on-premise signs to be integrated with the architectural design of the structure and for signs not to extend above the roofline of the structure or be brightly illuminated, colored, flashing or moving. The applicant does not intend to install any new signage. Any signage proposed by any future tenants of the Office Park will be subject to the applicable regulations at the time of permit application.
- (5) Structural Shapes and Scale: The CDM calls for the use of simple structural shapes that unify building design and relate in size and scale to adjacent buildings and to the neighborhood. The CDM also recommends clustering and screening of stacks, vents, antennas and other equipment

and located on the least noticeable side of the roof. As proposed, buildings incorporate mechanical equipment within the proposed buildings, such that only rooftop solar panels would be visible. The Wellness Center buildings vary between two and three stories, are well articulated and are compatible in size and scale with other buildings in Princeton. The varying heights of the eight (8) Office Park buildings under Alternative C help to further minimize visual impacts from viewing locations along Airport Street, the North Trail, and Highway 1. Staff has added Condition 47 to require the applicant to implement the design “overlays” (included as Attachment O), which further reduces the appearance of building mass and incorporates architectural details of the Wellness Center and Princeton into the design of Office Park structures.

Policy 8.13 (*Special Design Guidelines for Coastal Communities*) applies special design guidelines to supplement the design criteria in the Community Design Manual. For the Princeton-by-the-Sea area, the policy calls for commercial development to reflect the nautical character of the harbor setting, utilize wood or shingle siding, employ natural or sea colors, and use pitched roofs. For industrial development, the policy calls for buildings to utilize architectural detailing, subdued colors, textured building materials, and landscaping to add visual interest and soften the harsh lines of standard or stock building forms normally used in industrial districts. Condition 47 requires the applicant to comply with the design “overlays” for the Office Park buildings (Attachment O), which includes architectural details as listed above, including wood siding and architectural detailing (such as the trellis feature) to add visual interest and reduce the appearance of building mass. The “overlay” incorporates the use of natural and sea colors for building exteriors. The use of flat roofs is permitted in order to maximize flat surface area for solar panel installation, as encouraged by Policy 4.42 (*Alternative Energy Sources*).

h. Hazards Component

Policy 9.1 (*Definition of Hazard Areas*) defines hazardous areas as fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire, and steep slopes (over 30%). A western portion of the Office Park site is located within an Alquist-Priolo Earthquake Fault Zone. No structures are proposed within the earthquake fault zone. As the Wellness Center site does not contain an earthquake fault zone, no housing units would directly adjoin or be located within an earthquake fault zone. The Geology and Soils Section of the EIR identifies the following as the primary geotechnical concerns for this site: very strong to very violent shaking during an earthquake due to the close proximity of the site to the San Gregorio and the San Andreas Faults; seismic hazards, including the potential for liquefaction, sand boils, and cyclic densification; and the presence of expansive near-surface soil. Implementation of the proposed mitigation measures and compliance with applicable regulations

would reduce project impacts related to geology and soils to a less than significant level.

Policy 9.3 (*Regulation of Geologic Hazard Areas*) calls to apply the regulations of the Resource Management (RM) Zoning Ordinance to designated hazard areas. As discussed in the Hydrology Chapter of the EIR, the project site is located within a mapped tsunami inundation area. Per Condition 5.y (Mitigation Measure HYDRO-9 in the EIR), first floor elevations of Wellness Center buildings are located at 20 feet NGVD, which is above the estimated maximum elevations of a 100-year flood event, sea level rise and the peak tsunami inundation.²⁶

Section 6326.2 (*Tsunami Inundation Area Criteria*) sets the following criteria for all areas defined as Tsunami Inundation Hazard Areas:

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

The Office of the County Counsel has determined that there may be limitations on the enforceability of the restrictions described in Section 6326.2(a) as applied to facilities for the disabled. Federal anti-discrimination law requires that local regulation of land use include accommodations for the disabled.

- (2) Residential structures and resort developments designed for transient or other residential use may be permitted under the following circumstances:
 - (a) The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.

²⁶ Project elevations are based on a Base Flood Elevation (BFE) of 8.5 feet NGVD (refer to pages IV.H-17 and 18 and Figure IV.H-6 of the DEIR), a maximum recorded wave run-up elevation of 14.35 feet NGVD in 273 years, and a highest projected sea level rise over the next century of 5 feet from the current mean high tide. (Currently, mean high tide is at 3.49 feet NGVD.) Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD). Heights above natural grade remain the same as described in the EIR.

The applicant submitted the "Big Wave Tsunami Force and Run-Up Report in Accordance with Zoning Ordinance 6326.2," dated August 23, 2010, on August 31, 2010 (Attachment AC). The report was peer reviewed by David Skelly, MS, PE, a California licensed professional engineer specializing in coastal engineering, in a letter dated October 14, 2010 (Attachment AD).

In his letter, Mr. Skelly states that Mr. Holmes is a California licensed professional engineer and has experience in coastal engineering. The qualifications of the undersigned are included in this review/report. Mr. Skelly states that "the maximum tsunami bore height at the site will be less than 1 foot," as illustrated on Sheet S1 of the report. On page 6 of his letter, Mr. Skelly states that "the force will be minimal. Provided that the finished first floor is 1 foot or greater above adjacent grade, there will be no inundation of the structure." On page 7, he states that "The natural grade at the base of the Wellness Center structures is 14 feet NGVD 29. The filled grade at the base of the structure is 16 feet NGVD 29.²⁷ The first floor height is 20 feet NGVD 29. The Office Park is similar, but the natural grade at the base of the structures varies from 17 feet to 18 feet NGVD 29 with the elevation of the first floors varying from 21.5 feet to 23 feet NGVD 29. He explains that, as proposed, the structures would not be inundated with 2.5 feet of sea level rise over the next 75 years.

Mr. Skelly explains on page 7 of the letter that this is based upon the latest published and confirmed data from Scripps Institution of Oceanography scientists for the open coast of California. It should be noted that an increase of sea level as much as 4 feet over the next 75 years will not change the level of inundation at the site. The site is reasonably safe from tsunamis due to the breakwater, the approximately 1 mile setback from the breakwater, and elevation above the potential flood levels.

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

²⁷ National Geodetic Vertical Datum of 1929.

On page 7 of this letter, Mr. Skelly states that “no portion of the site will be subject to bore height or forces that are greater than about 15% of the design tsunami height (6.5 feet) and resulting force. The wave force is proportional to the square of the velocity. Therefore, a 6-foot tsunami will have 36 times the force of a 1-foot tsunami bore.

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

Mr. Skelly states that this section is not applicable to this project, as the project does not propose structures within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum.

- (d) Permission under this subsection shall not be granted if the Board of Supervisors determines that sufficient data, upon which the report required by subsection 1 must be based, is unavailable and cannot feasibly be developed by the applicant.

Mr. Skelly states on page 8 of his letter that “It is GSI[’s] opinion that the Tsunami Report by Scott Holmes meets the standard of practice for coastal engineering and accurately describes the potential tsunami hazard at the site.”

Both the applicant's report and Mr. Skelly's review letter have been reviewed by the County Engineer who, based on his review of these reports, has approved domestic water pumping facilities, sewage treatment and recycling facilities per Section 6324.6 of the Zoning Regulations, stating that direct damage or indirect threat to public health and safety would be unlikely in the event of occurrence of the designated hazard(s) (as described below). Based on the foregoing, the project complies with LCP Policy 9.3, with respect to project compliance with Section 6326.2 of the Zoning Regulations.

Section 6324.6 (*Hazards to Public Safety Criteria*) prohibits the manufacturing or storage of flammable or hazardous materials within mapped areas susceptible to flooding, tsunami inundation, seismic fault/fracture and landslide. This section also prohibits domestic water pumping facilities, sewage treatment, pumping, or disposal facilities to be located in these areas unless the County Engineer certifies that direct damage or indirect threat to public health and safety would be unlikely in the event of occurrence of the designated hazard(s). In a letter to the Community Development Director, dated October 15, 2010, Jim Porter,

the County Engineer, states that, in his review of the Tsunami Report prepared by the applicant and reviewed by Mr. Skelly, direct damage or indirect threat to public health and safety would be unlikely in the event of occurrence of the designated hazard(s) (Attachment AD).

Policy 9.9 (*Regulation of Development in Floodplains*) requires that development located within flood hazard areas shall employ the standards, limitations and controls contained in Chapter 35.5 of the San Mateo County Ordinance Code, Sections 8131, 8132 and 8133 of Chapter 2 and Section 8309 of Chapter 4, Division VII (Building Regulations), and applicable Subdivision Regulations. FEMA has authorized the removal of the project parcels from the floodplain in a 2005 Letter of Map Amendment (LOMA). As discussed previously, to comply with Mitigation Measure HYDRO-9, first floor elevations of Wellness Center buildings have been raised from 18 feet to 20 feet NGVD, which is above the estimated maximum elevations of a 100-year flood event, sea level rise and the peak tsunami inundation.²⁸ The project will be required to comply with all current building code requirements at the time of building permit application. As discussed in Section II.B.5 of this report, the project complies with the Subdivision Regulations.

i. Shoreline Access Component

Policy 10.1 (*Permit Conditions for Shoreline Access*) requires some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest through road. The Office Park and Wellness Center developments would be located between the sea and the nearest through road, Airport Street. The applicant proposes a Class 1, 10-foot wide multiple use trail (accommodates pedestrians and bicycles) within the front of the properties that will run along the right-of-way to the southern edge of the Pillar Ridge Mobile Home Park.

Policy 10.10 (*Fragile Resources-Sensitive Habitats*) requires the establishment of public access to sensitive habitats or their buffer zones, through grants or dedications of easements or other means, at the time a Coastal Development Permit is processed. Condition 34 requires the property owner of the Office Park property to record an access easement allowing public access on the trail along Airport Street that is included in the Final/Parcel Maps for the proposed subdivision.

²⁸ Project elevations are based on a Base Flood Elevation (BFE) of 8.5 feet NGVD (refer to pages IV.H-17 and 18 and Figure IV.H-6 of the DEIR), a maximum recorded wave run-up elevation of 14.35 feet NGVD in 273 years, and a highest projected sea level rise over the next century of 5 feet from the current mean high tide. (Currently, mean high tide is at 3.49 feet NGVD.) Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD).

Policy 10.19 (*Maintenance*) calls to eliminate debris, provide trash cans and keep trails safe for public use in new or improved public areas, and Policy 10.20 (*Posting*) calls to clearly post new or improved public access areas. Condition 35 requires the property owner of the Office Park to maintain the public trail in a clean and safe manner and to clearly identify the trail with signage visible along Airport Street in perpetuity. These requirements are to be included, along with all conditions of approval, in the project's Development Agreement.

Policy 10.22 (*Parking*) requires new commercial or industrial parking facilities of 10 or more spaces within 1/4-mile radius of an established shoreline access area to designate and post 20% of the total spaces for beach user parking between 10:00 a.m. and 4:00 p.m. The Wellness Center development would be located within 1/4-mile radius of the shoreline. The Wellness Center's 50-space parking lot includes 10 parking spaces reserved for beach user parking only. The Office Park is located within 1/4 mile of the Jean Lauer Trail, which serves as an access trail to shoreline areas. Condition 41 requires the property owner(s) of the Office Park to provide 104 beach user parking spaces based on a total of 518 required parking spaces. Project compliance with this and other parking requirements is discussed in detail in Section II.B.4 of this report.

Policy 10.25 (*Access Trails in Fragile Resource Areas*) requires the applicant to conduct studies by a qualified person agreed upon by the County and the applicant, during the planning and design phase for access projects, to determine the least disruptive method of constructing access trails and associated improvements and to consider in the study and implement appropriate levels of development and management practices to protect resources. The policy also requires the design of trails to encourage the public to stay on them or in designated rest areas and prohibits the use of off-road vehicles on access trails. A Class 1, 10-foot wide multiple use trail would run across the front of both properties. The trail would shift into the Airport Street public right-of-way in the area of the drainage and narrow to 5 feet in width. For the most part, the trail would not be adjoining any areas of sensitive habitat, except the drainage and the adjoining 100-foot wetland buffer zone. Condition 36 requires the property owner(s) to utilize methods to minimize off-trail access within the 100-foot wetland buffer zone and drainage, subject to the review and approval of the Director of the County Department of Parks. The applicant shall install trail signage, including signage listing prohibited uses, to the satisfaction of County Department of Parks. The property owner shall demonstrate compliance with shoreline access requirements prior to the issuance of the Certificate of Occupancy for any Office Park building.

j. Chapter 3 (*Public Access and Recreation*) of the Coastal Act of 1976

Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the

public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). The project site is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh. The project will enhance public opportunities for coastal recreation and shoreline access. The purpose of this chapter is to ensure that development does not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. The following is a list of the applicable sections of Coastal Act access and recreation policies that apply to this project:

Section 30212 requires that: (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. The applicant proposes a public, multi-purpose Class 1 trail along Airport Street fronting both of the project sites. The applicant also proposes a public trail on Office Park parcel, which is located at the back of the Office Park buildings outside of wetland and wetland buffer areas. As discussed above, Condition 36 requires the property owner to utilize methods to minimize off-trail access within the 100-foot wetland buffer zone and drainage and install trail signage, including signage listing access hours and prohibited uses and activities, as required by County Department of Parks.

Section 30214 states that: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and re-pass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

As discussed above, Condition 36 requires the property owner to utilize methods to minimize off-trail access within the 100-foot wetland buffer zone and drainage and install trail signage, including signage listing access hours and prohibited uses and activities, as required by County Department of Parks.

Section 30222 states that: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. The portions of the properties designated for open space land uses will remain as open space under a conservation easement. Proposed development will provide public access opportunities, including public access trails and reserved beach user parking on both properties.

As discussed above, the project, as proposed and conditioned, is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976.

4. Compliance with Zoning Regulations

a. Wellness Center Site

The Wellness Center includes 37 housing units for the developmentally disabled and 20 units for their aides, a commercial kitchen, dog grooming and laundry facilities, and administrative offices, among other ancillary uses. While the original proposal in the DEIR included a pool, locker rooms, and fitness center that would be open to the Coastsides public, described as a Community Center, the public component of this facility has been removed. These facilities will only be open to Office Park employees on a membership basis and Wellness Center staff, residents and their guests. The development also includes a 10,000 sq. ft. public storage building (including 20 storage units at approximately 500 sq. ft. each), 6,000 sq. ft. for communications and backup power uses, and 4,000 sq. ft. of miscellaneous storage uses located within the AO Zoning District on the Wellness Center site.

(1) Project Compliance with Use Permit Requirements for Sanitarium (Wellness Center)

(a) Sanitarium

The southern parcel of the project site is located within the Waterfront (W) Zoning District. The primary use of the Wellness Center is housing for disabled adults, as allowed per Chapter 24 (Use Permits) of the Zoning Regulations. This chapter lists "sanitarium" as a permitted use with issuance of a Use Permit in any district within the urban areas of the Coastal Zone.

The term "sanitarium" (or sanitorium) is not defined in the Zoning Regulations, although it has a number of accepted definitions in other sources. Some existing definitions and their sources are the following:

- An institution for the promotion of health (Dorland's Medical Dictionary for Health Consumers, 2007).
- A facility for the treatment of patients suffering from chronic mental or physical diseases, or the recuperation of convalescent patients (Mosby's Medical Dictionary, 8th Edition, 2009).

While the Wellness Center would not provide medical treatment on-site for its intellectually or developmentally disabled (DD) adult residents, it is intended to promote the long-term health of DD adults in a holistic manner. The Wellness Center will offer DD adults social and employment opportunities, an opportunity for semi-independent living apart from their parents, and connections to medical and other support services.

Because the term is not specifically defined in the Zoning Regulations, and is defined in other sources in a manner that reasonably encompasses the Wellness Center concept, the County may conclude that the Wellness Center proposal falls within the meaning of "sanitarium," as defined in Section 6500.d of the Zoning Regulations.

In order to approve the Use Permit for the sanitarium use, the decision-making body must make a finding that the use is "found to be necessary for the public health, safety, convenience or welfare." There exists a basis to allow such a finding. As discussed above with regard to LCP Policy 3.5 (*Regional Fair Share*), the project helps to meet the need within the unincorporated areas of the County for affordable housing, as allocated by the Association of Bay Area Governments (ABAG). For 2007 to 2014, ABAG allocates a need for 881 affordable housing units in the unincorporated area of the County, where 523 units exist. Affordable housing for the disabled in unincorporated San Mateo County is even more limited. Based on a review of County Housing Department data, only 356 units are available for the disabled of which only 194 units (or 54%) are affordable.

As proposed and conditioned, the project would provide 57 units of affordable housing, thereby helping to bridge the gap between the need for affordable housing and the supply of affordable housing in the County unincorporated area.

Based on the foregoing, staff recommends the issuance of a Use Permit for the Wellness Center, subject to the conditions of approval in Attachment A. It should be noted that Condition 4 requires Administrative Reviews to ensure compliance with the conditions of approval every year for the first two years of operation. If the facility is determined to be in compliance for the first two years, then subsequent Administrative Reviews will be required every two years, with permit renewal required after 10 years.

(b) *Fitness Center, Other Uses and On-site Businesses*

The fitness center (includes pool, fitness center and locker facilities) will be available only to residents, guests, and staff, as well as Office Park employees on a membership basis and is an accessory use to the sanitarium and mixed-office uses. On-site businesses, such as catering and dog grooming, would not open to the public at large and would only be available to Office Park employees. The uses would utilize office spaces and kitchen areas of the Wellness Center and would be considered accessory uses to the sanitarium.

(2) Project Compliance with the Waterfront (W) Zoning District (Public Storage Facility)

The applicant proposes a 10,000 sq. ft. public storage facility within the Wellness Center property, as permitted by the Waterfront (W) Zoning District Regulations. Section 6287 (Uses Permitted) states that the "Indoor Storage of Goods, Excluding Extremely Hazardous Materials" is a permitted use in the inland area and does not require a use permit.

(3) Project Compliance with the Airport Overlay (AO) Zoning District (Wellness Center)

A 125-foot wide portion along the front property line of the project site is within the Airport Overlay (AO) Zoning District. The intent of the AO District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be greatest. All uses permitted by the underlying district (W Zoning District) are permitted with a Use Permit in the AO District except residential or uses with more than three (3) persons occupying the site at any one time. No residential uses are proposed in this area, only 10,000 sq. ft. of public storage uses, 6,000 sq. ft. for communications and backup power uses, and 4,000 sq. ft. of miscellaneous storage associated with Wellness Center uses. Condition 52 requires the property owner(s) of the Wellness Center to exclude location of residential uses in the AO Zoning District area, to restrict the number of persons in the AO Zone to three (3) persons to a site at any one time.

In addition, Section 6288.5 (*Noise Insulation Requirements*) requires all new development in the AO Zoning District to submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed such that (1) interior community noise equivalent levels (CNEL) with windows closed, attributable to exterior sources shall not exceed an annual CNEL of 55 dBA and (2) requires the property owner to construct the building in accordance with recommendation of acoustical analysis. As discussed in regard to the CLUP, analysis contained in Impact NOISE-3 concludes that new residential projects generally provide an exterior-to-interior noise reduction of more than 30 dBA, thereby reducing estimated future exterior noise levels (approximately 58.8 dBA CNEL) to estimated interior noise levels that are lower than the County Interior Noise Standard of 45 dBA CNEL. Therefore, the project would not expose Wellness Center residents to excessive noise levels. Based on the foregoing, the project complies with the requirements of the AO Zoning District.

(4) Project Compliance with Parking Regulations (Wellness Center)

For the Wellness Center, the applicant proposes a 50-space on-site parking lot, including 10 ADA-accessible parking spaces (where a minimum of three ADA-accessible spaces are required). As the County's parking regulations do not explicitly state the requirements for sanitariums, necessary parking spaces were estimated in the EIR based on an analysis of what is anticipated to be the actual parking demands of the project. For instance, as the DD residents would not drive and, instead, would be driven by their aides, no parking is required for the DD residents. According to the table below, a minimum of 50 spaces is required for the proposed uses.

Table 6		
Wellness Center Proposed Parking Spaces		
Proposed Use	Type of Use	Parking Spaces
50 dwelling units	50 special needs individuals do not drive	0
20 dwelling units	20 live-in staff (caregivers and employees)	20
Commercial public storage	Pick-up/drop-off services	10
Services (laundry, dog grooming, maintenance/ janitorial)	Pick-up/drop-off services	10
Additional required parking spaces		7
Total of Parking Spaces Above		40
Parking Spaces Reserved for Beach User Access		10
Total Proposed Parking Spaces		50

As shown in the table above, while a total of 40 parking spaces are adequate for this development, LCP Policy 10.22 (*Parking*) requires the property owner to designate and post 20% of the total spaces for beach user parking between 10:00 a.m. and 4:00 p.m. As all 40 spaces of required parking will be utilized during the day, the applicant proposes 10 additional spaces to meet this requirement, such that 20% of the total required spaces (10 spaces) are reserved for beach user parking at any time. Condition 41 requires compliance with beach user parking requirements for the life of the project. Therefore, the total number of parking spaces on-site will be 50 spaces.

Condition 42 minimizes impervious surface by requiring the use of compact spaces. As up to 25% of parking spaces may be compact (minimum dimensions: 8 feet by 16 feet), the condition requires 12 of the 50 spaces to be compact in size and labeled as such.

Table 7	
Parking Requirements for Wellness Center	
Proposed Parking Spaces	Proposed/Required
ADA Accessible	10 ¹
Compact (8' x 16')	12
Regular (9' x 19')	28
Total Proposed Parking Spaces	50
¹ The applicant proposes 10 spaces where a minimum of three is required.	

(5) Project Compliance with Design Review Requirements (Wellness Center)

As shown in Attachment T and described in the EIR, the applicant proposes two Wellness Center buildings, Buildings A and B. Building A is 88,648 sq. ft., three stories, and 35 feet in height from natural grade. Building A contains 70,348 sq. ft. of residential use, including 45 dwelling units for DD adults. Building B is 6,114 sq. ft., one story, approximately 15 feet in height, and contains eight (8) residential "Breezeway" units.

Story poles have been required by the Community Development Director for this and the Office Park proposal, as permitted under Section 6565.6 (Design Review Application Requirements) of the County Zoning Regulations. The applicant has erected story poles at the Wellness Center site to represent the two Wellness Center buildings.

Per Section 6565.7 of Chapter 28.1 (*Design Review for Coastal Zone Only*) of the Zoning Regulations, the decision-making body shall find that the proposal conforms with applicable standards for review, prior to issuance of a Design Review Permit.²⁹ The following is a discussion of the standards of review as they apply to the Wellness Center proposal:³⁰

- (a) Where grading is necessary for the construction of structures and paved areas, it blends with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site and does not create problems of drainage or erosion on its site or adjacent property. The applicant proposes to perform 26,050 cubic yards of balanced cut and fill, which includes all grading associated with the Wellness Center and Office Park proposals. The site is relatively flat and will remain relatively flat after grading operations. Proposed grading is necessary for the construction of stormwater systems below the pervious parking lots, the creation of building pads, underground water storage systems for fire suppression, and wetlands habitat construction, as shown in Table 12 in Section II.B.6 of this report. Per Condition 15, the applicant is required to comply with the approved Erosion and Sediment Control Plan and the County's Drainage Policy. If these measures are implemented, the project will conform with this requirement.
- (b) A smooth transition is maintained between development and adjacent open areas through the use of natural landscaping and plant materials which are native or appropriate to the area. The site adjoins the Fitzgerald Marine Reserve along the western property boundary and a drainage swale along the northern property line. The applicant proposes to preserve existing wetlands and perform additional wetlands habitat construction and landscaping along the west and north property lines.
- (c) Varying architectural styles are made compatible through the use of similar materials and colors which blend with the natural setting and surrounding neighborhoods. As presented in the EIR, the color and material schematic for the Wellness Center blends well with buildings in Princeton. Exterior materials for the Wellness Center include cedar siding, ipe wood, cement board, and standing seam roofing in earth-toned hues of green, brown (shown as orange), and gray. The fitness center is shown in the renderings to be predominantly white with gray accents. While the original renderings do not fully depict the revised proposal, Condition 48 requires the applicant to adapt the

²⁹ Also, refer to discussion of project compliance with the Community Design Manual (CDM) in relation to LCP Policy 8.12 (*General Regulations*).

³⁰ This section includes a discussion of policies unique to the Design Review standards for review (or concepts not otherwise covered by policies of the Community Design Manual, General Plan, and Local Coastal Program).

original design to the revised site plan for the Wellness Center presented in the FEIR, subject to the approval of the County's Design Review Officer. In addition, landscaping, as proposed and conditioned, along the entire perimeter of the property, will soften and screen the development from public roads and other viewing locations.

- (d) The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community. The Wellness Center buildings present varied heights (Building A is three stories and Building B is one story) and are well articulated. The design of the main Wellness Center building utilizes wall, façade and roofline articulation as well as varying use of exterior textures and colors to break up the mass and bulk of the structure. Furthermore, awnings and balconies help to add additional articulation and a human scale. While the immediately adjoining buildings in Princeton are 1-story and 2-story structures, there are also several 3-story structures within the Princeton area.³¹ As presented in the FEIR, Building A is clustered with existing warehouses in Princeton. However, Building A is much larger than Building B. The 1-story Building B would appear out of scale as it would adjoin the much larger Building A to the south and the Office Park buildings to the north. Condition 49 has been added to require the applicant to visually and/or physically break up the mass of Building A, or better balance the sizes of Buildings A and B, while retaining the maximum total square footage of the Wellness Center. If these measures are implemented, the project will conform with this requirement.
- (e) Overhead utility lines are placed underground where appropriate to reduce the visual impact in open and scenic areas. The project site is located in the Cabrillo Highway County Scenic Corridor. Condition 50 requires all new utility lines for this project to be installed from the nearest existing utility pole, such that no new poles will be installed for this project.

b. Office Park Site

The Office Park proposes a mix of uses as follows: 40% General Office, 25% Research and Development, 20% Light Manufacturing, and 15% Storage uses. Under Alternative C, the 225,000 sq. ft. total of the original proposal would be distributed among eight, closely clustered buildings, at full buildout of the Office Park. The heights of the Office Park buildings would vary between two or three stories (35.5 feet and 45.5 feet in height from grade) and at full buildout would

³¹ Staff found at least three 3-story buildings, including two along the Princeton waterfront, as well as a warehouse on Yale Avenue.

include a row of four 2-story structures located a distance of 20 feet from the AO Zone and four 3-story buildings located behind the 2-story buildings (refer to Attachment N).

(1) Project Compliance with M-1 Zoning District Regulations (Office Park)

Section 6271.A.162 of Chapter 17 (*M-1 Light Industrial Districts*) of the County Zoning Regulations allows “administrative, research and professional offices, excluding doctors and dentists” as a permitted use. The section also allows a wide range of manufacturing uses as well as storage uses. Therefore, the proposed Office Park uses are principally permitted uses in this zoning district.

(2) Project Compliance with the AO Zoning District (Office Park)

The 125-foot wide portion of the project site located along Airport Street is zoned Light Industrial/Airport Overlay/Design Review/Coastal Development District (M-1/AO/DR/CD). No structures are proposed in areas of the AO Zoning District on the Office Park property, only outdoor parking uses, trail uses and landscaping. Therefore, the Office Park proposal complies with the requirements of the AO Zoning District.

(3) Project Compliance with Parking Regulations (Office Park)

The Office Park includes the following mix of uses for the project's 225,000 sq. ft.: up to 40% General Office, 25% Research and Development, 20% Light Manufacturing, and 15% Storage uses. The County Parking Regulations make a distinction between “office” uses (which requires one parking space for every 200 sq. ft. of use) and “other uses permitted in the ‘M’ Zoning Districts” (which only requires one parking space for every 2,000 sq. ft. of use). As shown in Table 9, using this calculation, a minimum of 518 parking spaces would be required.

It should be noted that the DEIR states that 737 parking spaces are required, which results from applying the County parking requirements for general office use (one parking space for every 200 sq. ft.) to an estimate of equivalent office space associated with each use described above. Based on this calculation, the applicant initially sought a parking exception of 99 parking spaces beyond those that would otherwise be required. Staff has determined that such an exception is unnecessary, based on the proposal for mixed-use office space. The DEIR concludes that the provision of 640 spaces for the proposed use would not result in a significant impact to parking in the area.

As discussed in Section II.B.3.i of this report, Condition 41 requires the property owner(s) to designate a minimum of 20% of all parking spaces at the Office Park site (minimum of 104 parking spaces based on a total of 518 parking spaces) for beach user parking. Therefore, as shown in the table below, a total of 622 parking spaces are required.

Table 8			
Parking Requirements for Office Park			
Proposed Use	Sq. Ft.	County Parking Regulations	
		Parking Space Ratio	Parking Spaces Required under M-1 District
General Office (40%)	90,000	1 sp/200 sq. ft.	450
Research and Development (25%)	56,250	1 sp/2,000 sq. ft. ¹	28.26
Light Manufacturing (20%)	45,000	1 sp/2,000 sq. ft.	22.50
Storage Uses (15%)	33,750	1 sp/2,000 sq. ft.	16.88
	225,000		517.64
Minimum Required Parking Spaces per Parking Regulations			518
Parking Spaces Reserved for Beach User Access			104
Total Required Parking Spaces			622
Total Proposed Parking Spaces			640
¹ The Parking Regulations require "one space for each two employees on largest shift; in no case less than one space for each 2,000 sq. ft. of floor area" for all uses which are permitted in "M" Districts, but not specifically enumerated in the regulations.			

It should be noted that Condition 42 has been added to minimize paved surfaces through the use of compact spaces. As up to 25% of parking spaces at the Office Park site may be compact (minimum dimensions: 8 feet by 16 feet), the condition requires 160 of the 640 spaces to be compact in size and labeled as such.

<p>Table 9</p> <p>Parking Requirements for Office Park</p>	
Proposed Parking Spaces	Proposed/Required
ADA Accessible	13 ¹
Compact (8' x 16')	160
Regular (9' x 19')	467
Total Proposed Parking Spaces	640
¹ Based on building code regulations, which require 2% of parking spaces be ADA accessible for parking lots with between 501 and 1,000 parking spaces.	

Condition 6.n further reduces parking impacts to the project area by requiring the applicant to implement Traffic Demand Management measures in order to reduce on-site parking demand and overall parking in the area.

(4) Project Compliance with Design Review Regulations (Office Park)

Story poles have been required by the Community Development Director for this and the Wellness Center proposal, as permitted under Section 6565.6 (*Design Review Application Requirements*) of the County Zoning Regulations. The applicant erected story poles on October 16, 2010, in advance of the Planning Commission's review of the project, at the Office Park site to represent all proposed buildings at the site. Staff has instructed the applicant to repair story poles such that the poles represent the height and bulk of the proposed structures under Alternative C of the EIR.

Per Section 6565.7 of Chapter 28.1 (*Design Review for Coastal Zone Only*) of the Zoning Regulations, the decision-making body shall find that the proposal conforms with applicable standards for review, prior to issuance of a Design Review Permit.³² The following is a discussion of the standards of review as they apply to the Office Park proposal.³³

- (a) A smooth transition is maintained between development and adjacent open areas through the use of natural landscaping and plant materials which are native or appropriate to the area. The site

³² Also, refer to discussion of project compliance with the Community Design Manual (CDM) in relation to LCP Policy 8.12 (*General Regulations*).

³³ This section includes a discussion of policies unique to the Design Review standards for review (or concepts not otherwise covered by policies of the Community Design Manual, General Plan, and Local Coastal Program).

adjoins the Fitzgerald Marine Reserve along the western property boundary and a drainage swale along the northern property line. The applicant proposes to preserve existing wetlands and perform additional wetlands habitat construction and landscaping along the west and north property lines.

- (b) Proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to insure adequate space for light and air to itself and adjacent properties. The site is relatively flat with a view of the Montara Mountains to the west. Under Alternative C, the Office Park proposal consists of eight closely clustered buildings (at full buildout) and includes pedestrian walkways in between structures, and direct access to loading bays along the perimeter of the building cluster (with the exception of buildings on Lots 4 and 5). The widths of the walkways are the minimum in order to promote clustering, but allow for light, air, and some landscaping in order to create a pleasant walking experience. The 2-story and 3-story variation in the buildings helps to further minimize visual impacts from viewing locations along Airport Street, the North Trail, and Highway 1, and reduce project footprint and land disturbance by allowing a third story for buildings at the rear.
- (c) Varying architectural styles are made compatible through the use of similar materials and colors which blend with the natural setting and surrounding neighborhoods. In order to provide the Board of Supervisors with a visual representation of the recommendations of the Coastsides Design Review Officer, Planning staff worked directly with the Coastsides Design Review Officer to create a design "overlay" for both 2-story and 3-story building structures that do not change the overall structure of the proposed buildings, but simply provides an overlay to the proposed building elevations (Attachment O). The overlay includes recommendations for building color (to be presented at the hearing) and materials. The applicant has agreed to use the design overlays as the basis for the design of the Office Park buildings. Condition 47 requires the applicant use the design overlays as the basis for the design of the Office Park buildings, subject to the approval of the Coastsides Design Review Officer.
- (d) Where grading is necessary for the construction of structures and paved areas, it blends with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site and does not create problems of drainage or erosion on its site or adjacent property. The applicant proposes to perform 26,050 cubic yards of balanced cut and fill, for both the Big Wave Wellness Center and Office Park developments. The site is relatively flat and will remain relatively flat after grading operations. Proposed grading is

necessary for the construction of stormwater systems below the pervious parking lots, the creation of building pads, underground water storage systems for fire suppression, and wetlands habitat construction, as shown in Table 12 of this report. Per Condition 15, the applicant is required to comply with the approved Erosion and Sediment Control Plan and the County's Drainage Policy. If these measures are implemented, the project will conform with this requirement.

- (e) The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community. Under Alternative C and with the required implementation of the design overlays, the Office Park buildings vary between two and three stories in height, are well articulated, and are compatible in size and scale with other buildings in Princeton. While buildings in Princeton within the immediate vicinity are 1-story and 2-story structures, there are also several 3-story structures within the Princeton area.³⁴ The design of the buildings utilizes wall, façade and roofline articulation as well as varying exterior textures and colors to break up the mass and bulk of the structures. Furthermore, awnings and trellis elements help to add additional articulation and a human scale. If these measures are implemented, the project will conform with this requirement.
- (f) Overhead utility lines are placed underground where appropriate to reduce the visual impact in open and scenic areas. The project site is located in the Cabrillo Highway County Scenic Corridor. Condition 50 requires all new utility lines for this project to be installed from the nearest existing utility pole, such that no new poles will be installed for this project.

c. Both Project Sites

Project Compliance with Resource Management-Coastal Zone (RM-CZ) Regulations³⁵

As shown in Attachment J, portions of both properties are located within the RM-CZ/DR/CD Zoning District. These portions include areas within the buffer zones along the drainage swale separating the properties and wetland and wetland buffer zones. Within these areas, only wetland habitat construction and monitoring are proposed.

³⁴ Staff found at least three 3-story buildings, including two along the Princeton waterfront, as well as a warehouse on Yale Avenue.

³⁵ This section includes a discussion of policies unique to the RM Regulations and development review criteria (or concepts not otherwise covered by policies of the General Plan and Local Coastal Program).

Section 6906.1 (*Conservation Open Space Easement*) requires, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980). Condition 26 has been added to require that applicant record a conservation easement over areas of the properties within delineated wetlands and buffer zones.

5. Compliance with Subdivision Regulations

Wellness Center

The applicant proposes a Minor Subdivision of the southern parcel, in which the division of land would result in four or fewer parcels. The property would be subdivided into three separate lots (Lots 1-3). Lot 1 includes the 3-story 10,000 sq. ft. commercial public storage building, 6,000 sq. ft. for communications and backup power uses, and 4,000 sq. ft. of miscellaneous storage uses. Lot 2 includes the 94,762 sq. ft. Wellness Center, including 57 dwelling units and ancillary uses, as well as the common areas of the wetlands, wetland buffer areas, area proposed for wetland habitat creation, and fire access lane. Lot 3 includes the 50-space parking lot.

Office Park

The applicant proposes a Major Subdivision of the northern parcel, in which the division of land would result in five or more parcels. The property would be subdivided into 10 lots (Lots 1-10). Lot 1 includes the common areas of the wetlands, wetland buffer areas, area proposed for wetland habitat creation, and fire trail. Lot 2 includes the 640-space parking lot and walkway areas. Lots 3 through 10 would include eight (8) 2-story and 3-story buildings (225,000 sq. ft. total) planned for mixed-office use.

The proposed subdivision has been reviewed by Planning staff with respect to the County Subdivision Regulations. The Coastside Fire Protection District and the County's Building Inspection Section, Environmental Health Division, Geotechnical Engineer, and Department of Public Works have reviewed the project. As conditioned, the project is in compliance with their standards and the requirements of the County Subdivision Regulations. Conditions of project approval have been included in Attachment A of this report.

a. Subdivision Design and Improvement Requirements

The proposal has been reviewed by the Environmental Health Division, the Community Development Director, and County Counsel and has been found to comply with the design and improvement requirements of the Subdivision

Regulations. The following is a discussion of specific requirements relating to critical aspects of the project:

(1) Subdivision Design and Layout

The project complies with Article 2 (*Subdivision Design and Layout*) of the Subdivision Regulations, where each proposed parcel meets the minimum lot size of 5,000 sq. ft., minimum lot width of 50 feet and minimum lot depth of 100 feet.

(2) Water Supply

Article 4 (*Water Supply*) requires water to be supplied to each parcel of the subdivision by one of three methods, including connection to an existing utility system, establishment of a mutual³⁶ or private water system subject to the approval of the Environmental Health Division (Division), or service from individual wells to each parcel. The applicant proposes a mutual water system to supply approximately 16,000 gallons per day (gpd), where 26,000 gpd is required for project operation. As described in the FEIR, the other water demands (approximately 10,000 gpd) will be supplied using recycled water that is treated to Title 22 standards for drinking water. The following table provides estimates regarding potable and recycled water demand.

Table 10				
Estimated Water Demand (Includes Potable and Recycled), Based on EIR Analysis				
<i>Water Source</i>	<i>Wellness Center Demand (gpd)</i>	<i>Office Park Demand (gpd)</i>	<i>Total Demand (gpd)</i>	<i>Total Supply (gpd)</i>
Potable (Well) Water	4,000 – 6,000 ²	6,000 – 11,000 ²	10,000 – 17,000 ²	24,000 to 47,500 ¹
Recycled Water	0 – 2,000 ²	9,000 ² – 14,000 ²	9,000 – 16,000 ²	26,000
Total	6,000	20,000	26,000³	N/A
Notes: GPD = Gallons per day.				
¹ Per the EIR and the technical data contained in it, the well is capable of delivering approximately 24,000 gpd in a 12-hour period and 47,500 gpd over a 24-hour period.				
² Range from Table II-8 of the FEIR (see notes in Table II-8).				
³ Based on average year conditions. For drought years, applicant states that maximum potable water demand for the project will decrease from 26,000 gpd to approximately 21,000 gpd, consisting of 5,000 gpd of potable water and 16,000 gpd of recycled water.				

³⁶ A mutual exists with the purpose of raising funds from its membership or customers, which can then be used to provide common services to all members of the organization or society. A mutual is therefore owned by, and run for the benefit of, its members (Source: www.wikipedia.com).

Approval of the proposed system is subject to the requirements of Section 7024.2.b, including but not limited to use of a vertical well or spring,³⁷ compliance with the permitting requirements and operation and maintenance standards of the Environmental Health Division (Division). The 20-foot seal of the existing well will be maintained, with surface water treatment, as required by the Division. The well water will be disinfected and treated to remove iron, manganese, nutrients, and volatile organic compounds (VOCs). The proposed system has been reviewed by the Division and, as proposed and conditioned, meets their requirements.

Furthermore, Section 7024.3.a.2 allows for use of mutual water company as a water source in an urban area if the Community Development Director determines that connection to an existing water supply system is infeasible. The County has added Condition 9 to require the applicant to actively pursue a water connection to CCWD for the potable water and fire suppression needs of the entire project. Connection to CCWD would require the annexation of the project sites to CCWD, which would require review and approval by LAFCo and approval by the California Coastal Commission of amendments to the Coastal Development Permits for the El Granada Pipeline replacement project (CDPs A-1-HMB-99-20 and A-2-SMC-99-63). These requirements make such a connection infeasible at this time. Therefore, until a municipal water connection can be secured, the proposed well use would be allowed on an interim basis. If and when a water connection is secured, the existing well shall be closed to the property owner for all uses except for agricultural use. For as long as LAFCo determines not to authorize the annexation of the project sites to the service area boundaries of CCWD and/or the Coastal Commission fails to grant the Coastal Development Permits for the El Granada Pipeline necessary for connection of the project to CCWD, the proposed well may be used to serve the project.

(3) Storm Drainage

Article 6 (*Storm Drainage*) requires each parcel created by a subdivision to be adequately drained of all stormwater runoff by a storm drain system that meets County standards, and no tentative map or tentative parcel map shall be approved unless the County Department of Public Works is assured that adequate drainage will be provided. Standards provided in this article require all storm or surface waters reaching the subdivision to be collected by a storm drain system designed to prevent standing or flooding waters and conveyed to an existing storm drain system or natural watercourse as approved by the Director of Public Works. Minimum design criteria for storm drain capacity is required to be that of a 10-year

³⁷ This is groundwater that emerges at the surface from deep underground. Immense pressure combined with the structure of the local geology forces the water to the surface.

storm. Easements for storm drain purposes must be a minimum of ten (10) feet in width. The storm drain system must provide for the protection of adjacent properties that would be adversely affected by any increase in runoff attributed to the subdivision. As proposed and conditioned, the project would direct all roof runoff to a piped storage system below the parking lot that is sized for a 10-year storm. Likewise, all surface water in the parking lot would be absorbed into the permeable pavers and directed into the same system. Stormwater would not cross property lines. The proposed system has been reviewed by the Department of Public Works and would comply with this article and the County's Drainage Policy.

(4) Sewage Disposal

Article 7 (*Sewage Disposal*) requires subdivisions in urban areas to connect to an existing sanitary sewer system or obtain an exception from the Planning Commission. According to the EIR, the estimated wastewater flows from the project are approximately 26,000 gallons per day (gpd).³⁸ The applicant proposes to treat all 26,000 gpd through an on-site membrane bioreactor (MBR) wastewater treatment facility designed to meet Title 22 requirements. As described in the FEIR, three separate MBR plants would be located in separate below-ground areas of the project sites to allow for project phasing. The applicant plans to recycle 16,000 gpd through toilet flushing, subsurface landscape irrigation, and surface and solar panel washdown uses.³⁹ Table 11 shows the proposed uses of recycled water at the project site.

Table 11		
Estimated Project Wastewater Generation and Disposal, based on EIR Analysis		
	Volume (gpd)	
	Average Year	Drought Year
Total Project Wastewater Generation¹	26,000	21,000
Use of Treated Wastewater² (Treated to Title 22 Requirements)		
Toilet Flushing, Solar Panel and Surface Washing	9,000 ⁴ – 16,000	9,000 ⁴ – 16,000
Irrigation (On-site Farm and Landscaping) ⁵	10,000 – 17,000 ⁴	5,000 – 12,000 ⁴
Total Excess Treated Wastewater³	0	0
¹ Based on total water usage for both Wellness Center and Office Park. ² The applicant's intent is to use all treated wastewater on-site. Disposal method will vary based on quantity of recycled water flushed in toilets. If less is used, then more recycled water will be used for irrigation. ³ Unused treated wastewater, should there be any, will be disposed into the Granada Sanitary District system. ⁴ The EIR estimates recycled water use based on toilet flushing uses only at 9,000 gpd. ⁵ Estimates based on Table II-11 of the FEIR.		

³⁸ Project water demand calculation is provided in Table IV.N-2 on page IV.N-33 of the DEIR.

³⁹ The applicant estimates reuse of 10,000 gpd through irrigation for non-drought years. The applicant estimates reuse of 5,000 gpd through irrigation for drought years, where estimated wastewater generation will drop from 26,000 gpd to 21,000 gpd.

Any unused excess recycled water would be disposed of through the Granada Sanitary District (GSD) system. As shown in the table above, under normal conditions, no wastewater will be directed to the GSD system. However, the applicant proposes to connect to the GSD sewer system for eight equivalent dwelling units (EDUs), where eight EDUs is equivalent to 1,768 gallons per day, for the discharge of unused Title 22 treated water if needed.⁴⁰ This connection also provides a backup wastewater management system in the instance that the on-site wastewater treatment system fails or is over capacity.

The permitting authority for the on-site wastewater treatment system is the State Regional Water Quality Control Board. The permitting authority for the use of recycled water is the California Department of Public Health. Condition 5.ii requires compliance with requirements of these agencies. It should be noted that the State typically delegates authority for both wastewater treatment plants and the use of recycled water to the County Environmental Health Division.

(5) Park Dedication Requirement

Section 7055.3 of the County Subdivision Regulations requires that, as a condition of approval of the tentative map, the subdivider must dedicate land for park use or pay an in-lieu fee. The in-lieu park fee is based on the number of new parcels being created by the subdivision that will generate park usage. While the applicant proposes to divide the Wellness Center property into a total of three parcels, resulting in two new parcels, one of those parcels will contain commercial public storage, communications, and other storage uses that will not generate any park use. Therefore, the fee is based on the creation of only one new parcel. Condition 76 of Attachment A requires that, prior to the recordation of the Final Map, the property owner shall pay an in-lieu fee of \$963.30. Said fee is for the purpose of acquiring, developing or rehabilitating County park and recreation facilities and/or assisting other providers of park and recreation facilities in acquiring, developing or rehabilitating facilities that would serve the proposed subdivision. A worksheet showing the prescribed calculation of the in-lieu fee has been included as Attachment AO. The mixed-office use Office Park is exempt for park dedication requirements, as it does not contain residential uses.

⁴⁰ EDUs are used to calculate the connection fee charged by the Granada Sanitary District. Taxes for eight (8) EDUs have been assessed by GSD to the property. One (1) EDU is equivalent to 221 gallons per day.

b. Compliance with Findings Required for Subdivision Approval

- (1) **Find that, in accordance with Section 7013.3.b of the County Subdivision Regulations, this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan.**

Planning staff has reviewed the tentative map and found that, as proposed and conditioned, it would be consistent with the County General Plan as discussed in Section II.B.1 of this report, above.

- (2) **Find that the site is physically suitable for the type and proposed density of development.**

As discussed in the EIR, the project, as proposed and mitigated, would not result in any significant impacts to the environment. As described in Sections II.B.1 and II.B.4 of this report, the project complies with both the General Plan land use density designation and applicable Zoning Regulations. As described in Section II.B.6 of this report, the project will minimize grading and comply with mitigation measures of the EIR to minimize geotechnical, tsunami hazards and other hazards to the project site and immediate vicinity.

- (3) **Find that the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat.**

Implementation of mitigation measures of the EIR, which have been included as conditions of approval in Attachment A, would reduce project impacts, including those related to hydrology, water quality, biological resources, air quality, and hazards and hazardous materials, as discussed in their respective sections of the EIR, to less than significant levels.

- (4) **Find that the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

An existing easement, a 20-foot wide access and utility easement along the north side of the northern parcel, is shown on the Vesting Tentative Map (Attachment N). The project would not change the boundaries of or impede access to this existing easement.

- (5) **Find that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.**

As described in the EIR, project buildings would be heated by solar power. Additionally, the proposed project would include the development of a geothermal cooling system.

- (6) **Find that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code.**

The applicant proposes to treat all project wastewater flow through an on-site membrane bioreactor (MBR) wastewater treatment facility designed to meet Title 22 requirements. The applicant plans to recycle 16,000 gpd through toilet flushing, subsurface landscape irrigation, and surface and solar panel washdown uses.⁴¹ Any unused excess recycled water would be disposed of through the Granada Sanitary District (GSD) system. The applicant also proposes an emergency connection to provide for a backup wastewater management system in the instance that the on-site wastewater treatment system fails or is over capacity. Condition 5.ii requires compliance with requirements of the State Regional Water Quality Control Board and the California Department of Public Health as they apply to the project.

- (7) **Find that the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 ("the Williamson Act") and that the resulting parcels following a subdivision of that land would not be too small to sustain their agricultural use.**

The property is not subject to a Williamson Act contract.

- (8) **Find that, per Section 7005 of the San Mateo County Subdivision Regulations, the proposed subdivision would not result in a significant negative effect on the housing needs of the region.**

The proposed project would assist the area in achieving a jobs/housing balance by providing approximately 630 new jobs⁴² and 57 new housing units, or approximately 11 jobs per dwelling unit. By providing a substantial number of new job opportunities along with a moderate supply of new housing, the proposed project would not only provide jobs to employ future project residents, but provide additional jobs to employ existing and

⁴¹ The applicant estimates reuse of 10,000 gpd through irrigation for non-drought years. The applicant estimates reuse of 5,000 gpd through irrigation for drought years, where estimated wastewater generation will drop from 26,000 gpd to 21,000 gpd.

⁴² Table 1 (Trip Generation) of the report prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010, estimates 585 jobs at the Office Park. The DEIR estimates Wellness Center employment at 45 jobs, for a total of 630 jobs.

future residents in the surrounding community. The EIR concludes that impacts related to population growth associated with project operations would therefore be less than significant and no mitigation measures are required. Therefore, the project would not result in a negative effect on regional housing needs.

6. Compliance with Grading Regulations

The project would involve approximately 26,050 cubic yards of balanced cut and fill in order to construct stormwater systems below the pervious parking lots, create building pads for all proposed structures, underground water storage systems for fire suppression, and wetlands habitat construction, as shown in the table below. Grading would include approximately 22,445 cubic yards of excavation and approximately 26,050 cubic yards of fill (including 3,605 cubic yards of imported gravel). Off-haul of excess earth would not be necessary. The project does not meet the criteria for an exemption under Section 8603 of the San Mateo County Ordinance Code and requires a grading permit.

Table 12			
Grading Estimates			
Purpose	Cut	Fill	Import
Office Park			
Excavate Top Soil and Stockpile On-site	<u>18,700¹</u> 49,500		
Building Pads		7,740	
Parking Lot		<u>5,370⁴</u> 6,170	<u>3,605⁴</u> 4,400 (imported gravel)
Swale and Retention Ponds ²	2,375	1,870	
Office Park Total	<u>21,075</u>	<u>14,980⁴</u>	
Wellness Center			
Swale and Retention Ponds	870		
Building Pads, Fire Trail and Parking		11,070	6,095 cy from the Office Park property
Fire Water Storage Tank	<u>500³</u>		
Wellness Center Total	<u>1,370-870</u>	<u>11,070</u>	
TOTAL CUT AND FILL	<u>22,445</u>	<u>26,050</u>	(3,605 cy gravel will be imported)
¹ Reduction of 800 cubic yards of cut due to the County Environmental Health Division's requirement to retain the clay cap within a 100-foot radius around the well. ² The swales and retention ponds are for the purpose of providing natural roughness and topography and micro and macro depressions in the wetlands design. ³ Additional excavation to install a below-ground water storage tank for fire protection, if swimming pool is not approved as fire supply by the Coastside County Fire Protection District. ⁴ Revised and reduced fill amount based on reduction in cut amount (see note 1 of this table) to allow for balanced grading.			

It should be noted that grading would be further reduced from the estimates in the above table through the implementation of Condition 15, which requires finished grade elevations along the western building edge of the Wellness Center and Office Park buildings to remain at elevation 14 feet (per the 90% Basis of Design Report), not elevation 18 feet as submitted (in order to reduce unnecessary fill).

In order to approve this project, the Board of Supervisors must make the required findings contained in the Grading Regulations. The findings and supporting evidence are outlined below:

a. That the project will not have a significant adverse effect on the environment.

The Geology and Soils Section of the EIR identifies the following as the primary geotechnical concerns for this site: very strong to very violent shaking during an earthquake due to the close proximity of the site to the San Gregorio and the San Andreas Faults; seismic hazards, including the potential for liquefaction, sand boils, and cyclic densification; and the presence of expansive near-surface soil. Implementation of the proposed mitigation measures in the EIR, incorporated as Conditions of Approval 5.m through 5.r and compliance with applicable regulations would reduce project impacts related to geology and soils to a less than significant level.

b. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code (Grading Regulations), including the standards referenced in Section 8605.

The project has been reviewed by the County's Department of Public Works and the Planning and Building Department's Geotechnical Engineer. Applicable requirements of these agencies have been incorporated as conditions of approval, including those regulating the timing of grading activity, erosion and sediment control, and dust control. Condition 16 prohibits grading within the wet season (October 1 through April 30), unless approved by the Community Development Director. Therefore, the project, as proposed and conditioned, conforms to the standards in the Grading Regulations.

c. That the project is consistent with the General Plan.

As proposed and conditioned, the project complies with applicable policies of the General Plan, as discussed in Section II.B.1 of this report, above.

C. COMMENTS FROM THE CALIFORNIA COASTAL COMMISSION (CCC)

As described in the FEIR, in a comment letter dated December 24, 2009, the Coastal Commission states that the project appears to contain historic tidelands that CCC staff suggests may lie within the Coastal Commission's original permit jurisdiction. Per the Public Resources Code 30519(a) and (b), the local government has the development review authority for any new development proposed within the area to which the certified Local Coastal Program has been locally approved and certified by the California Coastal Commission, with the exception of any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the Coastal Zone, which lands are subject to the CCC's original permit jurisdiction.

Mitigation Measure LU-2 (also Condition 5.z) requires the property owner to work with the CCC to identify and delineate the CCC's jurisdiction over the project site, subject to CCC review and approval. The property owner shall obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC's jurisdiction.

All parts of the project site that are outside of the jurisdictional boundaries of the CCC are within the jurisdictional boundaries of the County of San Mateo, and the CCC's appeal jurisdiction. Development in these areas is subject to the Local Coastal Program (LCP) and Coastal Act Access and Recreation Policies.

As discussed in this report, the proposed project, as proposed and conditioned, is in conformance with all applicable development regulations of the LCP and the Coastal Act. Therefore, impacts would be less than significant and no mitigation measures are required. However, in order to ensure that all necessary approvals are obtained, Mitigation Measure LU-2 (also Condition 5.z) requires the property owner to work with the CCC to identify and delineate the CCC's jurisdiction over the project site, subject to CCC review and approval. The property owner shall obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC's jurisdiction.

REVIEWING AGENCIES:

Aircraft Owners and Pilots Association
Association of Bay Area Governments
Bay Area Air Quality Management District
CA Air Resources Board
CA Coastal Commission
CA Department of Boating and Waterways
CA Department of Conservation
CA Department of Fish and Game
CA Department of Food and Agriculture
CA Department of Health Services
CA Department of Housing/Community Development
CA Department of Parks and Recreation

CA Department of Toxic Substances Control
CA Department of Transportation
CA Department of Water Resources
CA Employment Development Department
CA Energy Commission
CA Highway Patrol
CA Integrated Waste Management Board
CA Office of Historic Preservation
CA State Lands Commission
CA State Parks - Santa Cruz District
CA Water Resources Control Board
Cabrillo Unified School District
California Pilots Association
City of Half Moon Bay
City/County Association of Governments, Airport Land Use Committee
Coastside County Water District
Coastside Fire Protection District
Coastside Scavenger Company/Seacoast Disposal
Committee for Green Foothills
Golden Gate Regional Center
Granada Sanitary District
Half Moon Bay Chamber of Commerce
Half Moon Bay Library
Half Moon Bay Police Department
Local Agency Formation Commission (LAFCo)
Midcoast Community Council
Montara Water and Sanitary District
National Marine Fisheries Service
Native American Heritage Commission
Peninsula Open Space Trust
Pillar Ridge Homeowners Association
Princeton Citizens Advisory
Princeton-by-the-Sea Homeowners Association
San Francisco Bay Regional Water Quality Control Board
San Mateo County Agriculture/Weights and Measures Division
San Mateo County Department of Health
San Mateo County Department of Housing and Community Development
San Mateo County Department of Parks
San Mateo County Department of Public Works
San Mateo County Office of Emergency Services
San Mateo County Resource Conservation District
San Mateo County Sheriff's Office
Sheriff's Office of Emergency Services
U.S. Army Corps of Engineers - San Francisco District
U.S. Fish and Wildlife Service

County Counsel has reviewed and approved the materials as to form and content.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by the construction of 57 units of affordable, special needs housing and the addition of employment opportunities in an urban area of San Mateo County where many employed residents are traveling outside of their communities for work.

FISCAL IMPACT:

Nominal cost to the Planning and Building Department. Conditions of approval minimize costs associated with mitigation monitoring by the Planning and Building Department, by requiring the property owner(s) to post securities for the implementation of mitigation measures and to pay for the costs of associated monitoring.

ATTACHMENTS:

Copies of the Big Wave Wellness Center and Office Park Draft and Final EIR are available at the following locations: (1) the Planning Department's website at <http://www.co.sanmateo.ca.us/portal/site/planning>; (2) the County Planning Department, 455 County Center, Second Floor, Redwood City, California; and (3) the Half Moon Bay Library, 620 Correas Street, Half Moon Bay, CA 94019.

- A. Findings and Conditions of Approval
- B. Appeal filed by Granada Sanitary District, received December 7, 2010
- C. Appeal filed by Montara Water and Sanitary District, received December 7, 2010
- D. Appeal filed by Committee for Green Foothills, Surfrider Foundation San Mateo County Chapter, Sierra Club Loma Prieta Chapter, California Pilots Association, Pillar Ridge Homeowners Association, and San Mateo County League for Coastside Protection, received December 9, 2010
- E. Applicant's Comments on Appeals filed, received February 28, 2011
- F. Letter of Planning Commission Decision, dated November 29, 2010 (Excludes Conditions of Approval, see Attachment A) and Summary for the November 23, 2010 Planning Commission Meeting, adopted February 9, 2011
- G. Proposed Development Agreement, revised March 1, 2011
- H. Letter from Midcoast Community Council, dated February 16, 2011

Attachments Describing the Project Site:

- I. Vicinity Map for the Big Wave Project Sites
- J. Zoning Map
- K. Vegetation Communities Map from Draft EIR, October 2009

Attachments Describing Project Design for the Office Park (Plan Documents for Current Proposal are in bold):

- L. Office Park Property Site Plan from Draft EIR, October 2009
- M. Office Park Building Elevations from Draft EIR, October 2009 (Building A only, as it is representative of all proposed buildings due to similarities in design)
- N. **Alternative C Office Park Property Vesting Tentative Map from FEIR, October 2010**
- O. **Building Elevation Design "Overlays" for Alternative C Office Park from FEIR, October 2010**

- P. **Office Park Grading and Erosion Control Plans**
- Q. **Office Park Planting Plans**

Attachments Describing Project Design for the Wellness Center (Plan Documents for Current Proposal are in bold):

- R. Wellness Center Property Site Plan from Draft EIR, October 2009
- S. Wellness Center Building Elevations from Draft EIR, October 2009
- T. **Wellness Center Property Vesting Tentative Map from Final EIR, October 2010**
- U. **Wellness Center Grading and Erosion Control Plans**
- V. **Wellness Center Planting Plans**

Traffic Information:

- W. Alternate Traffic Route Under Alternative C
- X. Detail View of Proposed Modifications within Airport Street Right-of-Way
- Y. Traffic Analysis of the Revised Access Plan for Big Wave Office Park and Wellness Center, prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010 (Excludes Counts)
- Z. Email Correspondence between Gary Black, President of Hexagon Transportation Consultants, Inc., and Planning Staff, dated November 19, 2010 and February 28, 2011

Wetlands Information:

- AA. "90% Basis of Design - Riparian and Water/Wetlands Ecosystem Restoration" (also added to Appendix E of the DEIR in the FEIR) (Excludes Bibliography and Figures)
- AB. Resume for Lyndon C. Lee, Ph.D. (Partial Resume, portions excluded for brevity)

Tsunami Information:

- AC. "Big Wave Tsunami Force and Run-Up Report in Accordance with Zoning Ordinance 6326.2," prepared Scott Holmes (Excludes Attachments)
- AD. Review of Tsunami Report Prepared by Scott Holmes by David Skelly, dated October 14, 2010

Correspondence from Reviewing Agencies:

- AE. Email Correspondence between Chris Nagano, USFWS, and Planning Staff, dated January 7, 2011
- AF. Letter from Coastside Fire Protection District, dated December 22, 2009
- AG. Letter from Sheriff's Office of Emergency Services, dated January 24, 2011

Information from EIR:

- AH. Visual Simulations from the DEIR
- AI. Mitigation Monitoring and Reporting Program

Attachments Pertaining to Airport Issues:

- AJ. Letters from the Federal Aviation Administration (FAA), dated July 8, 2010 and October 26, 2010

- AK. Airport Layout Drawing
- AL. Conceptual Wellness Center Floor Plan to Address Airport Noise Concerns
- AM. Letter from Jim Porter, dated November 2, 2010
- AN. San Carlos Airport and the Skyway Landing Office Buildings at 959 and 999 Skyway

Other Attachments:

- AO. In-Lieu Fee Worksheet
- AP. Definitions of Extremely Low Income, Very Low Income, Low Income, and Moderate Income Households (from the County's Housing Element)

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit File Numbers: PLN 2005-00481; 482 Board Meeting Date: March 15, 2011

Prepared By: Camille Leung, Project Planner For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding Environmental Review, Find:

1. That the Draft Environmental Impact Report together with the Final EIR (EIR), as reviewed by the Board of Supervisors at its meeting of March 15, 2011, is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines. The County, as the Lead Agency, followed procedures required by CEQA, such that the public was provided meaningful opportunity to comment regarding potential environmental effects of the project. The 64-day public review period for the Draft EIR was October 22, 2009 to December 24, 2009. The 33-day public review period for the Final EIR was October 15, 2010 to November 17, 2010. The EIR concludes that the project, as proposed and mitigated, will result in impacts considered less than significant. Alternative C of the EIR provides a feasible way to further reduce potential environmental impacts of the proposed project, including, but not limited to, aesthetic impacts (e.g., buildings of reduced size and height compared to the proposed project), air quality (e.g., reduced vehicle emissions in residential areas along Airport Street north of the project site), and transportation and traffic impacts (e.g., reduced project and construction traffic impacts at the intersection of Cypress Avenue and Highway 1). Revisions to the proposed project required to implement Alternative C are, therefore, incorporated into the terms of the County's approval.
2. That, on the basis of the Draft and Final EIR, no substantial evidence exists that the project, as proposed, mitigated, and conditioned, will have a significant effect on the environment. The EIR concludes that the project, as proposed and mitigated, will result in impacts that are less than significant, including but not limited to, the following:
 - a. Aesthetics: The project, as proposed and conditioned, would not result in any significant impacts to public views or scenic vistas, scenic resources, or the existing character or quality of the site and its surroundings or create new sources of substantial light or glare which may adversely affect day or nighttime views in the area. The varying heights of the eight (8) Office Park buildings under Alternative C help to further minimize visual impacts from viewing locations along Airport Street, the North Trail, and Highway 1.

Condition 47 requires the applicant to implement design “overlays” at the Office Park, which further reduces the appearance of building mass and incorporates architectural details of the Wellness Center and Princeton into the design of Office Park structures.

- b. Biological Resources: Implementation of the mitigation measures of the EIR (Conditions 5.d through 5.h) is adequate to protect California Red-Legged Frog and San Francisco Garter Snake from harm as required by the Federal Endangered Species Act of 1973, and as necessary to avoid significant adverse impacts to these special status species.
- c. Cultural Resources: Analysis and recommendations for mitigation of potential project impacts were prepared for the Cultural Resources Section of the EIR by Tom Origer, a professional archaeologist. As shown in the FEIR, the required relocation of proposed Wellness Center structures avoids impacts to cultural site CA-SMA-151 (Mitigation Measure CULT-2a, Condition 5.i).
- d. Geology and Soils: The geotechnical firm, Treadwell and Rollo, reviewed available subsurface data and assisted in the development of the geotechnical mitigation measures, incorporated as Conditions 5.m through 5.r, that will prevent any significant adverse hazards.
- e. Hazards and Hazardous Materials: The project sites are outside of the Runway Protection Zone (RPZ) or Zone 1 for this airport. Staff has determined that Inner Approach/Departure Zone or Zone 2 would not extend over the project parcels. Proposed structures comply with the imaginary surfaces defined in FAR Part 77 for the Half Moon Bay Airport. Condition 54 requires the project to comply with CLUP policies regarding hazards to aircraft in flight. Condition 53 prohibits the storage of bulk petroleum products or chemicals in all areas of the property located within the Airport Overlay (AO) Zoning District. Therefore, the project, as proposed and conditioned, would result in a less than significant impact associated with airport safety hazards to people residing or working in the area of a public airport.

Mitigation Measure HAZ-2 (Condition 5.s) requires the property owner(s), prior to the initiation of grading, to perform a Phase II Environmental Site Assessment (Phase II ESA) to determine whether hazardous substances have migrated onto the project site from the north or northeast and to determine whether on-site soil is appropriate for reuse. The condition requires recommendations of the Phase II ESA to be incorporated into project plans, to the satisfaction of the County. Full compliance with OSHA mandatory compliance safety plans, as well as County regulations, would ensure that impacts resulting from the routine transport, use, disposal of hazardous materials associated with the construction and operation of the proposed project would not result in a significant hazard to human health and/or the environment. Therefore, hazardous material impacts associated with construction and operation of the proposed project will be less than significant.

- f. Hydrology and Water Quality: Due to proposed on-site wastewater treatment, recycling and infiltration, project groundwater demands would not, as proposed and mitigated, substantially deplete groundwater supplies, substantially interfere with groundwater recharge or otherwise substantially degrade groundwater quality. In compliance with Mitigation Measure HYDRO-9 (Condition 5.y), first floor elevations of Wellness Center buildings would be 20 feet NGVD, which is above the estimated maximum elevations of a 100-year flood event, sea level rise and the peak tsunami inundation.⁴³
- g. Noise: The use of drilled piles, instead of impact pile drivers, as required by Condition 5.cc, will minimize ground-borne vibration, and the erection of temporary barriers, such as flexible sound control curtains, between the proposed project and the Pillar Ridge Mobile Home Park will minimize the amount of noise during construction and will avoid any significant adverse noise impacts. The applicant would also be required to comply with the County's Noise Ordinance limiting construction hours to between 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturdays, and prohibiting construction on Sundays, Thanksgiving and Christmas. These conditions and other conditions of approval will further reduce project noise and vibration impacts. The applicant will make minor interior and exterior modifications to the Wellness Center buildings to further reduce noise levels to Wellness Center residents, as required by Condition 56. The project would also incorporate disclosures and mitigations to address the concerns expressed by the Federal Aviation Administration, which is intended to protect the operations of the Half Moon Bay Airport from the need to adjust operations as a result of potential noise complaints from Wellness Center residents, as required by Condition 5.t.
- h. Transportation and Traffic: The traffic analysis prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010, demonstrates that the alternate traffic option under Alternative C would further reduce traffic impacts identified in the DEIR as less than significant after mitigation. The alternate traffic option reduces daily project trips (from 2,123 to 1,943 trips), AM project trips (from 292 to 267 trips), and PM project trips (from 268 to 257 trips), from estimates in the DEIR. Hexagon also determined that all Princeton intersections would operate at acceptable Levels of Service (LOS) of C or better and that LOS along Cypress Avenue and Airport Street would be improved from a worst-case level of F to maintain the existing worst case LOS of level D. Per Condition 5.ff, the applicant is required to submit traffic reports for every 40,000 sq. ft. of built space at the Office Park property, evaluating the levels of service at intersections that would be used to access the site,

⁴³ Project elevations are based on a Base Flood Elevation (BFE) of 8.5 feet NGVD (refer to pages IV.H-17 and 18 and Figure IV.H-6 of the DEIR), a maximum recorded wave run-up elevation of 14.35 feet NGVD in 273 years, and a highest projected sea level rise over the next century of 5 feet from the current mean high tide. (Currently, mean high tide is at 3.49 feet NGVD.) Project elevations are over 5 feet above the highest of these levels (tsunami at 14.35 feet NGVD).

including Cypress Avenue/Highway 1 and intersections in Princeton. The traffic report shall state whether or not the level of service at Cypress Avenue and SR 1 warrants a signal or equivalent mitigation measure and shall evaluate intersections in Princeton to verify that they maintain a LOS level of "C"⁴⁴ or better. The applicant shall implement report recommendations, as required by the Department of Public Works and the Planning and Building Department. As proposed and conditioned, project traffic impacts would not be significant and all study intersections would operate at LOS C or better or, in the case of Cypress Avenue and SR 1, no worse than cumulative without project conditions.

3. That the Mitigation Monitoring and Reporting Program incorporated within the Final EIR, which monitors compliance with mitigation measures intended to avoid or substantially lessen environmental effects that would be significant absent such mitigation, has been adopted. Compliance with the conditions of approval listed below, which incorporate all mitigation measures of the EIR, shall be monitored and confirmed according to implementation deadlines as specified within each condition and the Mitigation Monitoring and Reporting Program.
4. That the EIR reflects the independent judgment of San Mateo County. The Draft EIR was prepared by Christopher A. Joseph and Associates (CAJA) under contract to the County. The FEIR was prepared by Planning and Building Department staff under the review of staff from other County departments, including the Planning and Building Department's geotechnical consultant, staff from the Airport and Road Divisions of the Department of Public Works, staff from the Environmental Health Division, staff from the Local Agency Formation Commission (LAFCo), and County Counsel.

Regarding the Major and Minor Subdivision, Find:

5. That, in accordance with Section 7013.3.b of the County Subdivision Regulations, the tentative maps, together with the provisions for their design and improvement, are consistent with the San Mateo County General Plan. The project has been reviewed by the Environmental Health Division, the Planning and Building Department, Department of Public Works, and the Office of the County Counsel and has been found to comply with the design and improvement requirements of the Subdivision Regulations.
6. That the site is physically suitable for the type and proposed density of development. As discussed in the EIR, the project, as proposed and mitigated, would not result in any significant impacts to the environment. As described in Sections II.B.1 and II.B.4 of the staff report, the project complies with both the General Plan land use density designation and applicable Zoning Regulations. As described in Section II.B.6 of the staff report, the project has been conditioned to minimize

⁴⁴ For unsignalized intersections, a Level of Service (LOS) "C" represents operations with average delays resulting from fair progression and includes delays from 15.1 up to 25 seconds.

grading and comply with mitigation measures of the EIR that minimize geotechnical, tsunami hazards and other hazards to the project site and immediate vicinity.

7. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially injure fish or wildlife or their habitat. The applicant proposes a mutual water system to supply approximately 16,000 gallons per day (gpd) of water, where 26,000 gpd of water is required for project operation. As described in the FEIR, the other water demands (approximately 10,000 gpd) will be supplied using recycled water that is treated to Title 22 standards for drinking water. Section 7024.3.a.2 of the Subdivision Regulations allows for use of a mutual water company as a water source in an urban area if the Community Development Director determines connection to an existing water supply system to be infeasible. Condition 9 requires the applicant to actively pursue a water connection to CCWD for the potable water and fire suppression needs of the entire project. In the instance that permit approvals necessary for water connection are not obtained, the proposed well may be used to serve the project. Condition 75 requires the property owner(s) to comply with the annual well monitoring and reporting requirements. Condition 74 requires the property owner(s) to submit reports to the Environmental Health Division and the Planning and Building Department evaluating the impact of the well on groundwater and surface water levels and quality and plant species and animals of water dependent sensitive habitats to ensure that the level of extractions protect sensitive habitats and what measures should be taken if and when adverse effects occur. Additional mitigation measures included as conditions of approval reduce project impacts to hydrology, water quality, and biological resources, to less than significant levels. The proposed water systems have been reviewed by the Environmental Health Division and, as proposed and conditioned, meet the Division's requirements.
8. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. An existing 20-foot wide access and utility easement along the north side of the northern parcel is shown on the Vesting Tentative Map (Attachment N). The project would not change the boundaries of or impede access to this existing easement.
9. That the design of the subdivisions provides, to the extent feasible, for future passive or natural heating or cooling opportunities. As described in the EIR, project buildings would be heated by solar power. Additionally, the proposed project would include the development of a geothermal cooling system.
10. That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. As described in the Utilities and Service Systems Section of the EIR, the project, as proposed and mitigated, would result in less than significant impacts to the capacity of wastewater

treatment and collection facilities. The applicant intends to recycle the majority of wastewater generated on-site through a membrane bioreactor water recycling system designed to meet State Title 22 requirements for unrestricted reuse. The applicant will recycle 16,000 gpd of treated wastewater through toilet flushing, subsurface landscape irrigation, and surface and solar panel washdown uses. All unused or untreated wastewater will be discharged into Granada Sanitary District (GSD) system at a flow and volume equivalent to eight (8) EDUs. The project provides flow equalization that has a maximum flow rate of 10 gpm. Condition 5.hh requires the property owner(s) to limit the maximum amount of sewage flow to the GSD sewer system to that which can be accommodated by the existing 8-inch sewer line in Stanford Avenue and the Princeton Pump Station or to perform improvements to the GSD system as necessary to accommodate wastewater flows from the project.

11. That the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 ("the Williamson Act").
12. That, per Section 7005 of the San Mateo County Subdivision Regulations, the proposed subdivisions would not result in a significant negative effect on the housing needs of the region. As discussed in the Population and Housing Section of the EIR, the proposed project would assist the area in achieving a jobs/housing balance by providing approximately 630 net new jobs⁴⁵ and 57 new housing units, or approximately 11 jobs per dwelling unit. By providing a substantial number of new job opportunities along with a moderate supply of new housing, the proposed project would not only provide adequate jobs to employ future project residents, but provide a surplus of jobs to employ existing and future residents in the surrounding community. Impacts related to population growth associated with project operations would, therefore, be less than significant and no mitigation measures are required. Therefore, the project would not result in a negative effect on regional housing needs.

Regarding the Coastal Development Permit, Find:

13. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.4 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP). Project compliance with applicable policies of the LCP is summarized below, and addressed in detail by the staff report that accompanies these findings:
 - a. The project, as proposed and conditioned, complies with applicable policies of the Locating and Planning New Development Component. The proposed development will be located in an urban area and the project meets the

⁴⁵ Table 1 (Trip Generation) of the report prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010, estimates 585 jobs at the Office Park. The DEIR estimates Wellness Center employment at 45 jobs, for a total of 630 jobs.

general objective of infill. If a water connection to CCWD is granted, the project would meet the objective of infill in that the project sites would be served by the sewer district and water district. In the instance that a connection to CCWD cannot be secured, the project, as proposed and conditioned, would meet the general objective of infill in that the project sites would be served by the sewer district and water to the project sites would be supplied in a manner that incorporates progressive methods to limit project demand for well water (e.g., wastewater treatment, recycling, and reuse).

- b. The project, as proposed and conditioned, complies with applicable policies of the Public Works Component in that increased on-site well production will comply with State and local regulations and the amount pumped would be limited to a safe yield factor which will not impact water dependent sensitive habitats, riparian habitats and marshes.
- c. The project, as proposed and conditioned, complies with applicable policies of the Housing Component in that it would provide affordable housing opportunities for disabled adults who reside in the Coastal Zone and housing would maintain a sense of community character by being of compatible scale, size and design.
- d. The project, as proposed and conditioned, complies with applicable policies of the Energy Component in that the project incorporates the on-site use of non-polluting alternative energy resources, including energy produced from solar voltaics, solar heating, geothermal/evaporative cooling, and wind power.
- e. The project, as proposed and conditioned, complies with applicable policies of the Agriculture Component in that the project is not located in an area designated for agricultural use and the project includes on-site agricultural uses.
- f. The project, as proposed and conditioned, complies with applicable policies of the Sensitive Habitats Component in that, it will not result in significant impacts to special status species, sensitive natural communities, protected wetlands, wildlife movement and habitat connectivity, or result in cumulative adverse impacts to biological resources. The project, as proposed and conditioned, incorporates a 100-foot wetland buffer zone on each project parcel, complies with permitted uses in wetlands and buffer zones, will not result in significant impacts to the Pillar Point Marsh (wetland habitat creation is intended to benefit the biologic productivity and habitat of the marsh). Implementation of the mitigation measures of the EIR are adequate to protect California Red-Legged Frog and San Francisco Garter Snake within the project vicinity from harm.
- g. The project, as proposed and conditioned, complies with applicable policies of the Visual Resources Component in that the project would not result in any significant impacts to public views or scenic vistas, scenic resources, or the

existing character or quality of the site and its surroundings, would not obstruct views of Pillar Point and the skyline, and complies with applicable design criteria of the County's Community Design Manual.

- h. The project, as proposed and conditioned, complies with applicable policies of the Hazards Component in that first floor elevations of Wellness Center buildings will be 20 feet NGVD, which is above the estimated maximum elevations of a 100-year flood event, sea level rise and the peak tsunami inundation. Direct damage or indirect threats to public health and safety, proposed domestic water pumping facilities, and the sewage treatment and recycling facilities, is unlikely in the event of occurrence of a natural hazard(s). Required mitigation measures and compliance with applicable regulations reduce project impacts related to geology and soils leveling a manner consistent with LCP requirements.
 - i. The project, as proposed and conditioned, complies with applicable policies of the Shoreline Access Component of the LCP, and the Public Access and Recreation policies contained in Chapter 3 of the Coastal Act of 1976 in that it will enhance public opportunities for coastal recreation and shoreline access in the construction of a Class 1 trail along Airport Street, complies with beach user parking requirements, and discourages off-trail access within the 100-foot wetland buffer zone and drainage, and does not displace any visitor-serving commercial recreational facilities.
14. That, where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). The project site is located between the nearest public road and the sea. The project conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976. The proposed trail and required beach user parking spaces will enhance public opportunities for coastal recreation and shoreline access.

Regarding the Use Permit, Find:

15. That the modern sanitarium component of the Wellness Center and its accessory uses are "found to be necessary for the public health, safety, convenience or welfare." As discussed in the staff report with regard to LCP Policy 3.5 (*Regional Fair Share*), the project helps to meet the need within the unincorporated areas of the County for affordable housing, as allocated by the Association of Bay Area Governments (ABAG). For 2007 to 2014, ABAG allocates a need for 881 affordable housing units in the area, where 523 units exist. Affordable housing for the disabled in San Mateo County is even more limited. Based on a review of County Housing Department data, only 356 units are available for the disabled of which only 194 units (or 54%) are affordable. As proposed and conditioned, the project would provide 57 units of affordable housing, thereby helping to bridge the gap

between the need for affordable housing and the supply of affordable housing in the County unincorporated area.

16. That the establishment, maintenance and/or conducting of the proposed uses within the Airport Overlay (AO) Zoning District will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The structure located within the AO Zoning District would contain 10,000 sq. ft. commercial public storage uses, 6,000 sq. ft. for communications and backup power, and 4,000 sq. ft. for miscellaneous storage uses, as proposed and conditioned, complies with applicable policies of the San Mateo County Comprehensive Airport Land Use Plan (CLUP), the County LCP and the AO Zoning District regulations and, as discussed in the EIR, would not result in significant environmental impacts. As proposed and conditioned, the project would incorporate disclosures and mitigations adequate to address the concerns expressed by the Federal Aviation Administration, including Conditions 55 and 56 which minimize noise impacts to Wellness Center residents and Condition 5.t which protects airport operations from potential noise complaints from Wellness Center residents.
17. That the proposed use in the Coastal Zone is consistent with the policies and standards of the San Mateo County Local Coastal Program (LCP), as the project complies with applicable policies, including those of the Visual Resources, Housing, Hazards, Sensitive Habitats, and Shoreline Access Components of the LCP, as discussed in Section II.B.3 of the staff report.

Regarding the Design Review, Find:

18. That the project, as proposed and conditioned, is found to be in compliance with the standards for review listed in Section 6565.7 of the Design Review (DR) Zoning District Regulations, guidelines applicable to Princeton and the Coastal Zone, and the design criteria of the Community Design Manual. The Wellness Center buildings vary between one and three stories, are well articulated and are compatible in size and scale with other buildings in Princeton. The varying heights of the eight (8) Office Park buildings under Alternative C help to further minimize visual impacts from viewing locations along Airport Street, the North Trail, and Highway 1. Condition 47 requires the applicant to implement the design "overlays," which further reduces the appearance of building mass and incorporates architectural details of the Wellness Center and Princeton into the design of Office Park structures.

Regarding the Grading Permit, Find:

19. That the granting of the permit to perform 26,050 cubic yards of balanced cut and fill will not have a significant adverse effect on the environment. As discussed in the EIR, the project, as conditioned, would not result in significant environmental impacts, including but not limited to, those related to erosion, surface water quality, and geology and soils.

20. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605. The project, as proposed and conditioned, conforms to the standards in the Grading Regulations, including timing of grading activity, erosion and sediment control, and dust control. The project has been reviewed and approved by the County's Department of Public Works and the Planning and Building Department's Geotechnical Engineer.
21. That the project is consistent with the General Plan. The County General Plan land use designations for the property are General Industrial and General Open Space. As proposed and conditioned, the project complies with applicable policies of the General Plan, as discussed in Section II.B.1 of the staff report.

RECOMMENDED CONDITIONS OF APPROVAL:

General Project Conditions

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Board of Supervisors on March 15, 2011. Minor revisions or modifications to this approved project may be made subject to the review and approval of the Community Development Director. Revisions or modifications deemed by the Community Development Director to be a major modification shall be subject to review and approval by the Planning Commission at a public hearing.
2. This subdivision approval is valid for two years unless a longer period of validity is provided pursuant to a Development Agreement or other means, during which time a Final Map for the Major Subdivision (Office Park) and a Parcel Map for the Minor Subdivision (Wellness Center) shall be filed and recorded. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning and Building Department upon written request and payment of any applicable extension fees (if required).
3. The Final Map and Parcel Map shall be recorded pursuant to the plans and requirements below, as approved by the ~~Planning Commission~~-Board of Supervisors; any deviation from the approved plans shall be reviewed and approved by the Community Development Director as per Condition 1.
 - a. The property owner(s) of the Office Park shall print the following note on all lease agreements for Office Park space AND record the following note on the Final Map and as a deed restriction on all Office Park parcels for which a building is proposed:

Only land use and development approved by the County of San Mateo Board of Supervisors on March 15, 2011 (and approved by the California Coastal Commission on _____) or land use otherwise permitted by the County of San Mateo shall be permitted on the subject parcels of this

subdivision. On March 15, 2011, the Board of Supervisors approved 225,000 sq. ft. of mixed-use office development, to include no more than 90,000 sq. ft. (or 40%) of administrative, research and professional office use (which uses shall not include doctor and dentist office use) **over the sum total of all the properties on the Office Park site.** Other approved uses include 56,250 sq. ft. (or 25%) of research and development use, 45,000 sq. ft. (or 20%) of light manufacturing use, and 33,750 sq. ft. (or 15%) of storage uses, **over the sum total of all the properties on the Office Park site.** Any intensification of use beyond the approved levels of use over the sum total of all the properties on the Office Park site will be subject to County permitting and State CEQA requirements. Reduced areas of office use and increased areas of research and development use, light manufacturing use and storage use over the sum total of all the properties on the Office Park site may be permitted without additional County permitting and State CEQA requirements, if such percentages are not deemed to be an intensification of use, as determined by the Community Development Director.

Construction of Office Park buildings shall proceed in the following manner: All buildings, with the exception of Buildings A and H (northern-most buildings), may be developed in any order. Construction of Building A and/or H may not commence until a building permit has been issued for Building B, C, F, or G, such that the gap between Building A and/or H and another constructed Office Park building would not exceed the area of one non-constructed building.

Outdoor areas shall be improved (e.g., use of courtyard, plazas, and landscaping) to enhance the spatial relationship of constructed buildings, subject to review and approval by the Community Development Director. The Developer shall demonstrate compliance with this requirement prior to occupancy of any Office Park building that is not located directly adjacent to a constructed Office Park building.

- b. The following deed restriction shall be recorded on Lot 3 (parking lot parcel) of the Wellness Center:

The 50-space parking lot shall serve the following approved and designated uses of the Wellness Center and remain in compliance with parking requirements for the life of the projects.

<u>Wellness Center Required Parking Spaces</u>		
<u>Proposed Use</u>	<u>Type of Use</u>	<u>Parking Spaces</u>
<u>50 dwelling units</u>	<u>50 special needs individuals who do not drive</u>	<u>0</u>

<u>Wellness Center Required Parking Spaces</u>		
<u>Proposed Use</u>	<u>Type of Use</u>	<u>Parking Spaces</u>
<u>20 dwelling units</u>	<u>20 live-in staff (caregivers and employees)</u>	<u>20</u>
<u>Commercial public storage</u>	<u>Pick-up/drop-off services</u>	<u>10</u>
<u>Services (e.g., laundry, dog grooming, maintenance/janitorial)</u>	<u>Pick-up/drop-off services</u>	<u>10</u>
<u>Additional required parking spaces</u>		<u>7</u>
<u>Total of Parking Spaces Above</u>		<u>40</u>
<u>Parking Spaces Reserved for Beach User Access</u>		<u>10</u>
<u>Total Required Parking Spaces</u>		<u>50</u>

4. The Office Park and Wellness Center developments are subject to separate monitoring and/or renewal processes, as described below:

Wellness Center: The term of the Use Permit for the sanitarium and the commercial public storage use located within the Airport Overlay (AO) Zoning District shall be ten (10) years from the date of the effective final decision. Thereafter, the applicant property owner(s), if desiring to continue the sanitarium use at this site, shall submit an application to the Planning and Building Department for the renewal of this use permit renewal six (6) months prior to expiration of this permit. This use permit shall also be subject to regular administrative reviews for compliance. Administrative reviews, including payment of the applicable fee to the County, shall be required to ensure compliance with the conditions of approval every year for the first two (2) years of operation. If the facility is determined to be in compliance for the first two (2) years of operation, then subsequent administrative reviews will be required every two (2) years, with permit renewal required after ten (10) years. ~~If the facility is found to be out of compliance during any administrative review process, annual reviews will be required until permit expiration.~~ Administrative reviews and reviews for Use Permit renewals shall monitor compliance with all conditions of approval, with emphasis on Condition 9 (connection to a municipal water supplier). Administrative reviews shall monitor compliance with all conditions of approval, with emphasis on monitoring compliance with Condition 27 (full implementation of approved wetlands restoration and habitat creation on both project sites).

Office Park: The Coastal Development Permit and Design Review Permit for the Office Park shall be subject to regular administrative reviews for compliance. Administrative reviews, including payment of applicable fees to the County, shall be required to ensure compliance with the conditions of approval every year after

occupancy of the first Office Park building for 50 years. Planning staff may, at their discretion, contract administrative review services to an independent contractor at cost, plus an additional 10% payable to the County for contract administration. A waiver of an administrative review by the Community Development Director may be requested by the property owner(s) if there has been no change in occupancy (including occupancy of additional buildings or building area), no change in property ownership, and no change in tenant(s), since the last administrative review conducted. Waiver of such review shall be at the sole discretion of the Community Development Director. Administrative reviews shall monitor compliance with all conditions of approval, with emphasis on monitoring compliance with Condition 3.a (intensity of approved uses) and Condition 27 (full implementation of approved wetlands restoration and habitat creation on both project sites). For each administrative review, the property owner(s) shall submit current floor plans of all occupied building areas, with a breakdown of current uses by square feet.

The Wellness Center shall work with the County to maintain compliance with the approved types and amounts of uses at the Office Park, including but not limited to restricting those utility services not affecting public health to non-compliant owners and tenants until violations are resolved to the County's satisfaction.

Current Planning Section Conditions

5. The property owner(s) shall comply with all mitigation measures listed below (based on which are derived from the Mitigation Monitoring and Reporting Program (MMRP) incorporated within the Final EIR and made available to the public on October 15, 2010). When timing has not been specified below, then mitigation timing and monitoring shall be as specified in the MMRP, the terms and requirements of which are incorporated herein by reference.

a. **Mitigation Measure AES-4: Create a New Source of Substantial Light or Glare which would Adversely Affect Light Impacts to Day or Nighttime Views in the Area.**

- Prior to the approval of final project plans, a detailed lighting plan shall be submitted to San Mateo County for review and approval, consistent with their County's requirements. The lighting plan shall prohibit light spillover across property lines and limit lighting to the minimum necessary for security and exterior lighting purposes, as determined by the Community Development Director. All lighting shall be designed to be compatible with surrounding development. The project shall not propose light sources that are atypical of the surrounding environment.
- Reflective glass or other glaring building materials shall be discouraged. The exterior of the proposed building shall be constructed of non-reflective materials such as, but not limited to: high-performance tinted non-reflective glass, metal panel, and pre-cast concrete or cast

in-place or fabricated wall surfaces. The proposed materials shall be reviewed and approved by the Community Development Director prior to approval of the Final Map.

b. **Mitigation Measure AQ-2: Construction Emissions.**

The applicant property owner(s) shall require the grading and construction contractor(s) to implement a dust control program. The program shall be applied to all construction activities involving grading, excavation, and use of unpaved areas for staging, extensive hauling of materials, or building demolition. The dust control program shall include the following measures:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour (mph).
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all existing, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Limit the area subject to excavation, grading, and other construction activity at any one time.

c. **Mitigation Measure AQ-5: Sewage Treatment Odors.**

The project applicant shall provide supporting engineering calculations and site plan details to verify the basis of design for the odor removal system. This information shall be supplied as part of the engineering report to be submitted at time of application for review and approval by the RWQCB for required permits for the sewage treatment plant.

d. **Mitigation Measure BIO-1a: Special-Status Species.**

A qualified biologist (hereafter, biological monitor) capable of monitoring projects with potential habitat for western pond turtle (WPT), San Francisco

garter snakes (SFGS), and California red-legged frogs (CRLF) shall be present at the site, prior to any disturbance activities, as follows:

- (1) Prior to and within three (3) days of installation of exclusion fencing (type to be determined through consultation with CDFG and USFWS), the monitor shall survey the location for the installation for the presence of WPT, SFGS and CRLF. In addition, should any burrows be observed, the burrows shall be inspected by the biologist to determine if ~~it is any~~ are being used by any of the species. Should any of these species be observed, the area shall be vacated and reinspected in one week. If no animal use is noted, the burrows shall be carefully excavated using a small trowel or shovel. Careful prodding using a blunt object will aid in determining the course of the tunnel such that the tunnel is excavated from the sides rather than the top, reducing the potential for any injury should an animal be present. Excavated burrows with no WPT, CRLF or SFGS shall be left open so they cannot be reoccupied. If any non-listed species are located, they shall be translocated outside of the construction zone. Should any individual WPT, CRLF or SFGS be found during the field survey or excavation, the area where that individual has been found shall remain undisturbed. If any life stage of the WPT, SFGS or CRLF is found during these surveys or excavations, the Department of Fish and Game and the U.S. Fish and Wildlife Service shall be contacted immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.
- (2) During installation of grading and construction zone exclusion fencing, the biological monitor shall be present and will oversee the installation of all grading and construction fencing. The exclusionary fencing shall be installed on one parcel site first so that if any animals are within the grading and construction zone, they will have the opportunity to move out of the area freely.

Immediately following installation of exclusion fencing, the biological monitor shall survey the enclosed grading and construction zone for the presence of WPT, SFGS and CRLF. If any life stage of the SFGS or CRLF is found during these surveys, the Department of Fish and Game and the U.S. Fish and Wildlife Service shall be contacted immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.

The biological monitor shall be present at all times during restoration area planting activities outside the grading and construction zone and within the buffer area, to monitor for the presence of WPT, SFGS and CRLF.

The biological monitor shall prepare a training document in both English and Spanish about the animals of concern, their identification, and the methods of avoidance and reporting requirements and procedures, should the species be observed. The document shall provide photographs of the species and notification numbers for the monitor, the Department of Fish and Game, and the U.S. Fish and Wildlife Service. The training document and contact information for the monitor shall be posted at the grading and construction zone and maintained in the monitoring log. ~~Every~~All contractors, subcontractors and construction workers shall be provided a copy of the training document in advance of their respective grading and construction activities and shall be required to adhere to its contents.

A highly visible warning sign shall be installed along the project perimeter. The warning sign shall be in English and Spanish and shall state: "Stay Out - Habitat Area of Federally Protected Species." A document drop shall be attached to several warning signs and stocked with a supply of training documents.

The biological monitor shall conduct weekly site visits when grading and construction are occurring to verify that all construction zone exclusionary fencing is in place and functioning as intended. Any repair or maintenance to the fencing deemed necessary by the biological monitor shall be completed under the monitor's supervision. Such maintenance activities include adequate removal of vegetation at the construction fence line to ensure that vegetation "ladders" for species access are not allowed to establish.

Once restoration activities are complete, the exclusion fencing shall be removed under the supervision of the biological monitor. Prior to the removal of the buffer area/restoration area fencing, permanent exclusionary measures shall be put in place to prevent special-status species movement beyond the buffer areas. Wildlife movement through the sites shall be facilitated via a buffer zone on either side of the drainage that bisects the parcels.

The general contractor shall assign a crew member that will be responsible for conducting site inspections, monitoring gate opening and closing, and assuring that other species protection measures are in place and being enforced when the biological monitor is not present. The crew member shall adhere to the procedures contained in the training document and shall be able to contact the biological monitor should any violations be noted or listed species observed on-site.

The biological monitor has the authority to halt all or some grading and construction activities and/or modify all or some grading and construction methods as necessary to protect habitat and individual sensitive

species. The monitor shall be responsible for contacting USFWS should any endangered or threatened species be observed within the grading and construction zones.

The biological monitor shall complete daily monitoring reports for each day present, to be maintained in a monitoring logbook kept on-site. Reports must contain the date and time of work, weather conditions, biological monitor's name, construction or project activity and progress performed that day, any listed species observed, any measures taken to repair and/or maintain fencing, and any grading and construction modifications required to protect habitat. The monitoring logbook with compiled reports shall be submitted to the Executive Community Development Director upon cessation of construction as part of a construction monitoring report.

e. **Mitigation Measure BIO-1b: Special-Status Species.**

Prior to any disturbance activities, Any active bird nests in the vicinity of proposed grading shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling grading and tree removal during the non-nesting period (September through February), or if this is not feasible, by conducting a pre-construction nesting bird survey. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:

If grading is scheduled during the active nesting period (March through August), a qualified wildlife biologist shall conduct a pre-construction nesting survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity.

If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with CDFG and implemented to prevent nest abandonment. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A nest-setback zone shall be established via consultation with CDFG and USFWS, within which all construction-related disturbances shall be prohibited. The perimeter of the nest-setback zone shall be fenced or adequately demarcated, and construction personnel restricted from the area.

If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies that the birds have either (a) not begun egg-laying and incubation, or (b) that the juveniles from the nest are foraging independently and capable of independent survival at an

earlier date. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to CDFG and USFWS prior to initiation of grading in the nest-setback zone.

f. **Mitigation Measure BIO-1c: Special-Status Species.**

~~Proposed p~~Project grading, construction, and staging activities will shall not result in impacts to project area wetlands and/or habitat for special-status species known to occur in the vicinity of the site. The applicant's biologist has obtained a verified wetland delineation and has consulted with the regulatory agencies regarding special-status species. The applicant property owner(s) shall continue to coordinate all project activities potentially regulated by State, Federal, and local agencies and shall obtain all necessary permits from CDFG, Corps, USFWS, and the RWQCB as required by Federal and State law to avoid, minimize or offset impacts to any species listed under either the State or Federal Endangered Species Acts or protected under any other State or Federal law.

g. **Mitigation Measure BIO-1d: Special-Status Species.**

Sensitive and general habitat features outside the limits of approved grading and development shall be protected by identifying a construction and development boundary on all project plans and prohibiting construction equipment operation within this boundary. The boundary shall be staked and flagged in the field with a highly visible color coded system and all construction and equipment operators shall be instructed to remain outside this no-disturbance boundary for the duration of construction. This measure is in addition to the wildlife exclusion fencing described in Mitigation Measure Bio-1a and applies to the protection of all habitat features outside of the project limits.

h. **Mitigation Measure BIO-4a: Wildlife Movement and Habitat Connectivity.**

Measures recommended in Mitigation Measures BIO-1a through BIO-1d would serve to protect important natural habitat on the site for wildlife, avoid the potential loss of bird nests, and protect sensitive natural areas. Although wildlife movement and habitat connectivity impacts were found to be less than significant, the following additional provisions shall be implemented to further protect wildlife habitat resources:

Fencing that obstructs wildlife movement shall be restricted to building envelopes and wildlife exclusionary fencing along special-status species protection corridors and shall not be allowed elsewhere on the site. Fencing that obstructs wildlife movement contains one or more of the following conditions: lowest horizontal is within 1.5 feet of the ground OR highest horizontal is over 6 feet OR top or bottom wire is barbed OR distance between top wires is less than 10 inches OR it

combines with existing structures or fences, even on neighboring parcels, to create an obstacle to wildlife movement.

Lighting shall be carefully designed and controlled to prevent unnecessary illumination of natural habitat on the site. Lighting shall be restricted to building envelopes, at the minimum level necessary to illuminate roadways and other outdoor areas. Lighting shall generally be kept low to the ground, directed downward, and shielded to prevent illumination into adjacent natural areas.

Dogs and cats shall be confined to individual residences and the fenced portion of the building envelopes to minimize harassment and loss of wildlife.

All garbage, recycling, and composting shall be kept in closed containers and latched or locked to prevent wildlife from using the waste as a food source.

i. **Mitigation Measure CULT-2a: Archaeological Resources.**

All final improvements for the proposed project shall be designed and approved by County staff, as well as a County-approved qualified archaeologist, to avoid impacts to prehistoric archaeological site CA-SMA-151 due to the proposed development. To avoid impacts to CA-SMA-151, the archaeological site shall be excluded from disruption during project grading and construction and during project operation (excluding agricultural activities limited to soil disturbance within 6 inches of the existing grade). Avoidance shall be assured by fencing the site perimeter (to be confirmed by a County-approved qualified archaeologist or licensed surveyor prior to any start of grading) to exclude construction equipment, particularly for grading activities. Fencing shall be removed when all construction activities are finished to avoid drawing attention to the site. Additionally, the area within the meets and bounds of identified site CA-SMA-151 shall be included in a deed restriction recorded with the County Recorder's Office ~~to further that permanently protects~~ this archaeological resource. The deed restriction shall limit uses within the site perimeter of CA-SMA-151 to farming within the existing plow zone (within 6 inches of the existing grade) and require any ground-disturbing activity or development within the cultural site perimeter to be subject to a Coastal Development Permit and meet California Environmental Quality Act (CEQA) requirements for disturbance of a mapped cultural resource.

OR

If avoidance of site CA-SMA-151 is impractical or infeasible, a County-approved archaeologist shall be retained to conduct test excavations at the site to determine the integrity of its subsurface deposit. Additionally, a

mitigation plan shall be developed by a County-approved archaeologist that addresses specific project impacts and outlines appropriate mitigation measures. At a minimum, the mitigation plan shall include the following:

- Preparation of a research design that outlines regional issues and how they can be addressed through recovery of materials at CA-SMA-151;
- Discussion of field, laboratory, and analytical methods;
- Expected involvement of the Native American community;
- Actions to be taken in the event that human remains are discovered;
- Expected schedule for completing mitigation, including submittal of technical report; and
- Curation plan for recovered materials.

The site may continue to be used for growing crops, provided that no ground-disturbing activity such as ripping, plowing, disking, etc., is allowed to extend deeper than the existing plow zone (approximately 6 inches from the existing grade). ~~However, Any building on the flake scatter portion of the site would also be allowed as long as the improvements would require no must avoid ground-disturbing activity below the plow zone.~~ Prior to placing fill materials on top of the area being covered, an archaeological investigation shall be conducted to gather baseline data about the nature of the site.

j. **Mitigation Measure CULT-2b: Archaeological Resources.**

A qualified archaeologist, as determined by the County, who can consult with representatives of and a Native American tribal groups shall monitor future ground-disturbing activities in the monitoring area north of site CA-SMA-151.

k. **Mitigation Measure CULT-2c: Archaeological Resources.**

In the event that additional subsurface archaeological resources are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas where such subsurface archaeological resources are encountered until the County Planning Department is contacted and agrees upon a qualified archaeologist ~~to~~ that will be brought onto the project site to properly assess the resources and make recommendations for their disposition. Construction activities ~~could~~ may continue in other areas, subject to review by a qualified archaeologist and the approval of the Community Development Director. If any findings are determined to be significant by the archaeologist, they shall be subject to scientific analysis; duration/disposition of archaeological specimens as agreed to by the Native American community, landowner, and the County; and a report prepared according to current professional standards.

I. **Mitigation Measure CULT-3: Paleontological Resources.**

A qualified paleontologist, as determined by the County, shall monitor future ground-disturbing activities in native soil both on-site and off-site as related to the project. In the event that paleontological resources are discovered during grading and/or excavation, the monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could continue in other areas. If any findings are determined to be significant by the paleontologist, they shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

m. **Mitigation Measure GEO-3a: Seismic-Related Ground Failure.**

The final geotechnical investigation for the project shall evaluate the potential for cyclic densification and develop final mitigation measures, as needed to the satisfaction of the County Planning and Building Department's Geotechnical Engineer. Potential mitigation measures may include, but are not limited to: (1) over-excavating and replacing loose sandy soil with compacted engineered fill; (2) applying deep soil compaction techniques, such as DDC, RIC, or equivalent soil densification method; and (3) designing building foundations to accommodate total and differential ground settlement resulting from cyclic densification, as well as post-liquefaction settlement and consolidation ground settlement (if applicable). Approval of the report by the County Planning and Building Department's Geotechnical Engineer shall be obtained prior to issuance of building permits for construction.

n. **Mitigation Measure GEO-3b: Seismic-Related Ground Failure.**

Additional subsurface exploration using rotary-wash drilling methods and/or Cone Penetration Testing (CPTs) shall be performed to better characterize the subsurface conditions at the sites. Based on the results of subsurface investigation, the potential for soil liquefaction and liquefaction-induced ground failures, such as lateral spreading, post-liquefaction reconsolidation, lurch cracking, and sand boils shall be reevaluated at the site. The final geotechnical investigation report shall provide mitigation measures for liquefaction-induced hazards, to the satisfaction of the County Planning and Building Department's Geotechnical Engineer. Potential mitigation measures may include: (1) improving the soil with deep soil compaction techniques, such as DDC, RIC, or equivalent method, to reduce the liquefaction potential; (2) buildings supported on stiffened shallow foundations (i.e., footings with interlocking grade beams) bearing on a layer of well-compacted fill; (3) buildings supported on deep foundations such as drilled piers, driven piles or propriety piles (i.e., torque-down piles and auger

cast piles); and (4) constructing a structural slab that spans supported between columns.

o. **Mitigation Measure GEO-4: Total and Differential Settlement.**

Additional subsurface exploration using rotary-wash drilling methods and/or CPTs and consolidation laboratory testing shall be performed to better characterize the subsurface conditions and soil properties at the site. Based on the results of subsurface investigation, total and differential ground settlement due to cyclic densification, post-liquefaction reconsolidation, and consolidation settlement due to building loads and fill placement shall be reevaluated. The final geotechnical investigation report shall provide mitigation measures for ground settlement, to the satisfaction of the County Planning and Building Department's Geotechnical Engineer. Potential mitigation measures may include: (1) improving the soil with deep soil compaction techniques, such as DDC, RIC, or equivalent method, to reduce the potential for total and differential ground settlement; (2) supporting the buildings on stiffened shallow foundations (i.e., footings with interlocking grade beams) bearing on a layer of well-compacted fill; (3) supporting the buildings on deep foundations such as drilled piers, driven piles or propriety piles (i.e., torque-down piles and auger cast piles); and (4) constructing a structural slab that spans supported between columns. If deep foundations are selected, they shall be designed to accommodate load conditions resulting from post-liquefaction reconsolidation and consolidation due to the placement of new fill (if applicable).

p. **Mitigation Measure GEO-6: Expansive Soil.**

The final geotechnical investigation shall provide an estimate of differential movement associated with the shrinking and swelling of the existing on-site expansive soil at the site, to the satisfaction of the County Planning and Building Department's Geotechnical Engineer. Mitigation measures for expansive soils may include designing the buildings to be supported on: (1) shallow foundations that rest on a layer of non-expansive engineered fill; (2) a deepened spread footing system where the proposed footings gain support at or below the depth of significant seasonal moisture fluctuation and the slab-on-grade floor will be supported on a layer non-expansive fill, as described above; (3) a stiffened foundation system, such as a reinforced concrete or post-tensioned mat, that is capable of resisting the differential movement and soil pressures associated with the expansive soil; or (4) a deep foundation system that transfers the building and slab loads to competent soil beneath the near-surface moderately to highly expansive soil layer.

- q. **Mitigation Measure GEO-7: Pervious Pavements and Other Water/Waste-water Infiltration Systems.**

Considering ~~t~~The near-surface soil may consist of moderately to highly expansive clay and special subgrade preparation, and foundation and pavement design recommendations shall be required to prevent the near-surface clayey soil from ponding water, and becoming saturated and weak under the proposed site loading conditions, such as foundation and traffic loads. Final design recommendations for a pervious pavement system shall be submitted as a part of the building permit application prior to system construction and shall allow surface water to percolate through the pavement without causing adverse impacts to new pavements and building foundations due to moisture fluctuations in the near-surface expansive clay, to the satisfaction of the County Planning and Building Department's Geotechnical Engineer. Potential mitigation measures may include: (1) collecting and redirecting surface and subsurface water away from the proposed building foundations; (2) using permeable base material within pavement areas; and (3) installing subdrains to collect and redirect water from areas that could adversely impact building foundations and vehicular pavement to a suitable outlet.

- r. **Mitigation Measure GEO-8: Review and Approval of Final Grading, Drainage, and Foundation Plans and Specifications.**

To ensure the ~~applicant~~ property owner(s)'s geotechnical consultant is given the opportunity to participate in the final design and construction phases of the project, the ~~applicant~~ property owner(s)'s consultant (Registered Geotechnical Engineer and Registered Engineering Geologist) shall review and approve the final grading, drainage, and foundation plans and specifications. Also, upon completion of construction activities, the ~~applicant~~ property owner(s)'s consultant shall provide a final statement to the County Planning and Building Department's Geotechnical Engineer indicating whether the work was performed in accordance with project plans and specifications, and the consultant's recommendations. All mitigations and final design recommendations shall be reviewed and approved by the County prior to issuance of applicable permits and approval of the Final Map.

- s. **Mitigation Measure HAZ-2: Accidental Release of Hazardous Materials.**

Prior to issuance of the grading permit "hard card" approval of final development plans by the County Planning and Building Department, a Phase II Environmental Site Assessment (Phase II ESA) shall be performed at the project site to evaluate whether the recognized environmental conditions identified in the Phase I ESA represent an actual release of hazardous substances to soil or groundwater at the project site. To determine whether hazardous substances have migrated onto the project site from the north or

northeast, a groundwater sample shall be collected from the agricultural supply well. The Phase II ESA shall include parameters that may be applied to a health risk assessment and remediation (Site Management Plan) if soil is inappropriate for reuse and required to be transported off the project site. The recommendations of the Phase II ESA shall be incorporated into project plans to the satisfaction of the County and in conformance with applicable regulations. If soil is determined to be inappropriate for reuse and required to be transported off the project site, the change to the grading plans shall be considered a modification of the project, subject to the requirements of Condition 1.

t. **Mitigation Measure HAZ-3: Hazards Associated with Airport Operations.**

Prior to approval of the Parcel Map for the Wellness Center final development plans, an aviation easement shall be prepared for the project site, in a form satisfactory to the County Director of Public Works. The navigational easement shall be recorded and shown on the vesting tentative map. With approval of the Wellness Center, it is understood that the Wellness Center property owner(s) and tenants, and their successor's in interest, in perpetuity, acknowledge the project's location adjacent to the Half Moon Bay an aAirport and the noise level inherent in its present and future the use. The following statement shall be included in the details of the aviation easement on the recorded Final Map, prior to the issuance of the Certificate of Occupancy for any residential unit at the subject property:

"This parcel is adjacent to the Half Moon Bay Airport. Residents on this parcel may be subject to inconvenience or discomfort arising from airport operations, including but not limited to noise associated with aircraft landings, take-offs, in air maneuvers and fly-overs, and on-the-ground engine start-ups and taxiing. San Mateo County recognizes the value of the Half Moon Bay Airport to the residents of this County and seeks to protect airport operations, ~~existing and future~~, from significant interference and disruption. With approval of the Wellness Center owners, it is understood on the part of both the Wellness Center property owner(s) and the Half Moon Bay Airport that airport operations are intended to continue, notwithstanding shall take precedence and priority over potential noise complaints received from property owners, residents, staff, guests, and others ~~from at the~~ Wellness Center. In the event that the Wellness Center resident(s) or property owner(s) express an inability or unwillingness to accept such noise conditions authorized under the terms of the aviation easement and/or remain unsatisfied with the noise reduction measures being implemented by the airport, the affected resident(s) shall be relocated, with assistance provided by the property owner, to the satisfaction of the Planning and Building Department and/or the Department of Housing. This condition shall be included in all contracts including

rental agreements between residents of the Wellness Center and with property the owners and/or operators of the Wellness Center.

u. **Mitigation Measure HYDRO-3: Alteration of Drainage, Patterns Resulting in Increased Erosion, or and Siltation.**

Prior to issuance of a grading permit "hard card" by the County, the property owner shall demonstrate compliance with the requirements of the San Francisco Bay Regional Water Quality Control Board (RWQCB). The applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) for the proposed project. The applicant's SWPPP shall identify the Best Management Practices (BMPs) to control erosion and sedimentation and provide for treatment of 80 to 85% of post-construction runoff from new impervious areas. Neighborhood- and/or lot-level treatment BMPs shall be emphasized, consistent with San Francisco Bay RWQCB and San Mateo County Water Pollution Prevention Program (SMCWPPP) guidance for National Pollution Discharge Elimination System (NPDES) Phase 2 compliance. These types of BMPs, which may also assist in reducing post-project peak flows, include infiltration basins and trenches, dry wells, rain gardens, on-contour grassy swales, media filters, biofiltration features and grassy swales. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMPs Handbook or other accepted guidance and designs shall be reviewed and approved by the County prior to issuance of grading or building permits. As discussed under Mitigation Measure HYDRO-5, if lot-level BMPs are accepted by SMCWPPP as a suitable control measure, the applicant shall establish a mechanism for enforcement to assure that BMPs functioning is being maintained as designed. The applicant ~~has included~~ shall implement the a detailed maintenance schedule, which includes monthly inspection of system components, annual weeding, annual replanting, bi-annual cleaning of catch basins, bi-monthly parking lot vacuuming, and daily trash pickup in the parking lots.

Submittal of a project erosion control plan and SWPPP to San Mateo County for review shall be required as part of the building permit application. The erosion control plan shall include components for erosion control, such as phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for revegetation or mulching. The plan shall also prescribe treatment measures to trap sediment once it has been mobilized, at a scale and density appropriate to the size and slope of the catchment. These measures typically include inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds. Other aspects of the SWPPP, especially those related to water quality, are discussed below for other mitigation measures.

Landscape plans showing the grassy swales and indicating flow paths shall also be provided by the property owner(s) to the County Planning and Building Department.

v. **Mitigation Measure HYDRO-4: Alteration of Drainage Patterns Resulting in Increased Flooding.**

The applicant shall submit a drainage report and plans to the County that identify the drainage pathways and the extent of any off-site drainage that flows on-site. How such off-site drainage will be infiltrated on-site or conveyed through the site shall also be detailed. The drainage plan shall provide designs consistent with recognized engineering criteria. The drainage plan shall be reviewed and approved by the County Department of Public Works prior to issuance of grading or building permits.

w. **Mitigation Measure HYDRO-5: Surface Water Runoff Quality.**

The applicant shall prepare and submit a comprehensive erosion control plan and SWPPP. Potential construction-phase and post-construction pollutant impacts from development can be controlled through preparation and implementation of an erosion control plan and a SWPPP consistent with recommended design criteria, in accordance with the NPDES permitting requirements enforced by SMCWPPP and the San Francisco Bay RWQCB. The erosion control plan forms a significant portion of the construction-phase controls required in a SWPPP, which also details the construction-phase housekeeping measures for control of contaminants other than sediment, as well as the treatment measures and BMPs to be implemented for control of pollutants once the project has been constructed. The SWPPP also sets forth the BMPs monitoring and maintenance schedule and identifies the responsible entities during the construction and post-construction phases.

The applicant's SWPPP shall identify the BMPs that will be used to reduce post-construction peak flows to existing levels in all on-site drainages where construction will occur. Neighborhood- and/or lot-level BMPs to promote infiltration of storm runoff shall be emphasized, consistent with San Francisco Bay RWQCB and SMCWPPP guidance for NPDES Phase 2 permit compliance. These types of BMPs, which may also enhance water quality, include infiltration basins and trenches, dry wells, rain gardens, on-contour grassy swales, media filters, and biofiltration features. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMPs Handbook or other accepted guidance and designs shall be reviewed and approved by the County prior to issuance of grading or building permits. The applicant shall prepare a clearly defined operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. The applicant

shall identify the responsible parties and provide adequate funding to operate and maintain stormwater improvements (through a HOA, Geological Hazard Abatement District, CSD, CFD or similar organization). If lot-level BMPs are accepted by the County as a suitable control measure, the applicant shall establish a mechanism for enforcement to assure that BMPs functioning is being maintained as designed. The applicant shall also establish financial assurances, as deemed appropriate by the Community Development Director, enabling the County to maintain the stormwater improvements should the HOA or other entity disband/or cease to perform its maintenance responsibilities.

The SWPPP must also include post-construction water quality BMPs that control pollutant levels to pre-development levels, or to the maximum extent practicable (MEP). To confirm that structural BMPs (e.g., biofiltration features, wet ponds, vegetated swales, constructed wetlands, or media filters) will function as intended, design must be consistent with engineering criteria, as set forth in guidance such as the recently revised California Stormwater BMPs Handbook for New and Redevelopment. These types of structural BMPs are intended to supplement other stormwater management program measures, such as street sweeping and litter control, outreach regarding appropriate fertilizer and pesticide use practices, and managed disposal of hazardous wastes.

~~The main post-construction water quality enhancement measure indicated by the applicant report is the use of rain gardens (constructed wetlands) to control pollutants.~~ Locations and designs of the stormwater infiltration system ~~shall~~ould be provided to the County Department of Public Works as part of the grading plans during Final Map review.

Many of the distributed BMPs that could prove useful to address control of post-project peak flows at the lot- and/or neighborhood-level could reasonably be linked with measures to enhance water quality, thereby providing compliance with the NPDES Phase 2 permit requirements as well. For example, downspouts could direct roof runoff to biofiltration features, with percolated stormwater conveyed through subdrains to small infiltration basins or dry wells.

Per Technical Memorandum #1 (TM #1), dated May 15, 2009, prepared by Schaaf and Wheeler (included in Appendix H of the DEIR), Stormwater Best Management Practices should serve several hydrologic and water quality functions, including maximizing groundwater recharge, minimizing quantities of stormwater runoff, and reducing pollutant loadings in stormwater runoff.

x. **Mitigation Measure HYDRO-6: Ground Quality.**

The ~~applicant~~ property owner(s) shall abandon all unused wells on the project site consistent with San Mateo County Environmental Health Division standards and the standards described in the State of California Department of Water Resources Well Standards (Bulletins 74-81 and 74-90).

Any on-site wells left in service should meet CDPH criteria for well protection. The ~~applicant~~ property owner(s) shall prepare, if required by the CDPH or County Department of Health Services, a Drinking Water Source Assessment and Protection (DWSAP) application to identify and protect against potential well contaminants.

y. **Mitigation Measure HYDRO-9: Exposure to Tsunami and Seiche.**

In areas subject to tsunami and seiche effects, implementing agencies, including the County Planning and Building Department, shall, where appropriate, ensure that the project incorporates features designed to minimize damage from a tsunami or seiche. Structures should either be placed at elevations above those likely to be adversely affected during a tsunami or seiche event or be designed to allow swift water to flow around, through, or underneath without causing collapse. Other features to be considered in designing projects within areas subject to tsunami or seiche may include using structures as buffer zones, providing front-line defenses, and securing foundations of expendable structures so as not to add to debris in the flowing waters.

z. **Recommended Mitigation Measure LU-2**

The property owner(s) shall work with the California Coastal Commission (CCC) to identify and delineate the CCC's jurisdiction over the project site, subject to CCC review and approval. The property owner(s) shall obtain all necessary approvals from the Coastal Commission prior to the initiation of any development within areas of CCC's jurisdiction.

aa. **Recommended Mitigation Measure LU-3**

The ~~applicant~~ property owner(s) shall comply with the following recommendations of the State Department of Transportation, Division of Aeronautics: (1) Federal Aviation Administration (FAA) Advisory Circular 150/5370-2E "Operational Safety on Airports during Construction" shall be incorporated into the project design specifications; (2) in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace," a Notice of Proposed Construction or Alteration (Form 7460-1) shall be provided if required by the FAA; and (3) the location and type of landscape trees shall be selected carefully so they do not become a hazard

to aircraft around the airport. Evidence of compliance with these requirements shall be submitted for the review and approval of the County Department of Public Works prior to the issuance of any building permit for project structures.

bb. **Recommended Mitigation Measure LU-4**

The applicant property owner(s) shall comply with the recommendations of the County's Coastside Design Review Officer to implement changes as necessary to the Office Park buildings that to improve consistency with applicable policies of the LCP and the Community Design Manual, to the satisfaction of the County's Coastside Design Review Officer, prior to the issuance of a building permit for each building project approval by the Planning Commission.

cc. **Mitigation Measure NOISE-1: Construction Noise.**

The construction contractor shall implement measures to reduce the noise levels generated by construction equipment operating at the project site during project grading and construction phases. The construction contractor shall include in construction contracts the following requirements or measures shown in the sole discretion of the Community Development Director to be equally effective:

- All construction equipment shall be equipped with improved noise muffling, and maintain the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine isolators in good working condition.
- Stationary construction equipment that generates noise levels in excess of 65 dBA Leq shall be located as far away from existing residential areas as possible. The equipment shall be shielded from noise sensitive receptors by using temporary walls, sound curtains, or other similar devices.
- Heavy-duty vehicle storage and start-up areas shall be located a minimum of 150 feet from occupied residences where feasible.
- All equipment shall be turned off if not in use for more than five minutes.
- Drilled piles or the use of sonic or vibratory pile drivers shall be used instead of impact pile drivers. The driving heads of sonic or vibratory pile drivers shall be screened on all sides by acoustic blankets capable of reducing noise levels by at least 15 dBA.

- Temporary barriers, such as flexible sound control curtains, shall be erected between the proposed project and the El Granada Pillar Ridge Manufactured Home Community Mobile Home Park to minimize the amount of noise during construction. The temporary noise barriers ~~sound control curtains~~ shall reduce construction-related noise levels at the El Granada Pillar Ridge Manufactured Home Community to less than 80 dBA Leq.
- Two weeks prior to the commencement of grading or construction at the project site, notification must be provided to all occupants of the Pillar Ridge Manufactured Home Community ~~immediate surrounding off-site residential uses~~ that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the grading and construction periods.
- Two weeks prior to the commencement of grading or construction at the project site, an information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours, per Condition 43, and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. The applicant property owner(s) shall rectify all reasonable received complaints within 24 hours of their receipt. The County may be required to determine whether a complaint is reasonable and subject to being rectified. Should the applicant property owner(s) consider a complaint to be unreasonable, the applicant property owner(s) shall contact the County Planning Department within 24 hours of the receipt of the complaint to discuss how the complaint should be addressed.

dd. **Mitigation Measure PS-1: Police Services.**

The property owner(s) shall ~~P~~provide on-site manned security with clear lines and reliable means of communication to fire and emergency medical response, for the life of each project.

ee. **Mitigation Measure PS-2a: Fire Protection Services.**

When there are partial closures, roadblocks, or encroachments to streets surrounding the project site during the grading and construction periods, flagmen shall be utilized to facilitate the traffic flow.

ff. **Mitigation Measure TRANS-1: Intersection Level of Service and Capacity.**

The property owner(s) shall submit a traffic report to the Department of Public Works prior to the approval by the Community Development Director, at full occupancy of for every each building permit for the initial or every

~~additional exceeds 60,000 40,000~~ sq. ft. of office space at the Office Park property, until full project occupancy buildout. In addition, the property owner(s) shall and submit traffic reports bi-annually after ~~until~~ full project occupancy of the Office Park project. After full occupancy of the Office Park property, the property owner(s) shall submit one additional traffic report two (2) years after full occupancy to determine if mitigation measures are to be implemented. The report shall be signed and stamped by a Professional Transportation Engineer licensed in the State of California. The report shall ~~and~~ identify the current (i.e., data collected within one (1) year of the report) Levels of Service (LOS) at the following intersections ~~of~~:

<u>Intersections</u>	<u>Cumulative without Project (Worst Case LOS)**</u>	<u>If LOS falls BELOW this level, Mitigation Measures are required*:</u>
Cypress Avenue and SR 1;	<u>E</u>	<u>E</u>
Airport Street and Stanford/Cornell (Study Intersection 3 of DEIR);	<u>A</u>	<u>C*</u>
Broadway and Prospect Way (Study Intersection 2);	<u>B</u>	<u>C</u>
Prospect Way and Capistrano (Study Intersection 1) and	<u>B</u>	<u>C</u>
State Route 1 and South Capistrano (Study Intersection 7)	<u>C</u>	<u>C</u>
State Route 1 and North Capistrano (Study Intersection 8)	<u>C</u>	<u>C</u>
<p>*LOS "trigger" levels for mitigation are based on levels directly below "cumulative with project" worst case LOS** for all intersections except for Airport Street and Stanford/Cornell, where "cumulative with project" worst case LOS is LOS B, while the trigger is LOS C.</p> <p>**Source: "Traffic Analysis of the Revised Access Plan for Big Wave Office Park and Wellness Center," prepared by Hexagon Transportation Consultants, Inc., dated November 17, 2010.</p>		

to evaluate if they maintain a LOS C or better. If Levels of Service fall below existing levels If the traffic report identifies that the proposed additional floor space at the Office Park property will trigger a lower level of service at for the intersection of Cypress Avenue and SR 1, as shown in the table above, then (LOS C in the AM and LOS D in the PM), the applicant shall construct coordinate with CalTrans to pay a fair share for the installation of a signal prior to issuance of any additional building permits. as necessary to ensure that the signal will be installed within 1 year of the date of that report. If traffic reports reveal that the LOS of any of the other intersections listed above (excluding Cypress Avenue and SR 1) fall below LOS C, it the property owner(s) shall identify methods for reducing vehicle trips to and from the project site, as well as other roadway or intersection improvements that would result in LOS C or better. The applicant shall implement the

mitigation measures required by the Department of Public Works and the Planning and Building Department, subject to all necessary permitting and environmental review requirements, prior to issuance of any additional building permit within 1 year of the date of that report. In the event that permits required for roadway or intersection improvements are not obtained, the methods for maintaining LOS C or better shall be achieved by reducing vehicle trips to and from the project site. The proposed method by which this reduction shall be achieved shall be submitted for the review and approval of the Planning and Building Department and the Department of Public Works, prior to issuance of any building permit. Subsequent administrative reviews, per Condition 4, shall demonstrate reduced vehicle trips, to the satisfaction of the Community Development Director.

In addition to LOS evaluations, the traffic reports shall also identify the length of the projected queues on each affected street in Princeton-by-the-Sea at peak commute periods, determine if there have been any impacts to pedestrian and bicyclist safety in the impacted area, take into consideration potential impacts of on- and off-site improvements to tsunami evacuation routes (including capacity limitations of driveway access improvements) and provide recommended mitigation measures that could be implemented to mitigate identified impacts. The property owner(s) will then be required to implement these mitigation measures, as approved by the Department of Public Works, the Planning and Building Department, Sheriff's Office of Emergency Services, and the Coastside County Fire Protection District, prior to the issuance of any building permit.

The project proposes to direct Office Park traffic away from Cypress Avenue and SR 1. However, should the property owner(s), at a future date, wish to revise the existing ingress/egress improvements for the Office Park project, such future modifications shall require a new Planning and Building Department application, accompanied by a traffic report that is signed and stamped by a Professional Transportation Engineer licensed in the State of California, and shall be subject to Department of Public Works review and approval. The traffic report shall determine the impacts of these modifications to the intersection at Cypress Avenue and SR 1 and shall recommend appropriate mitigation measures to mitigate any significant impacts. If the mitigation measures are accepted by the Department of Public Works, the property owners must install the mitigation measures prior to the issuance of a construction permit for the modifications.

gg. **Mitigation Measure TRANS-8: Construction.**

Prior to issuance of grading permits, the applicant property owner(s) shall also submit a traffic control plan to the County Department of Public Works for review and approval. All staging during construction shall occur on-site.

All grading and construction traffic shall be scheduled during non-commute hours (weekdays 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 8:00 p.m.) and shall avoid using Cypress Avenue. Vehicles carrying extra wide and/or long loads (including scrapers, excavators, cat crawlers and extended lift trucks) shall access the site between 9:00 p.m. and midnight and between 11:00 a.m. and 2:00 p.m. only, using the following route to and from the project sites: Capistrano Road-Prospect Way-Broadway-California Avenue-Cornell Avenue-Airport Street.

hh. **Mitigation Measure UTIL-2: Wastewater Collection System Capacity.**

The applicant property owner(s) shall either: (a) revise the project design to limit the maximum amount of sewage flow to the Granada Sanitary District sewer system to that which can be accommodated by the existing 8-inch sewer line in Stanford Avenue and the Princeton Pump Station as determined by GSD; or (b) provide necessary expansion of the capacity of the sewer system to accommodate the addition of the expected maximum sewage flow of 26,000 gpd from the project. Any implementation of Mitigation Measure UTIL-2b would require separate CEQA review and permit review.

ii. **Mitigation Measure UTIL-4: Wastewater Recycling and Disposal Requirements.**

The applicant property owner(s) shall comply with State Health Department and RWQCB requirements for wastewater recycling.

jj. **Mitigation Measure UTIL-5: Wastewater and Recycling Water Flow Estimates.**

The applicant property owner(s) shall revise the project plans and water budget analysis to correct the inconsistencies in the water recycling assumptions and calculations, and shall use this information to verify: (a) the adequacy of plans for irrigation uses of recycled water; and (b) the sufficiency of the proposed landscape areas for winter season dispersal of all wastewater flow not distributed for toilet flushing. The project's use of treated wastewater for irrigation shall be managed and controlled to prevent changes in existing drainage and hydrology that could adversely impact the biology or hydrology of wetland habitats or result in ponding that could result in health, circulation, or structural stability problems. Prior to Planning approval issuance of any grading permit, the applicant property owner(s) shall submit a report, prepared by a biologist/hydrologist to determine appropriate recycled watering levels and landscaping to accommodate such watering levels for all seasons that is consistent with the above requirement and the revised water budget analysis. The report shall be submitted for review by the Environmental Health Division, RWQCB, and the County Planning Department. Use of recycled water for

irrigation of landscaping and types and amounts of landscaping shall be monitored for two years by a biologist/hydrologist to adjust water levels and landscaping as necessary based on actual site conditions.

kk. **Mitigation Measure UTIL-6: Creek Crossing by Sewage Pipeline.**

The project applicant property owner(s) shall modify the current plans for sewer connection between the north and south parcels to provide either: (a) realignment and profile correction to accommodate a gravity sewer line; or (b) incorporation of a lift station on either the north or south parcel. The location and design of this lift station shall be submitted for the review and approval of permitting agencies.

ll. **Mitigation Measure UTIL-11: ~~Be Served by a Landfill with Insufficient Permitted Capacity to Accommodate the Project's Solid Waste Disposal Needs.~~**

- To facilitate on-site separation and recycling of construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- The applicant property owner(s) shall prepare and submit a facility recycling program for the collection and loading of recyclable materials prepared in response to the California Solid Waste Reuse and Recycling Access Act of 1991 as described by the CIWMB, Model Ordinance, Relating to Areas for Collecting and Loading Recyclable Materials in Development Projects, March 31, 1993. Adequate space or enclosures for recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

6. The applicant property owner(s) of both the Wellness Center and the Office Park shall construct and maintain the project and project details, as described in the certified EIR, over the life of the project, including, but not limited to, the following features:

- a. ~~Maintain the Project~~ structures shall not exceed the size and maximum height of project structures as approved by the Planning Commission.
- b. Foundation systems shall utilize deep drilled piers and interlocking grade beams. No pile driving is permitted.
- c. Design all structures to comply with design of the tsunami report prepared by Scott Holmes and reviewed by David Skelly in a letter dated October 14, 2010.

- d. The project shall connect to the Granada Sanitary Sewer District (GSD) for a minimum of eight (8) EDUs.
- e. The project shall achieve a Gold or Platinum LEED rating.
- f. For the life of the project, the property owner(s) of the Office Park and Wellness Center shall maintain the funding and employment arrangement in substantial conformance with the description in the Draft and Final EIR, including but not limited to the following details: to benefit the disabled residents of the Wellness Center.

Employment Opportunities at the Wellness Center to Benefit Developmentally-Disabled Adults Living at the Wellness Center:

- 1) The Wellness Center will include several programs that are designed to provide employment opportunities for a minimum of 37 low-income developmentally-disabled (DD) adults living on-site, as well as an additional four full-time and four part-time jobs for staff to manage the various operations (page IV.K-11 of the DEIR).
- 2) BW Farming will operate and farm the following: (1) 12 acres of row crops (within an off-site location adjacent to the Half Moon Bay Airport, Airport Street and SR 1; (2) a 5-acre on-site native plant nursery; and (3) an existing 20-acre off-site farm (located on Lobitos Creek Road) which is also not a part of the project. The 12 acres of land proposed for use in row crops would be located immediately east of the Wellness Center property within an existing farm; would be leased by BW; and would produce conventional (organic) produce. Off-site farm activities will occur with a shuttle van during off-peak hours. The native plant nursery would include two on-site 8,000 sq. ft. potting yards where approximately 30,000 pots would be raised outdoors under irrigation (no associated structures); one located in the east corner of the Office Park property and one located in the north east corner of the Wellness Center property. This nursery would continue to supply about 15,000 to 30,000 native plants per year for on-site restoration projects. The 20-acre farm is an existing farming and cattle operation that would be leased by BW and converted to a long-term, sustainable organic farm. This farm would include free-range poultry for organic eggs and fryers; free-range livestock for organic milk, yogurt and ice cream; and hay and vegetable crops. Dairy, poultry and farm produce would be processed in the commercial kitchen located within Building 1. This operation will be capable of generating up to 5,000 dozen eggs per year; 1,000 pounds of organic free-range chicken; 2,000 gallons of organic milk from free-range cows; 1,000 gallons of organic yogurt; 1,000 gallons of ice cream; and 5 tons of fresh produce. During the week, all farm and processed products,

including poultry, eggs, organic milk, yogurt, ice cream, and vegetable crops, will be used on-site or sold to Office Park employees only. Sales of farm and processed products to members of the public will be restricted to farmer's markets on the weekends. The BW Farming operations would provide potential employment opportunities for the DD residents (approximately 10 residents of the Wellness Center), one farm manager full-time, as well as 10% of a farmer's time.

Funding and Employment Arrangement at the Office Park to Benefit Developmentally-Disabled Adults Living at the Wellness Center:

- 3) DD adults will also provide services to the Office Park, with the Wellness Center funded through association fees and shared development costs (page III-18 of the DEIR). Association fees paid by the owner(s) of the Office Park based on a minimum square footage assessment of a minimum of \$0.05 per square foot per month, or comparable, shall be paid to the Big Wave Group, Inc., a non-profit corporation, to benefit the Wellness Center.
- 4) The Wellness Center will offer residents job opportunities due to a number of business operations that would employ residents, and generate revenue to maintain the economic sustainability of the Wellness Center. They will include: BW Catering/Food Services; BW Energy; BW Farming; BW Water; BW Transportation; BW Recycling; BW Communications (Fiberlink); and BW Maintenance. The Wellness Center will also provide residential services (personal finance, meal services and aides) (page III-39 of the DEIR, as revised in the FEIR).

The agreement between the Wellness Center and the owner(s) of the Office Park shall require the hiring of Wellness residents and other community adults with developmental disabilities, wherever practical, as long as the services provided meet the required demands for the Office Park and are priced competitively with the going rates for such services for Bay Area industries.

The employment arrangements between the owner(s) of the Office Park and the Wellness Center shall include the following:

- a) Mutual Water Company: The property owner(s) of the Office Park shall enter into an agreement with the Wellness Center that includes the purchase of potable water, irrigation and on-site wastewater services, as managed and operated by the Wellness Center. This agreement will include the maintenance of the well, water treatment plant, water recycling plants, drip irrigation systems, parking lot infiltration systems, and stormwater management systems on both properties. Services associated with stormwater management systems include litter control and parking

lot vacuuming and cleaning. This agreement is subject to the availability and quality of such services and competitive costs that are at market rates or better.

- b) Landscape and Wetlands Maintenance Service Agreement: The property owner(s) of the Office Park shall be required to contract with the Wellness Center for the maintenance and monitoring of these facilities as necessary to meet the requirements of the project conditions of approval. Maintenance of the on-site landscape and wetlands areas includes irrigation system maintenance, weed control and replacement planting, and farming of undeveloped on-site property.
- c) LEED Building Maintenance Agreements: The property owner(s) of the Office Park shall be required to enter into an agreement with the Wellness Center to manage and maintain the Office Park's climate control systems, signage, passive and active heating and power systems and continued compliance with the certification programs. This agreement is subject to the availability and quality of such services and competitive costs that are at market rates or better.
- d) Communications Systems Management Agreement: The property owner(s) of the Office Park shall be required to enter into an agreement with the Wellness Center to purchase internet services from the Wellness Center. This agreement is subject to the availability and quality of such services and competitive costs that are at market rates or better.
- e) Shuttle Services Agreement: The property owner(s) of the Office Park shall be required to enter into an agreement with the Wellness Center to provide shuttle services for at least 50 Office Park employees, as described in the FEIR. The agreement should also encourage expansion of this service.
- f) Traffic and Parking Lot Management Agreement: The property owner(s) of the Office Park shall be required to enter into an agreement with the Wellness Center that includes management of parking facilities to ensure consistency with the conditions of approval relating to traffic and parking and ongoing traffic requirements based on future traffic studies. This agreement will also cover the provision of information and assistance to owners and tenants for compliance with the conditions of approval.
- g) Building Maintenance Services: The property owner(s) of the Office Park shall be required to enter into an agreement with the Wellness Center to give the Wellness Center first priority for the

provision of building maintenance services. This agreement is subject to the availability and quality of such services and competitive costs that are at market rates or better.

- h) Community Cooperation: The property owner(s) of the Office Park shall be required to take reasonable measures to encourage tenants of the Office Park to utilize the products and services offered by the Wellness Center, including catered food, farm produce and baskets, laundry service, dog walking and grooming services (for the office workers who will drop off their pets on the way to work), gym membership and supplies for walk-up Office Park employees. The services may include delivery.
- g. Implement the finalized and approved 90% Design Report for wetland restoration and habitat creation and associated 10-year monitoring plan.
- h. Retain no more than the maximum total square footage of each mixed approved use. Medical and dental office uses are prohibited in the M-1 Zoning District.
- i. Ensure that parking provided for each phase of Office Park and Wellness Center construction meets parking requirements, including beach user parking requirements, as set forth in the conditions of approval. -outlined in the staff report. Parking shall serve the approved, designated uses and remain in compliance with parking requirements for the life of the projects.
- j. Wash and runoff from surfaces and solar panels shall not drain to wetlands or buffer areas.
- k. The fitness center will not be available to the general public. Visitation and friend and family use of the Wellness Center will occur in off-peak non-commute hours (weekdays 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 8:00 p.m.) and weekends.
- l. The property owner(s) shall maintain the rates for all 57 units of the Wellness Center as affordable, such that residents and aides shall be limited to those of Extremely Low Income, Very Low Income, Low Income, and Moderate Income (as defined by the County's Housing Element, definitions included as Attachment CC of the staff report), with the exception that residents may use up to 100% of their Social Security income for housing costs, which allows for residents who have no other income other than Social Security payments to use up to the full amount of their payment toward rental costs at the Wellness Center.
- m. All on-site farming shall be converted to organic following an allowed conversion period from the approval date up to three (3) years. Use of synthetic fertilizers is prohibited for farming activities on the project sites.

- n. Prior to the occupancy of any Office Park building, the applicant property owner(s) shall implement a Transportation Demand Management program, including an off-site parking agreement (subject to its own CEQA process) and shuttle services to the Office Park (to accommodate a minimum of 50 cars and their drivers) for the purpose of reducing project traffic on Cypress Avenue, Prospect Way, Broadway to Cornell Avenue, Harvard Avenue, and Yale Avenue, or equivalent traffic reduction measures, as subject to the review and approved by of the Community Development Director.
- o. To the extent feasible, electric golf carts will shall be used for travel between the Office Park and Wellness Center.
- p. Only recycled water shall be used for landscape irrigation, except that landscaping watering shall be permitted if the project site does not generate 10,000 gpd of recycled water. Well water may be used for agricultural irrigation.
7. Per CEQA Section 15095, the applicant property owner(s) shall provide a copy of the final certified Final EIR to all responsible agencies. The applicant property owner(s) must complete this requirement within fourteen (14) days of the final approval of this project.
8. The applicant property owner(s) shall coordinate with the project planner to record the Notice of Completion Determination and pay an environmental filing fee of \$2,792.25 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County within four (4) working days of the final approval date of this project.
9. The applicant property owner(s) shall actively pursue a water connection from Coastside County Water District (CCWD) for the potable water and fire suppression needs of the entire project, and shall demonstrate such efforts by submitting a complete application to LAFCo requesting annexation to CCWD, as well as a joint application with CCWD to the Coastal Commission requesting the amendment to CDPs A-1-HMB-99-20 and A-2-SMC-99-63 required for such a connection, within 90 days of the approval of this permit, and by diligently pursuing the approval of these applications. If and when a water connection is approved and installed, the existing well on the project site shall be closed to the property owner(s) for all uses other than agricultural use, per the requirements of the Director of the Environmental Health Division and other applicable regulatory agencies. In the instance that For as long as LAFCo determines not to authorize denies the annexation of the project sites to the service area boundaries of CCWD and/or the Coastal Commission denies fails to grant the amendments to the Coastal Development Permits for the El Granada Pipeline necessary for connection of the project to CCWD, the proposed well may be used to serve the project on a permanent basis, subject to the requirements of Condition 74.

10. The applicant property owner(s) shall comply with the requirements of all local review agencies, including any requirements not expressly listed below.

Development Agreement Contract and Bonding Requirements

11. The applicant property owner(s) shall enter into a contract with the San Mateo County Planning and Building Department for all CEQA-related mitigation monitoring for this project prior to the issuance of any grading permit "hard card" for the project. The fee payable for such services shall be staff's ~~cost~~ fully-weighted cost (salary and benefits) for time and materials, plus 10%, as required in the current Planning Service Fee Schedule. Planning staff may, at ~~their~~ its discretion, contract these services to an independent contractor at cost, plus an additional 10% for contract administration.
12. Prior to the recordation of the Final/Parcel Maps, and in accordance with the County Subdivision Regulations Section 7033 et seq. ~~at~~; the applicant shall furnish to the County good and sufficient security in the form of the following (unless otherwise authorized by the County):
- a. Performance Security (100% of estimated cost),
 - b. Materials and Labor Security (50% of estimated cost), and
 - c. Warranty Security (50% of estimated cost)

These Ssecurityies is are based on the full cost of designing required to analyze, review and constructing a traffic signals at the intersection of Cypress Avenue and SR 1 and/or other mitigation measures required by the Department of Public Works (DPW) based on DPW approved traffic analyses, as required by Mitigation Measure TRANS-1, with annual adjustments (as required by the Department of Public Works) based on the Consumer Price Index for work and infrastructure involved in construction of a signal and/or other DPW-approved mitigation measures. The applicant shall submit a bona fide estimate for the all costs involved in the construction of a traffic signal and/or other DPW-approved mitigation measures, including, but not limited to, the cost of studying, designing, coordinating, and installing construction of a traffic signal and/or other DPW-approved mitigation measures-s per the approval of to the Department of Public Works and CalTrans for approval.

13. Prior to the issuance of any building permit, the applicant property owner(s) will be required to provide payment of "roadway mitigation fees," or perform equivalent improvements, based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
14. The property owner(s) of the Wellness Center and Office Park development agreement shall be revised to ensure the maintenance of maintain the pervious surface parking lot, wastewater treatment system, water distribution system, all public trails, beach user parking, wetlands habitat, project landscaping, and LEED rated features, as approved, for the life of the project.

Grading Permit Conditions

15. The ~~applicant~~ property owner(s) is required to comply with the approved Erosion and Sediment Control Plan and the County's Drainage Policy ~~and the approved Erosion and Sediment Control Plan~~, except that the finished grade elevations along the western edge of the Wellness Center and Office Park buildings shall be revised to the satisfaction of the Community Development Director in order to reduce unnecessary fill (e.g., site plans show finished grades at elevations at 18 feet along the western edge of buildings, when lower finished grade elevations may be acceptable).
16. No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The property owner(s) shall submit a letter to the Current Planning Section, at least two weeks prior to commencement of grading, stating the date when grading will begin.
17. Two separate "hard cards," ~~for project grading~~, one for the Wellness Center site and one for the Office Park site, ~~for project grading~~ are required. Each grading hard card can only be issued simultaneously or after the issuance of a building permit for the construction of a structure on each parcel, subject to the approval of the Planning and Building Department's Geotechnical Engineer, Department of Public Works and the Current Planning Section.
18. The ~~applicant~~ property owner(s) shall file a Notice of Intent (NOI) with the State Water Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of the project's NOI and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section, prior to the issuance of any grading permit "hard card."
19. Prior to the issuance of the grading permit "hard card," the ~~applicant~~ property owner(s) shall schedule an erosion control inspection by Current Planning Section staff to demonstrate that the approved erosion control plan has been implemented. The ~~applicant~~ property owner(s) ~~is~~ are responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local drainage systems and water bodies by adhering to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) "General Construction and Site Supervision Guidelines," including:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 30~~15~~. Stabilizing shall include both proactive measures, such as the placement of fiber rolls ~~straw bales~~ or coir netting, and passive measures, such as minimizing vegetation removal and revegetating disturbed areas with vegetation that is compatible with the surrounding environment.

- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, setbacks, and drainage courses. Prior to issuance of a grading permit "hard card" for either property, the applicant shall install accurate and visible markers (at a minimum height of 4 feet), to the satisfaction of the County Department of Parks, delineating all sides of the shared property line between the subject parcels and County property.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting construction access routes and stabilizing designated access points.
20. While the applicant property owner(s) must adhere to the final approved Erosion and Sediment Control Plan (per Condition 15) during grading and construction, it is the responsibility of the civil engineer and/or construction manager to implement the Best Management Practices (BMPs) that are best suited for this each project site. If site conditions require additional measures in order to comply with the SMCWPPP and prevent erosion and sediment discharges, said measures shall be installed immediately under the direction of the project engineer. If additional measures are necessary in the reasonable judgment of the San Mateo County Community Development Director and the Director of Public Works, the erosion and sediment control plan shall be updated to reflect those changes and shall be resubmitted to the Planning and Building Department for review. The County reserves the right to require additional (and/or entirely-different) erosion and sediment control measures during grading and/or construction if the approved plan proves to be inadequate for the unique characteristics of each job site.
21. Prior to the issuance of a grading permit "hard card," the applicant property owner(s) shall submit a schedule of grading operations, subject to review and

approval by the Department of Public Works and the Current Planning Section. The submitted schedule shall include a schedule for winterizing the area and details of the off-site haul operations, including, but not limited to: gravel import site(s), size of trucks, haul route(s), time and frequency of haul trips, and dust and debris control measures. The submitted schedule shall represent the work in detail and project grading operations through to the completion of grading activities and stabilization of all disturbed areas of the site(s)~~landscaping and/or habitat creation of all disturbed areas~~. As part of the review of the submitted schedule, the County may place such restrictions on the hauling operation, as it deems necessary. During periods of active grading, the applicant property owner(s) shall submit monthly updates of the schedule to the Department of Public Works and the Current Planning Section.

22. The provision of the San Mateo County Grading Regulations shall govern all grading on and adjacent to the project ~~is sites~~. Per San Mateo County Ordinance Code Section 8605.5, all equipment used in grading operations shall meet spark arrester and fire fighting tool requirements, as specified in the California Public Resources Code.
23. Upon the start of grading activities and through to the completion of the project, the applicant property owner(s) shall be responsible for ensuring that the following dust control guidelines are implemented:
 - a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at anytime during the course of the project.
 - b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning and Building Department's Geotechnical Section, and the Regional Water Quality Control Board.
24. Final approval of all grading permits is required. For final approval of the grading permits, the applicant property owner(s) shall ensure the performance of the following activities within thirty (30) days of the completion of grading at the project sites:
 - a. The engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/mitigation measures, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Section.

- b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and Current Planning Section.

Cultural Resources

25. The applicant property owner(s) and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains which the property owner(s) shall comply with.

Wetlands, Landscaping, and Trails

26. The property owner(s) of the Wellness Center and Office Park shall record a conservation easement, over the areas within delineated wetlands and buffer zones on each project site, prior to issuance of any grading permit "hard card" for the respective site. The conservation easement shall prohibit any paving and/or construction within all delineated wetland and required wetland buffer areas and shall be in a form that is subject to the approval of the Community Development Director. The conservation easement shall limit uses within wetland and wetland buffer areas to uses that are consistent with Chapter 3 of the Coastal Act of 1976 and applicable policies of the County's Local Coastal Program, including but not limited to, Policy 7.16 (Permitted Uses in Wetlands), Policy 7.17 (Performance Standards in Wetlands), Policy 7.19 (Permitted Uses in Buffer Zones), and Policy 10.25 (Access Trails in Fragile Resource Areas).
27. The applicant property owner(s) shall provide a plan for the full implementation of the proposed wetland habitat creation (including finalization of the 90% Basis of Design Report to reflect the approved site plan), landscaping, and installation of wildlife barriers on both sites, subject to the review and approval of the Community Development Director, prior to the issuance of the first building permit any Certificate of Occupancy for each site. Wetland creation, as approved by the Board of Supervisors, shall be fully implemented on the Wellness Center site within five years and on the Office Park site within 20 years.
28. Prior to issuance of the first building permit for the Wellness Center site and prior to issuance of every building permit for the Office Park, the applicant property owner(s) shall revise planting plans to suit the approved site plans for the Wellness Center and Office Park, retaining the overall square footage of proposed landscaping, subject to the approval of the Community Development Director.

29. Prior to issuance of the first building permit for the Wellness Center site and prior to issuance of every building permit for the Office Park, the applicant property owner(s) shall revise parking lot landscaping for both sites such that tree planting occurs in an irregular, more natural fashion that appears natural, subject to the approval of the Community Development Director.
30. Prior to issuance of the first building permit for the Wellness Center site and prior to issuance of every building permit for the Office Park, the applicant property owner(s) shall revise the landscaping plan to utilize landscaping to further break up the large amount of parking, subject to the approval of the Community Development Director.
31. Trees at the Office Park property shall be selected so as to block the views of the proposed buildings and will be maintained so as to not block the sun to the single-story homes on the northern side (Pillar Ridge property), subject to the approval of the Community Development Director.
32. The property owner(s) shall comply with LCP Policy 7.17 (*Performance Standards in Wetlands*), which requires that compliance with the following: (1) all paths shall be elevated (catwalks) so as not to impede movement of water, (2) all construction shall take place during daylight hours, (3) all outdoor lighting shall be kept at a distance away from the wetland sufficient not to affect the wildlife, (4) motorized machinery shall be kept to less than 45-dBA at the wetland boundary, except for farm machinery, (5) all construction which alters wetland vegetation shall be required to replace the vegetation to the satisfaction of the Community Development Director including "no action" in order to allow for natural reestablishment, (6) no herbicides shall be used in wetlands unless specifically approved by the County Agricultural Commissioner and the State Department of Fish and Game, and (7) all projects shall be reviewed by the State Department of Fish and Game and State Water Quality Board to determine appropriate mitigation measures.
33. Prior to the recordation of the Final Map for the Office Park, the reference to a trail connection to POST land along the 20-foot access and utility easement located along the northern side of the parcel shall be removed, as shown on the recorded Final Map.
34. Prior to the recordation of the Final Map for the Office Park, the property owner(s) of the Office Park property shall record an access easement, to the satisfaction of the Planning and Building Department and the Department of Public Works, allowing public access on the trail along Airport Street and on the northern boundary of the Office Park property adjoining the Pillar Ridge property, which shall be shown on the Final Map for the proposed Office Park subdivision.

35. The property owner(s) of the Office Park shall, for the life of the project, maintain the public trail in a clean and safe manner and to clearly identify the trail with signage visible along Airport Street in perpetuity.
36. The property owner(s) shall utilize methods to minimize off-trail access within the 100-foot wetland buffer zone and drainage, subject to the review and approval of the Director of the County Department of Parks and Recreation (County Parks). The applicant property owner(s) shall install trail signage, including signage listing access hours and prohibited uses and activities, as required by County Parks. The property owner(s) shall demonstrate compliance with this shoreline access requirements prior to the issuance of the Certificate of Occupancy for any Office Park building.
37. Landscaping plans shall demonstrate compliance with the California Water Efficient Landscape Ordinance (AB 1881), prior to the Current Planning Section's approval of any building permit application.

Traffic and Parking

38. The property owner(s) of the Office Park shall construct a shower and locker facilities for every 56,250 sq. ft. of office space constructed. Prior to the issuance of any building permit for any project structure that would generate a net 100 or more peak hour trips on the Congestion Management Program roadway network, ~~t~~The property owner(s) of the Office Park shall submit implement all other a Transportation Demand Management (TDM) Plan measures, in compliance with the "Revised C/CAG Guidelines for the Implementation of the Land Use Component of the Congestion Management Program," subject to review and approval by C/CAG, in order to further mitigate minimize peak hour trips parking and traffic impacts. The approved TDM Plan shall be implemented to the satisfaction of C/CAG prior to the occupancy of any project structures that would generate a net 100 or more peak hour trips on the Congestion Management Program roadway network. The TDM Plan shall be implemented for the life of the project.
39. Loading bays of the Office Park buildings closest to the Mobile Home Park shall be located at the rear or south side of the buildings.
40. The property owner(s) shall install adequate golf cart parking spaces on both properties such that no golf carts would occupy required parking spaces, park on Airport Street, disturb sensitive habitat, or block fire lanes. Golf cart parking spaces shall be shown in the parking plan to be submitted for review and approval of the Planning and Building Department during the building permit process for both the Wellness Center and the Office Park.
41. The property owner(s) shall comply with beach user parking requirements (minimum of 20% of all parking spaces available for beach parking) at the Wellness Center site (minimum of 10 parking spaces based on a total of 50

parking spaces) and at the Office Park site (minimum of 104 parking spaces based on a total of 518 parking spaces). If a lesser amount of parking is built, the required beach parking shall be proportionally reduced. Required beach user spaces shall be reserved and clearly marked for such uses.

42. A minimum of 25% of all parking spaces at the project sites shall be compact (minimum dimensions: 8 feet by 16 feet) and clearly marked as such.

Noise

43. The applicant property owner(s) would also be required to shall comply with the County's Noise Ordinance limiting construction and grading activities during the hours to between 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturdays, and prohibiting construction on Sundays, Thanksgiving and Christmas.
44. Prior to issuance of any building permit for Wellness Center residence(s), the property owner shall demonstrate compliance with Per General Plan Policies 16.5 (Noise Reduction Along the Path and at the Receiver) and 16.15 (Architectural Design Noise Control). Specifically, the applicant property owner(s) shall implement techniques incorporated into the design and construction of new development, intended to achieve noise reduction along the path and at the receiver, including, but not limited to, site planning, noise barriers, architectural design, and construction techniques, including (1) grouping noise sensitive rooms together separated from noise sources, (2) placing windows, vents and other openings away from noise sources, and (3) avoidance of structural features which direct noise toward interior spaces.

Tsunami Hazard

45. The property owner(s) shall conduct two (2) tsunami evacuation trainings each a year for the Wellness Center and its occupants, using training materials such as the USGS Tsunami Preparedness Guidebook. The property owner(s) shall make attendance at the trainings a condition of occupancy at the Wellness Center. Tsunami evacuation trainings shall also be conducted on a regular basis at the Office Park.
46. The applicant property owner(s) shall submit an emergency preparedness and evacuation manual (including tsunami and earthquake events) for both project sites, subject to the review and approval of the County Sheriff's Office, prior to the issuance of the first building permit issued for each property.

Aesthetics

47. Prior to issuance of a building permit for each Office Park building, tThe applicant property owner(s) shall demonstrate in the submitted plans application of implement the design "overlays" (included as Attachment OX), as approved by the Board of Supervisors, which further reduce the appearance of building mass and incorporate architectural details of the Wellness Center and Princeton into the design of Office Park structures.
48. Prior to issuance of a building permit for each Wellness Center building, tThe property owner(s) shall demonstrate in the submitted plans that he/she has adapted the original design of the Wellness Center (as shown in building elevations included in the DEIR) to the approved site plan for the Wellness Center, subject to the approval of the County's Design Review Officer, with the exception of the proposed orange color (this color is not permitted).
49. Prior to issuance of a building permit for each Wellness Center building, tThe property owner(s) shall demonstrate in the submitted plans that the he/she has visually and/or physically break broken up the mass of Wellness Center Building A, or better balance the sizes of the Wellness Center B buildings-A and B, while retaining the maximum total square footage of the Wellness Center, subject to the approval of the County's Coastside Design Review Officer.
50. The project shall utilize existing utility poles. No new utility poles shall be constructed. Per LCP Policy 2.24, treatment plant facilities shall be designed and landscaped to be visually compatible with surrounding areas, particularly nearby residences or recreational areas.
51. For the Office Park, only parking uses, trail uses and landscaping shall be located within the AO Zoning District.

Airport

52. The property owner(s) of the Wellness Center shall ensure that public storage uses comply with Section 6288.2 (Uses Permitted) of the Zoning Regulations for all areas of the site located within the AO Zoning District, such that residential uses are excluded from the AO Zoning District area and that, for permitted uses, there are no more than three (3) persons occupying the area a site at any one time.
53. Storage of bulk petroleum products or chemicals is prohibited within all areas of the property located within the Airport Overlay (AO) Zoning District. public storage facility.
54. The property owner(s) shall comply with policies of the San Mateo County Comprehensive Airport Land Use Plan (CLUP) regarding avoidance of hazards to aircraft in flight, by prohibiting uses with the following associated effects:

- a. Any use that would direct a steady or flashing light of white, red, green, or amber color toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in straight final approach toward a landing, other than FAA-approved navigational lights.
 - b. Any use that would cause sunlight to be reflected toward an aircraft engaged in a straight climb following take-off or toward an aircraft engaged in straight final approach toward a landing.
 - c. Any use that would generate smoke or rising columns of air.
 - d. Any use that would attract large concentrations of birds within approach climb-out areas.
 - e. Any use that would generate electrical/electronic interference that may interfere with aircraft communication equipment and/or aircraft instrumentation.
55. The property owner(s) shall comply with ~~record a deed restriction to require project compliance with the~~ requirements of the AO Zoning District.
56. The ~~applicant~~ property owner(s) shall submit a revised Wellness Center site plan to show the following modifications, subject to the review of the Coastside Design Review Officer and the approval of the Community Development Director. While it is acknowledged that the implementation of Items 4a and 2b in the ~~above~~ below list may result in ~~some minor~~ changes to the footprint of Buildings A and B, the following shall remain as approved by the Board of Supervisors ~~Planning Commission~~: total building area and footprint, building area and footprint of structures located within the AO Zoning District, maximum building heights, and ~~building design~~ visual appearance.
- a. Relocate the residential units so that they are as far as possible from the airport without encroaching into wetland buffer zones.
 - b. Locate non-residential uses ~~Construct the storage units and athletic facilities~~ along the length of Building A of the Wellness Center, such that the non-residential areas are used to separate and buffer the residential units from the airport, further insulating the units from airport related noise.
 - c. Construct the residential units such that all face to the west and away from the airport, whereby no residential windows will face the airport and the residents.

Housing

57. A ~~legal guardian~~ conservator shall review the signing of any waivers by DD residents, when a conservator has been granted rights to manage the person or estate of a developmentally disabled adult residing at the Wellness Center.
58. a. The Wellness Center ~~is required to prioritize~~ shall give preference to disabled adults residing in the Coastal Zone, at the time that they apply to reside at the Wellness Center, over those who do not reside in the Coastal Zone in the consideration of residential applications.
- b. All non-ambulatory residents (i.e., residents who are not able to walk) of the Wellness Center will be required to have a shared or full time live-in aide, as a condition of residency. A shared aide is permitted only if the aide utilized by the non-ambulatory resident is shared with only one other resident, who is an ambulatory resident.

Department of Public Works

59. The ~~applicant~~ property owner(s) shall submit a Final Map for the Office Park and a Parcel Map for the Wellness Center to the Department of Public Works for review and recording.
60. The ~~applicant~~ property owner(s) shall prepare a plan indicating the proposed sewer connection to Granada Sanitary District (GSD). This plan should be included ~~on~~ with the improvement plans that show all of the subdivision improvements and submitted to the Department of Public Works and the Environmental Health Division for review. Nothing herein shall exempt the property owner(s) from securing all permits required for matters within GSD's permit jurisdiction. Upon completion of this review, the applicant or his engineer shall have these approved plans signed by GSD.
61. At the time a water connection is granted, the ~~applicant~~ property owner(s) shall submit, to both the Department of Public Works and the Planning Department, written certification from the ~~appropriate~~ applicable Water District stating that ~~their~~ its requirements to provide water service connections to the ~~proposed~~ parcels of this subdivision have been met.
62. Prior to recording the Final Map or Parcel Map, the ~~applicant~~ property owner(s) will be required to submit to the Department of Public Works a complete set of improvement plans including all provisions for roadways, driveways, utilities, storm drainage, and stormwater treatment, all in accordance with the County Subdivision Regulations, County Standard Details, County Drainage Policy and NPDES Permit, plus applicable plan review fee.
63. Upon the Department of Public Works' approval of the improvement plans, the applicant may be required to execute a Subdivision Improvement Agreement and

post securities with the Department of Public Works, if determined by the Department to be applicable, as follows:

- a. Faithful Performance - 100% on the estimated cost of constructing the improvements;
- b. Labor and Materials - 50% of the estimated cost of constructing the improvements.
- c. Warranty – 50% of the estimated cost of guaranteeing the improvements

64. The property owner(s) shall comply with the following requirements for emergency access, prior to the issuance of any building permits for the Office Park:

- a. Use of the northernmost driveway of the Office Park shall prohibit access by regular project traffic, using measures (e.g., electronic monitoring, financial disincentives, Knox box, chain link or gate) and signage approved by the Sheriff's Office of Emergency Services, Coastside County Fire Protection District and the Department of Public Works. The driveway shall be utilized for emergency evacuation purposes only. Free and clear access to the driveway shall be maintained at all times. The property owner(s) shall construct and install signage and measures to limit access, prior to the occupancy of any Office Park building.
- b. The property owner(s) shall implement traffic deterrents (e.g., electronic monitoring, financial disincentives, gate) at the Wellness Center which deters Office Park traffic from making U-turns within the Wellness Center property, prior to the occupancy of any Office Park building. Such access improvements at the Wellness Center and Office Park shall be subject to the approval of the Sheriff's Office of Emergency Services, Coastside County Fire Protection District and the Department of Public Works.
- c. All on-site and off-site access improvements at the Wellness Center and Office Park shall be subject to the approval of the Sheriff's Office of Emergency Services, Coastside County Fire Protection District and the Department of Public Works, to ensure that on- and off-site traffic improvements do not negatively impact site access or public road access during an emergency and are adequate for the purpose of emergency evacuation. The property owner(s) shall provide design specifications, including plans and elevations of improvements, to the reviewing agencies, prior to the issuance of any building permits at the Wellness Center and Office Park sites.
- d. Emergency service agencies shall possess all key(s) and code(s) necessary to open any devices that prohibit adequate access during an emergency. Also, key(s) and code(s) shall be maintained with a manager on-site at all times. Two different phone numbers for site management

personnel shall be posted at the northernmost driveway of the Office Park at all times.

65. The applicant property owner(s) shall install a 10-foot wide Class 1 trail sidewalk along the front of both project sites, in a finished manner, subject to review and approval by the Department of Public Works (DPW) and the issuance of an encroachment permit by DPW. The trail on both the subject properties must be completed in a finished manner, to the satisfaction of the Department of Public Works, Department of Parks, and the Community Development Director, prior to building permit issuance for any Wellness Center building.
66. Prior to occupancy of any Wellness Center building, ~~The applicant property owner(s)~~ shall construct the approved road adjustment and install k-rails within the Airport Street right-of-way (northbound only) over the drainage channel. The Area protected by the k-rail shall accommodate pedestrian and bicycle access. The Ddesign of roadway improvements shallto be subject to reviewed and approved by the Department of Public Works and the Department of Parks and Recreation prior to installation. An encroachment permit is required for all work within the County public right-of-way.

The k-rail would not be installed prior to occupancy if, by the end of the fifth year following final project approval, the bridge over the drainage is widened to include a Class 1 trail--a separate project under CEQA and LCP. If, by the end of the fifth year following final project approval, the bridge over the drainage has not been widened, the road adjustment and k-rail shall be completed within one year, unless otherwise authorized by the Department of Parks and the Department of Public Works.

67. The applicant property owner(s) shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy (including stormwater detention requirements) and all applicable NPDES requirements, including but not limited to Provision C.3, (particularly Provision C.3) for review and approval by the Department of Public Works, prior to the Current Planning Section's approval of any building permit. Individual operation and maintenance agreements for the Wellness Center and Office Park developments shall include all permanent stormwater treatment measures, including all permeable pavement, as approved by the Community Development Director and the Department of Public Works, and shall be executed prior to the Current Planning Section's final approval of any building permit on each site for which compliance is required. for residences. It is prohibited for drainage facilities to direct surface runoff from constructed areas to graded or undeveloped areas of the properties.

68. As described in Alternative C of the EIR, the property owner(s) of the Office Park property(ies) shall implement adequate incentives, as determined by the Department of Public Works, to prohibit project and construction traffic along Cypress Avenue Street, a largely residential street, thereby limiting traffic to non-residential streets in Princeton. All proposed street improvements shall be subject to the review and approval of the Department of Public Works.
69. Prior to the recordation of the Final Map for the Office Park parcel, tThe access and utility easements on the Office Park property shall meet the access requirements of the Department of Public Works and the requirements of all applicable utility providers, prior to the final approval of the Final Map by the Department of Public Works. These easements shall be duly noted on the map.
70. Any wWork within the County right-of-way shall not be commenced until County requirements for the issuance of an encroachment permit have been met and an encroachment permit has been issued. Plans for such work shall be reviewed by the Department of Public Works prior to the issuance of the permit.

Environmental Health Division Conditions

71. All Office Park businesses and the Wellness Center shall comply with Environmental Health Division requirements for the handling and/or storing of hazardous materials.
72. Mutual Water Company: The Operator shall to be obtain a licensed by from the State Department of Public Health.
73. The 12-inch clay cap sealing the well from the parking lot Well-seal shall extend be a minimum of 100 feet from any pervious-(infiltration ponds) surfaces.
74. During the first year of operation of the domestic well, the applicant property owner(s) shall submit reports to the Environmental Health Division and the Planning and Building Department prepared by a licensed civil engineer evaluating the impact of the well on groundwater and surface water levels and quality and plant species and animals of water dependent sensitive habitats to determine if the preliminary safe yield adequately protects the sensitive habitats and what measures shalleuld be taken if and when adverse effects occur.
75. The property owner(s) shall comply with the annual monitoring and reporting requirement of Section 4.68.250 of Chapter 4.68 (Wells) of the San Mateo Ordinance Code, which requires any well used or operated as a domestic water supply to have a meter installed on the well to record the volume of water used. A record of such water usage shall be submitted by the permittee to the County Health Officer annually, unless otherwise requested by the County Health Officer.

Department of Parks

76. Prior to the recordation of the Final Map and/or the Parcel Map, the property owner(s) shall either produce a deed showing the donation of the land to a park service provider or pay an in-lieu fee, meeting the requirements of Section 7055.3 of the County Subdivision Regulations. As of the date of this report, the in-lieu fee for the is-subdivision of both properties is \$963.30. The fee shall be recalculated at the time of Final Map and/or the Parcel Map recording as indicated in the County Subdivision Regulations.
77. The property owner(s) shall maintain the visible, accurate markers delineating all sides of the shared property line between the subject parcels and County property, as approved by the County Department of Parks under Condition 19.f, for the life of the project. The project property owner(s) and tenants shall not trespass onto County property without the County's authorization.

Building Inspection Section

78. Building permits may be required for all areas of construction. Contact the Building Inspection Section prior to ANY construction for permit requirements.

Coastside County Fire Protection District

79. The applicant property owner(s) shall demonstrate compliance with all the requirements of the Coastside County Fire Protection District, including but not limited to, those stated in the District's letter dated December 22, 2010 (Attachment AF). Specifically, the property owner(s) of the Wellness Center shall comply with the "Fire Access" requirements of this letter.

The Planning and Building Department requires that fire access routes on the Wellness Center site shall not be located within wetland areas, wetland buffer areas, or cultural resource areas. Fire access routes on the Office Park site shall not be located within wetland areas, wetland buffer areas, or earthquake fault zones.

LAFCo

80. The property owner(s) is are responsible for submitting applications for the annexation of the project sites to County governed special districts that will provide utility or other service. The project applicant property owner(s) is are responsible for application and fees to the San Mateo Local Agency Formation Commission.

Pacific Gas and Electric (PG&E) Company

81. The property owner(s) will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the project.

CalTrans

82. Any work within the CalTrans' right-of-way shall not be commenced until CalTrans' requirements for the issuance of an encroachment permit have been met and such permit has been issued. Plans for such work shall be reviewed by CalTrans prior to the issuance of the permit.

Granada Sanitary District (GSD)

83. The applicant shall obtain a sewer connection permit for the project from the Granada Sanitary District and comply with all conditions of approval for said permit. The applicant will be responsible for all fees (including sewer service, capacity, and Assessment District fees), engineering studies, and additional infrastructure required to serve the project.
84. The applicant shall subscribe to and pay for the garbage collection and disposal system provided by the Granada Sanitary District and otherwise comply with in all respects with the GSD Ordinance Code provisions related to garbage, including in particular Chapter 3 thereof.

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE
COUNTY OF SAN MATEO AND BIG WAVE, LLC, PURSUANT TO CHAPTER 24.5
(SECTIONS 6510, ET SEQ.), PART ONE, DIVISION VI (PLANNING) OF THE SAN
MATEO COUNTY ORDINANCE CODE**

The Board of Supervisors of the County of San Mateo, State of California,

ORDAINS as follows

SECTION 1. That certain Development Agreement, by and between the County of San Mateo and Big Wave, LLC, in the form submitted to this Board for consideration at its meeting of March 15, 2011, the full text of which is incorporated herein by reference, is hereby approved, and the President of the Board is hereby authorized and directed to execute the Development Agreement on behalf of the Board of Supervisors.

SECTION 2. FINDINGS. The Board of Supervisors hereby finds:

- (a) That the Development Agreement is consistent with the objectives, policies, and programs specified in the General Plan, Local Coastal Program and the Specific Plan for the project area. As discussed in Sections II.B.1 and II.B.3 of the staff report to the Board of Supervisors that accompanied the Development Agreement, the project to which the Development Agreement applies is consistent with the General Plan, Local Coastal Program, and the Montara-Moss Beach-El Granada Community Plan. The Development Agreement incorporates by reference all conditions of project approval.

- (b) That the Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning districts in which the Big Wave project is located. As discussed in Section II.B.4 of the staff report, the proposed uses of the Wellness Center and Office Park are permitted by the Zoning Regulations, and the Development Agreement incorporates all conditions of project approval, including restricting land use at the subject properties to the approved land uses.
- (c) That the Development Agreement is consistent with the development approvals issued for the project on March 15, 2011. The Development Agreement will not alter the development as approved in 2011 and it will secure rights for the implementation of the development as approved with conditions.
- (d) That the Development Agreement will not be detrimental to the health, safety, and general welfare of the general public. The project to which the Development Agreement relates is in compliance with all applicable land use regulations and the project's ongoing compliance with such regulations ensures that the Development Agreement will not be detrimental to the health, safety and general welfare of the general public.
- (e) That the Development Agreement will promote the orderly development of property or the preservation of property values in accordance with good land use practices. The project to which the Development Agreement applies

promotes orderly development of property and preserves property values by, among other things, providing needed housing for developmentally delayed citizens, and it requires the orderly development of the subject properties by establishing an order and a schedule for project construction that minimizes project impacts to the area.

SECTION 3. This Ordinance shall be effective thirty (30) days from the passage date thereof.

* * * * *

VIII. CONCLUSIONS

As presented in this *90% Design Report*, the Big Wave Wellness Center and Office Park Project consists of the construction of a residential village and an adjacent commercial property/office park complex. The proposed wetland and riparian ecosystem restoration project also includes restoration of the waters of the U.S., including wetlands, California Coastal Commission wetlands that currently exist as agricultural land. Specifically the Project will restore a complex mosaic within a 100 ft buffer adjacent to existing federal and state waters/wetlands to provide significant benefits to waters/wetlands ecosystem functions, particularly the native plant and animal communities relative to existing conditions. A total of ten plant community types, primarily native forest, scrub shrub, and perennial sedge/rush meadows, composed over approximately 75 native plant species arrayed in 54 planting polygons represent the riparian/wetland ecosystem restoration design. Of particular importance is the restoration of potential breeding habitat for the California red-legged frog, and potential foraging habitat for the San Francisco garter snake, two native vertebrates not known to utilize the Project Site, but which may be able to establish viable populations as a result of the restoration effort.

If implemented as designed, the riparian/wetland ecosystem will result an increase in the hydrologic, biogeochemical, native plant community, and faunal support/habitat functions of the currently farmed wetlands. Equally importantly, the project represents a state-of-the art integration of the natural and built environments through the restoration of the immediate landscape immediately surrounding the Office Park and Wellness Center, and through the utilization of native species for landscaping, locally adapted plant stock, and propagules obtained from the Project Site and adjacent landscape.

VII. BEST MANAGEMENT PRACTICES FOR STORMWATER TREATMENT

San Mateo County (County) has established best management procedures for the treatment of storm water because federal and state laws require municipalities to reduce pollution to waters of the United States by storm waters. According to the San Mateo County's website (<http://www.flowstobay.org/p2business/bestmanagementpractices.html>), cities within the County are governed under the *San Mateo Countywide Water Pollution Prevent Program* as part of the City/County Associate of Governments of San Mateo County. As such, the County has published procedures, guidelines, *etc.* to reduce and prevent pollution to the adjacent waters. The storm water treatment system proposed for the Big Wave Project incorporates the County's overall approach and practices for storm water management.

Design features for storm water pollution prevention by the Project include separate storm water retention and detention ponds for relatively dirty storm water (*e.g.*, water from parking lots) and relatively clean water (*e.g.*, roof water runoff). Separate water delivery systems for clean and dirty storm water will be constructed at each of the developments (*i.e.*, office park and wellness center). Comparatively dirty storm water will be filtered through a series of grit removal, oil/water separators, and then directed to a retention/detention "rain gardens" (Figures 8 and 9) within the riparian restoration zone. Stormwater will flow through a swale prior to overland flow into the existing wetlands. Similarly, clean storm water will be directed to a separate series of retention/detention microdepressions (rain gardens) via a similar storm water swales (Figure 10). A portion of the clean storm water will be directed to an infiltration basin (one at each development) to recharge ground water. In short, the bioswale/microdepression system will serve to improve water quality in the adjacent existing waters/wetlands ecosystems by treating storm water in a series of treatments as described above.

Development Agreement

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into on March 15, 2011, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California ("County"), and BIG WAVE, LLC, a California Limited Liability Company ("Developer"), pursuant to the authority of California Government Code Section 65864 et seq.

RECITALS

A. California Government Code Section 65864, *et seq.*, authorizes the County to enter into an agreement for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property.

B. On October 18, 2005, Developer initially submitted an application to develop certain real property owned by Developer, which application includes a request for a Coastal Development Permit, Use Permit, Tentative Subdivision Map and Grading Permit to develop housing for Developmentally Disabled Adults ("Wellness Center") and an Office Park on property it owns identified as APN Nos. 047-311-060 and 047-312-040.

C. County has approved various land use approvals in connection with the development of the Project, including the following: (1) a Use Permit, pursuant to Sections 6288.2 and 6500(d)3 of the County Zoning Regulations, for the sanitarium component of the Wellness Center and its accessory uses, as well as uses within the Airport Overlay (AO) Zoning District, consisting of 10,000 sq. ft. of commercial public storage use, 6,000 sq. ft. of communications and backup power uses, and 4,000 sq. ft. of miscellaneous Wellness Center storage use; (2) a Major Subdivision, pursuant to the County Subdivision Regulations, to subdivide the northern parcel of the project site into ten lots as described in Alternative C of the EIR and a Minor Subdivision to subdivide the southern parcel of the project site into three lots; (3) a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for eight Office Park buildings (four 2-story and four 3-story buildings) containing 225,000 sq. ft. of mixed-office uses and a 640-space parking lot as described in Alternative C of the EIR, two Wellness Center buildings (one single-story building and one 3-story building) containing a maximum of 57 dwelling units to provide affordable housing for a maximum of 50 Developmentally Disabled (DD) adults and 20 staff persons and a 50-space parking lot, a 10,000 sq. ft. commercial public storage use, wetland habitat restoration and creation and other landscaping, associated fencing and grading, use of an existing agricultural well for domestic purposes, and establishment of a mutual water service company

and a community wastewater treatment and recycling system; (4) a Design Review Permit, pursuant to Section 6565.3 of the County Zoning Regulations, for proposed structures and associated grading; and (5) a Grading Permit, pursuant to Section 8600 of the San Mateo County Ordinance Code, to perform 26,050 cubic yards of balanced cut and fill; (collectively, together with any approvals or permits now or hereafter issued with respect to the Project, the "Project Approvals").

D. Pursuant to the California Environmental Quality Act ("CEQA") the County prepared an Environmental Impact Report ("EIR") for the Project. The EIR was certified by the Board of Supervisors on March 15, 2011. Pursuant to CEQA, a mitigation monitoring and reporting program for the Project was approved by the Board of Supervisors.

E. The purpose of this Agreement is to facilitate the implementation of the Project Approvals through the development of the Project, thereby realizing the public benefits to County and private benefits to Developer, including those described in these Recitals. The development of the Project will result in building a significant amount of affordable housing for Developmentally Disabled Adults on the San Mateo County Coastsides and will provide an Office Park built in an environmentally sustainable manner to help correct the jobs/housing imbalance in the Coastsides.

F. The Board of Supervisors has found, among other things, that this Agreement is consistent with the County General Plan; that this Agreement is compatible with the regulations that, as amended by the Board's actions in connection with this Project, prescribe the uses authorized in the Property; that this Agreement conforms with public convenience, general welfare, and good land use practice; that this Agreement will not be detrimental to the health, safety, or general welfare; and that this Agreement will not adversely affect the orderly development of property or the preservation of property values.

G. Developer is willing, pursuant to the terms of this Agreement, to make expenditures and provide benefits to the County including, without limitation, 1) building a Class 1 multipurpose Coastal Trail and making improvements to Airport Street and Prospect Way, according to the schedule described in section 5.3 of this Agreement and in accordance with the Conditions of Approval dated March 15, 2011; 2) conveying to the County sureties for on site and off site improvements, including but not limited to those related to traffic control-related improvements, prior to the recordation of any subdivision map; and 3) fully funding application and construction costs associated with a bridge widening project over the drainage swale separating the two parcels making up the Project site (i.e., APN Nos. 047-311-060 and 047-312-040), as discussed in section 5.3 of this Agreement, in the event the bridge widening project receives necessary entitlements and County approvals, thus conferring a public benefit on the County.

H. County desires the timely, efficient, orderly, and proper development of the Project and the Property, and the Board of Supervisors concludes that it is in the public interest to accept the benefits conferred by this Agreement and that it is in the public interest to provide for the vesting of Developer's rights to develop the Project in conformance with the Project Approvals and the terms and conditions contained herein so that such vested rights shall not be disturbed by changes in laws, rules, or regulations, including measures passed by initiative, that occur after the Effective Date (as defined below) of this Agreement.

I. County and Developer have reached agreement and desire to express herein a development agreement that will facilitate development of the Project subject to conditions set forth in this Agreement and set forth in the Project Approvals, as defined herein.

J. On March 15, 2011, the Board of Supervisors adopted Ordinance No. _____ approving this Agreement.

NOW, THEREFORE, with reference to the above recitals and in consideration of the mutual promises, obligations and covenants herein contained, County and Developer agree as follows:

AGREEMENT

1. Description of Property. The Property which is the subject of this Agreement is described in Exhibit A attached to this Agreement and incorporated herein by reference ("Property").

2. Interest of Developer. The Developer has represented and warrants to the County that it has a legal or equitable interest in the Property and that all parties with a legal interest in the Property are signatories hereto.

3. Relationship of County and Developer. This Agreement is a contract that has been negotiated and voluntarily entered into by County and Developer. The Developer is not an agent of County. The County and Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained in this Agreement or in any document executed in connection with this Agreement shall be construed as making the County and Developer joint venturers or partners with respect to the Project and any other matter.

4. Effective Date and Term.

4.1. Effective Date. The effective date of this Agreement ("Effective Date") shall be thirty days after the date on which San Mateo County Ordinance No. _____, the ordinance approving this Agreement, was adopted by County (i.e., March 15, 2011). County and Developer acknowledge that the approval of this project may be appealed to the California Coastal Commission and that litigation may be filed regarding the project approvals. Therefore, County and Developer agree that, notwithstanding the foregoing, in the event of such appeal to the California Coastal Commission and/or the initiation of such litigation, all time periods subsequent to the Effective Date will be tolled until (a) all California Coastal Commission administrative procedures and decisions have been rendered; and (b) a final judgment has been entered as to any litigation filed that challenges the project approvals, and all appeal periods have run. If any of these events occur, the County and Developer agree that all rights and obligations of the parties shall be extended such that Developer can apply for building permits after California Coastal Commission jurisdiction and potential or actual litigation has ended which would have prevented Developer from obtaining building permits.

4.2. Term. The term of this Agreement ("Term") shall commence on the Effective Date and extend for twenty (20) years thereafter, unless this term is otherwise terminated or modified as set forth in this Agreement. Notwithstanding the foregoing, the parties understand and agree that, as reflected in section 5.3 of this Agreement, certain components of the Project must be completed with one (1), three (3), five (5), ten (10) or twenty (20) years of the Effective Date.

4.3. Term of the Tentative Map and Other Project Approvals. Pursuant to California Government Code Sections 66452.6(a) and 65863.9, the term of any tentative map and other Project Approvals described in the Recital above shall automatically be extended for the Term of this Agreement. The terms of other Project Approvals, other than any Coastal Development Permit issued by the California Coastal Commission under Public Resources Code sections 30604(b) and/or 30621, shall be extended for a period of time through the scheduled termination date of this Agreement, as set forth in section 4.2 of this Agreement. Notwithstanding the foregoing, the parties understand and agree that, as reflected in section 5.3 of this Agreement, certain components of the Project must be completed with one (1), three (3), five (5), or ten (10) years of the Effective Date. If any Coastal Development Permits issued by the California Coastal Commission pursuant to sections 30604(b) and/or 30621 of the California Public Resources Code expire prior to the expiration date of the other Project Approvals described in this Agreement, the County shall consider and act upon a Coastal Development Permit for the Project consistent with the other Project Approvals and subject to the same conditions as those imposed on the Coastal Development Permit originally approved by the County, and approved by the California Coastal Commission on appeal, which shall have the same term as that set forth for the other

Project Approvals set forth in this Agreement. The decision as to whether to approve or deny such a Coastal Development Permit shall be subject to the discretion of the County decision making body. To the extent required by applicable law, the issuance of a Coastal Development Permit shall be subject to appeal to the California Coastal Commission. If any Coastal Development Permits issued by the California Coastal Commission pursuant to the authorities cited in this section 4.3 are inconsistent with the terms of this Development Agreement, the parties agree to meet and confer in good faith to discuss possible amendments to this Agreement in light of the terms of any such Coastal Development Permit issued by the California Coastal Commission.

5. Use of the Property.

5.1. Right to Develop Pursuant to Existing Rules and Regulations. Subject to section 7.1 of this Agreement, the County rules and regulations applicable to Developer's development of the Project on the Property shall be those in effect on the Effective Date, and any amendments to any of them as shall, from time to time, be approved pursuant to this Agreement.

5.2. Permitted Uses. The permitted uses of the Property, the maximum density and intensity of use, the maximum height, bulk and size of buildings on the Property, provisions for reservation or dedication of land for public purposes and location and maintenance of on-site and off-site improvements, location of public utilities, and other terms and conditions of development applicable to the Property, shall be those set forth in this Agreement, the Project Approvals, and any amendments to this Agreement or the Project Approvals, and the "Applicable Rules" (as defined in this Agreement).

With respect to the Office Park component of the Project, Developer shall ensure that, of the total authorized building square footage of 225,000 square feet, no more than 90,000 square feet (or 40% of the total authorized square footage) shall be used for administrative, research and professional office use, excluding doctor and dentist office use, for the life of the project. Likewise, Developer shall ensure that no more than 56,250 square feet (or 25% of the total authorized square footage) shall be used for of research and development uses; no more that 45,000 square feet (or 20% of the authorized square footage) shall be used for light manufacturing; and no more than 33,750 square feet (or 15% of the authorized square footage) shall be used for storage, over the life of the Project. Reduction in the square footage amounts dedicated to office use and corresponding increases in square footage for research and development, light manufacturing, and storage uses may be permitted by the Community Development Director upon a finding by the Community Development Director that such changes do not constitute an intensification of use and by the San Mateo County Director of Public Works that such changes do not increase traffic impacts.

5.3. Phasing of Development. Developer will phase the development of the Project consistent with economic conditions, but subject to the following provisions:

5.3.1. General and Wellness Center Component: For purposes of phasing of development covered by this Agreement, the Project consists of two components; the "Wellness Center" component and the "Office Park" component. The "Wellness Center" component consists of the following:

5.3.1.1 The Wellness Center, which includes 57 affordable dwelling units for the developmentally disabled and their aides.

5.3.1.2 Ancillary Uses: These uses include a fitness center, commercial kitchen, dog grooming and laundry facilities, and administrative offices, among other ancillary uses.

5.3.1.3. Commercial Public Storage: 10,000 square foot commercial public storage.

5.3.1.4. Subdivision: The parcel upon which the Wellness Center would sit would be subdivided into three separate lots (Lots 1-3). Lot 1 would include the 3-story, 10,000 square foot commercial public storage use, 6,000 square feet for communications and backup power uses, and 4,000 square feet of miscellaneous storage. Lot 2 includes the 94,762 square foot Wellness Center, including 57 affordable dwelling units and ancillary uses, as well as the common areas of the wetlands, wetland buffer areas, and area proposed for wetland habitat creation. Lot 3 includes the 50-space parking lot.

5.3.1.5. Project-Related Business Operations to Generate Income for Wellness Center Residents: The DD adults would be employed by the Wellness Center and would also provide services to the Office Park, with the Wellness Center funded through association fees and shared development costs. Business operations would be managed by Big Wave Group, Inc., a non-profit corporation, and include: Big Wave (BW) Catering/Food Services; BW Energy; BW Farming; BW Water; BW Transportation; BW Recycling; BW Communications (radio telecom link); and BW Maintenance.

5.3.1.6. Creation/restoration of approximately 114,000 square feet of wetland habitat within areas of delineated wetlands and required buffer zone; development of a Class 1 multiple-purpose trail along Airport Street; use of sustainable organic/non-organic, on-site farming for supplemental

food sources; a native plant nursery for revegetation/landscaping efforts; and recycling and composting.

5.3.2. Office Park Component. The "Office Park" component of this Project consists of the following:

5.3.2.1 Uses: Office space made up of the following uses within the Office Park buildings: 40% General Office, 25% Research and Development, 20% Light Manufacturing, and 15% Storage.

5.3.2.2. Subdivision: The property on which the Office Park is to be located will be subdivided into 10 lots (Lots 1-10). Lot 1 includes the common areas of the wetlands, wetland buffer areas, and area proposed for wetland habitat creation. Lot 2 includes the 640-space parking lot and walkway areas. Lots 3-10 would include a total of eight (8) two- and three-story buildings (225,000 sq. ft. total) for mixed uses, as described above.

5.3.2.3. Creation/restoration of approximately 258,000 sq. ft. of wetland habitat within areas of delineated wetlands and required buffer zone; development of a Class 1 multiple-purpose trail along Airport Street; and development of shuttle services.

5.3.3. Phase 1: Within one year after the Effective Date of this Agreement, Developer agrees to undertake the following work, which work shall be completed within one year of the Effective Date:

5.3.3.1. Water Connection for Both Sites: Within 90 days of Effective Date, the Developer shall actively pursue a water connection from Coastside County Water District (CCWD) for the potable water and fire suppression needs of the entire project, and shall demonstrate such efforts by submitting a complete application to LAFCo requesting annexation to CCWD, as well as an application with CCWD to the California Coastal Commission requesting the amendment to CDPs A-1-HMB-99-20 and A-2-SMC-99-63 required for such a connection and by diligently pursuing the approval of such applications. Developer has represented that, in lieu of pursuing such an application for amendment of the CDPs, it may choose to pursue litigation to challenge the validity of limitations in the existing CDPs (A-1-HMB-99-20 and A-2-SMC-99-63) that presently prevent CCWD from serving the project site. The parties agree that Developer may pursue such litigation in lieu of pursuing an amendment to the CDPs, provided that such

litigation shall be diligently pursued and further provided that, in the event that a final judgment is entered against Developer in such litigation, Developer shall promptly apply for amendments to the CDPs.

5.3.3.2. Grading of Both Sites: Obtain a grading permit "hard card" to rough grade both the Wellness Center and Office Park sites and install main utilities for both sites as required by the Department of Public Works for recordation of a Final Map for the Office Park and a Parcel Map for the Wellness Center site. Any grading within wetland and buffer zone shall be limited to and conducted in accordance with the finalized and approved 90% Basis of Design Report.

5.3.3.3. Erosion Control of Both Sites: Developer will stabilize all disturbed areas on both sites that are not being actively farmed through the installation of erosion control measures that are reasonably satisfactory to the San Mateo County Community Development Director. These erosion control measures shall be maintained to the reasonable satisfaction of the Community Development Director during the entire term of the Agreement.

5.3.3.4. Resource Protection on the Wellness Center Site: Developer will complete earthwork and wood installation associated with wetland restoration and habitat creation within the wetland and the 100 foot buffer areas on the Wellness Center site, as described in the finalized and approved 90% Basis of Design report, and establish nursery and seed stock necessary for cultivation of wetland plants to be used for on-site wetland restoration and habitat creation. Developer will install a habitat barrier fence along the edge of the buffer zone (development side) located on the Wellness Center Property immediately after the completion of rough grading within wetland and buffer areas and prior to grading of other areas of the sites, such that the wetland and buffer areas are not disturbed during rough grading of other areas of the site. The Developer will maintain the restoration and buffer areas in accordance with the 90% Basis of Design Report. Developer will fence the cultural site area located on the Wellness Center Property prior to the initiation of rough grading.

5.3.3.5. Landscaping of Perimeter of Both Sites: Developer will install all landscaping as called for by the finalized and approved Planting Plans, drafts of which are attached hereto as Exhibits G and K to this Agreement and incorporated herein by reference, along the perimeter of both the Wellness Center and Office Park sites. The Developer will also

perform the native wetlands plant restoration on the property owned by the County that is adjacent to the Wellness Center and Office Park sites (subject to County authorization) along the drainage separating the project sites and along the west side of the Office Park site. Such landscaping is illustrated on the maps that are attached as Exhibits G and K to this Agreement and incorporated herein by reference.

5.3.3.6. Access Improvements for the Wellness Center: Developer will complete construction of the site access and encroachments (including 10-foot wide Class 1 trail) to Airport Street and other off-site street improvements as required by the County Department of Public Works for recordation of the Parcel Map for the Wellness Center. The trail on both the subject properties must be completed in a finished manner, to the satisfaction of the Department Public Works, Department of Parks, and the Community Development Director. All required site access improvements are set forth on Exhibits E and I.

5.3.4. Phase 2: Within three (3) years of the Effective Date, Developer will complete the following components of the Project:

5.3.4.1. Construction of Wellness Center: Prior to the recordation of the subdivision map for the Wellness Center parcel, convey to the County sureties for all onsite and off site improvements, including but not limited to sureties for the installation of traffic control-related improvements. The Developer understands and agrees that neither the County or the Department of Transportation, CalTrans, shall have any responsibility to fund any traffic improvements required pursuant to the Conditions of Approval for this project. Construct first component of the Wellness Center (eight one story breezeway units). Building permit shall include the necessary parking; water, wastewater, and storm drainage systems; and comply with all the conditions of approval and requirements of the Development Agreement. Once building permit(s) for the Breezeway Units has been issued, install piers, construct foundation for breezeway units including the permanent habitat barrier wall for the units, construct fire water storage system, and construct parking lot retaining wall. If required by the County, the additional flexible sound barrier(s) will be installed during Wellness Center Construction.

5.3.4.2. Beach User Parking Required for the Wellness Center: Developer will construct and mark the beach user parking required in the Project (i.e., 20% of parking provided; which is to say, a minimum of ten (10) parking spaces, based on a total of fifty (50)

parking spaces at the Wellness Center), subject to review and approval by the Community Development Director, prior to the Certificate of Occupancy for any Wellness Center building.

5.3.4.3. Sewer Connection for the Wellness Center: Developer shall construct the sewer connection to the Granada Sanitary District for the initial 8 Wellness Center units.

5.3.4.4. Wetlands Restoration on Wellness Center Site: Developer will complete a minimum of 50% of the planting and irrigation associated with wetland restoration and habitat creation within the wetland and 100 foot wetland buffer areas, as described in the finalized and approved 90% Basis of Design report attached as Exhibit L.

5.3.4.5. Farming on Both Sites: Developer will complete transition of conventional farming taking place on both sites to organic farming, with the exception of areas designated for constructed wetland habitat.

5.3.5. Phase 3: Within five (5) years of the Effective Date, Developer will complete the following components of the Project:

5.3.5.1. Construction of Wellness Center: Developer will complete construction of a minimum of 37 residential units for the developmentally disabled at the Wellness Center, including the associated permanent habitat barrier walls along the edge of the buffer zone, as delineated in Exhibit I to this Agreement, which is attached hereto and incorporated herein by reference.

5.3.5.2. Parking for Wellness Center: Developer will construct the parking spaces required for the permitted buildings at the Wellness Center and will mark designated beach user parking spaces (minimum of 20% of total parking provided, which is to say a minimum of ten (10) parking spaces based on a total of fifty (50) parking spaces at the Wellness Center).

5.3.5.3. Access for Wellness Center: Developer will finish constructing parking lot driveway entrances and exit access to Airport Street for the Wellness Center site, required for the permitted buildings.

5.3.5.4. Trail Access Over Drainage: The Developer shall complete the approved road

adjustment and K-rail installation on the west side of the section of Airport Street that crosses over the drainage. The parties understand and agree that the K-rail shall not be required if preferred access is provided by the widening of the bridge to include a Class 1 trail over the drainage swale that separates the two parcels that make up the Project site.

5.3.5.5. Drainage Improvements for the Wellness Center: Developer will complete the storm water infiltration system necessary for the permitted buildings at the Wellness Center site, as set forth in the Project plans for the Wellness Center site.

5.3.5.6. Wetlands Habitat at the Wellness Center Site: Developer will complete the habitat restoration and creation work described in the finalized and approved 90% Basis of Design report within all wetlands and 100 foot wetland buffer areas of the Wellness Center site required by the Project Plans and as set forth in Exhibit L to this Agreement, which is attached hereto and incorporated by reference. Upon completion, Developer shall initiate the ten-year habitat monitoring program described in the finalized and approved 90% Basis of Design report. Developer shall be responsible for maintaining the restoration areas in accordance with the finalized and approved 90% Basis of Design Report for the life of the project.

5.3.5.7. Landscaping of the Wellness Center Site: Developer will complete the visual screen planting and irrigation at the Wellness Center site, as called for by the finalized and approved Planting Plan, a draft of which is attached hereto as Exhibit K and incorporated herein by reference. Developer shall maintain and, if necessary, provide supplemental landscaping such that all permitted buildings are screened to the satisfaction of the Community Development Director.

5.3.6. Phase 4: Within ten (10) years of the Effective Date, Developer will complete the following components of the Project:

5.3.6.1. Construction of the Wellness Center: Developer will complete construction of all 57 of the total approved residential units at the Wellness Center. All components of the approved Wellness Center that are not constructed within 10 years of the Effective Date shall be deemed outside the scope of this Development Agreement and shall be subject to any permitting requirements and other regulations in effect at the time Developer seeks to construct them.

5.3.6.2. Access for the Wellness Center: Developer shall finish constructing parking lot driveway entrances and exit access to Airport Street for the Wellness Center site, as necessary for permitted construction at the site.

5.3.6.3. Drainage Improvements for the Wellness Center: Developer shall complete the storm water infiltration system, as set forth in the Project plans for the Wellness Center site.

5.3.6.4 Landscaping of the Wellness Center Site: Developer shall complete visual screen planting and irrigation at the Wellness Center site, as called for by the finalized and approved Planting Plan, a draft of which is attached hereto as Exhibit K and incorporated herein by reference.

5.3.7. Phase 5: Within the term of this Agreement, Developer will complete the following components of the Project:

5.3.7.1. Requirement for Recordation of Final Map for Office Park: Prior to the recordation of the Final Map for the Office Park parcel, Developer shall convey to the County sureties for all onsite and off site improvements, including, but not limited to, the sureties for the installation of traffic control-related improvements. The Developer understands and agrees that neither the County nor the Department of Transportation (CalTrans) shall have any responsibility to fund any traffic improvements required pursuant to the Conditions of Approval for this project.

5.3.7.2. Orderly Development of Office Park Buildings: All buildings, with the exception of Buildings A and H (which are the northernmost buildings, as depicted on the schematic set forth in Exhibit F to this Agreement, which is incorporated herein by reference), may be developed within the term of this Agreement. Construction of Building A and/or H may not commence until a building permit has been issued and construction commenced for Building B, C, F, or G, as depicted in Exhibit F, such that any space between Building A and/or H and another constructed Office Park building would not exceed the area that would otherwise be occupied by one non-constructed building.

Outdoor areas shall be improved (e.g., use of courtyard, plazas, and landscaping) to

enhance the spatial relationship of constructed buildings, subject to review and approval by the Community Development Director. The Developer shall demonstrate compliance with this requirement prior to issuance of a building permit for any Office Park building that is not located directly adjacent to a constructed Office Park building.

5.3.7.3. Building Permit Application and Construction of the Office Park: Developer will obtain one or more building permits for the Office Park, based on economic demand. Each permit application shall include provisions for necessary parking, on and off-site access, water and wastewater, storm drainage systems and shall comply with all the conditions of approval for the Project plans and the requirements of this Development Agreement. Once construction is initiated, each building is estimated to be constructed in approximately twelve months and Developer shall be required to make reasonable progress towards completion of construction once it has been initiated, it being understood and agreed that the Developer will complete construction of all Office Park buildings within the term of this Agreement and in compliance with the mitigation measure detailed in the Conditions of Approval dated March 15, 2011. The Community Development Director shall determine, in his reasonable judgment, whether reasonable progress has been made towards completion of such construction. Developer shall construct parking lots required for each permitted building, including required beach user access parking required for each building permit.

5.3.7.4. Landscaping for the Office Park (Phased with Building Permits): As parking lot areas are built for each permitted building, Developer will construct the landscaping associated with the approved parking lot areas for each building permit as called for by the finalized and approved Planting Plan, a draft of which is attached hereto as Exhibit G and incorporated herein by reference.

5.3.7.5. Wetlands at the Office Park (Phased with Building Permits): Developer will restore a portion equal to approximately $1/8^{\text{th}}$ of the total area of existing wetlands and wetland buffer areas, with the construction of each Office Park building. Each approximately $1/8^{\text{th}}$ portion shall be restored prior to final approval of the building permit. Unrestored areas of the wetlands and 100 foot wetland buffer areas shall be restored prior to final approval of the final building constructed. In any event, all wetlands restoration and habitat creation as approved by the Board of Supervisors on March 15, 2011 must be completed to the satisfaction of the Community Development Director within 20 years from the Effective Date.

5.3.7.6. Farming at the Office Park: Developer will continue to make available for organic farming all non-wetland, graded areas that are not restored as wetlands and that are not within areas of pending or on-going construction.

5.3.7.7. Access for the Office Park: At the time that the Developer receives the first building permit for an Office Park building, Developer will construct encroachments and access improvements to Airport Street required by the Project Approvals, including those improvements which prohibit access to and from the site via the intersection at Highway 1 and Cypress Avenue.

5.3.7.8. Access for the Office Park (Phased with Building Permits): Developer will provide the County Director of Public Works with Traffic Reports in a format reasonably acceptable to the Director prior to the issuance of building permits that would result in the building of each increment of forty thousand square feet of office space. Developer will construct all required traffic mitigations required by the Project approvals as part of building permits process and failure to construct such mitigation shall constitute a breach of this Agreement.

5.3.7.9. Wastewater Treatment and Recycling for the Office Park (Phased with Building Permits): Developer will construct modular membrane bioreactor (MBR) water recycling system for first permitted building. The second modular will be built to provide additional capacity at the time capacity is required, as determined by the Director of the Environmental Health Division.

5.3.7.10. Beach User Parking for the Office Park (Phased with Building Permits): Developer will construct and mark the beach user parking required for each permitted Office Park building (i.e., 20% of parking provided; which is to say a minimum of 104 parking spaces, based on a total of 518 parking spaces at the Office Park site), subject to review and approval by the Community Development Director, prior to the Certificate of Occupancy for any Office Park building.

Notwithstanding the foregoing, Developer may perform multiple phases simultaneously. All construction covered by this Agreement must be completed within the time lines set forth above in this section 5.3. and in compliance with the Conditions of Approval dated March 15, 2011.

6. Applicable Rules, Regulations, and Official Policies.

6.1. Rules Regarding Permitted Uses. For the term of this Agreement and except as otherwise provided in this Agreement, the County's ordinances, resolutions, rules, regulations, and official policies, including, without limitation, the Project Approvals, governing the permitted uses of the Property, governing density, design, improvement and construction standards and specifications applicable to the Property, including but not limited to, all public improvements, shall be those in force and effect on the Effective Date of this Agreement (the "Applicable Rules").

6.2. Uniform Codes Applicable. The Project shall be constructed in accordance with the provisions of the California Building, Mechanical, Plumbing, Fire, and Electrical Codes and applicable provisions of Title 24 of the California Code of Regulations, relating to Building Standards, in effect in County at the time a completed application is submitted for the appropriate building, grading, or other construction permits for the Project. The Project shall be built to the LEED Gold or Platinum standards in effect at in County at the time a completed application is submitted for the appropriate building, grading, or other construction permits for the Project..

7. Subsequently Enacted Rules and Regulations.

7.1. New Rules and Regulations. During the term of this Agreement, the County may, in subsequent actions applicable to the Property, apply new or amended ordinances, resolutions, rules, regulations and official policies of the County which were not in force and effect on the Effective Date of this Agreement and which are not in conflict with the Applicable Rules, provided that (1) such new or modified ordinances, resolutions, rules, regulations or official policies do not affect the permitted uses of the Property, the maximum density and intensity of use, the maximum height, bulk and size of proposed buildings, provisions for reservations or dedication of land for public purposes and location and maintenance of on site and off site improvements, location of public utilities or any other terms and conditions set forth in this Agreement; and (2) such laws are generally applicable and not specific to or discriminatory against Developer's parcels that are the subject of this Development Agreement.

7.2. Denial or Conditional Approval. Nothing in this Agreement shall prevent the County from denying or conditionally approving any subsequent land use permit or authorization for any subsequent development project application on the basis of any new or modified ordinances, resolutions, rules, regulations, or policies applicable to the Property pursuant to and subject to section 7.1.

7.3. Federal and State Law. Nothing shall preclude the application to the Project or the Property of changes in federal or state laws. To the extent any changes in federal or state laws prevent or preclude compliance with one or more provisions of this Agreement or development of the Property in conformance with the Project, the parties agree that the provisions of this Agreement shall be modified, extended, or suspended, as may be required to comply with such federal or state laws. Each party agrees to extend to the other prompt and reasonable cooperation in so modifying this Agreement.

8. Processing.

8.1. Further Approvals and Permits. On satisfactory completion by Developer of all required preliminary actions and payments of all required processing fees, if any, County shall, subject to all legal requirements, promptly initiate, commence, diligently process, complete at within a reasonable timeframe, all required steps, and expeditiously consider any approvals and permits necessary for the development by Developer of the Property in accordance with this Agreement, including, but not limited to, the following:

8.1.1. The processing of applications for and issuing of all discretionary approvals requiring the exercise of judgment and deliberations by County ("Discretionary Approvals"); and

8.1.2. The processing of applications for and issuing of all ministerial approvals requiring the determination of conformance with the Applicable Rules, including, without limitation, site plans, development plans, land use plans, grading plans, improvement plans, building plans and specifications, and ministerial issuance of one or more final maps, zoning clearances, grading permits, improvement permits, wall permits, building permits, lot line adjustments, encroachment permits, certificates of use and occupancy and approvals, and entitlements and related matters as necessary for the completion of the development of the Project ("Ministerial Approvals").

8.2. No Abridgement of Density or Height. County acknowledges that notwithstanding its ability to issue Discretionary Approvals in relation to site and architectural review and design review, County may not refuse such approvals, or require changes in the Project, that would have the effect of restricting or preventing the ability of Developer to construct buildings at the density and heights allowed in the Project Approvals as of the Effective Date of this Agreement.

8.3. Processing During Third Party Litigation. The filing of any third party lawsuit(s) against County or Developer relating to this Agreement or to other development issues affecting the Property shall not delay or stop the development, processing, or construction of the Project, or issuance of Discretionary Approvals or Ministerial Approvals, unless the third party obtains an order that, in the reasonable judgment of the County, prevents the activity.

9. Subsequently Enacted or Revised Fees, Assessments, and Taxes.

9.1 New Fees: County shall be entitled to impose and collect fees, dedications, and exactions on new development adopted by the County after the Effective Date provided that the ordinances, resolutions, rules, regulations or policies imposing them are generally applicable and not specific to or discriminatory against Developer's parcels that are the subject of this Development Agreement.

9.2. Revised Application Fees. Any existing application, processing, and inspection fees that are revised during the term of this Agreement shall apply to the Project provided that (1) such fees have general applicability and do not discriminate against Developer; (2) the application of such fees to the Property is prospective.

9.3. New Taxes. Any subsequently enacted County taxes of general applicability shall apply to the Project provided that such taxes have general applicability and do not discriminate against Developer.

9.4. Assessments. Nothing in this Agreement shall be construed to relieve the Property from assessments levied against it by County pursuant to any statutory procedure for the assessment of property to pay for infrastructure and/or services which benefit the Property.

9.5. Right to Contest. Nothing contained in this Agreement shall prevent Developer from paying any such fee, tax, or assessment under protest, or otherwise asserting its legal rights to protest or contest a given fee, tax, or assessment assessed against the Project or the Property.

10. Amendment or Cancellation.

10.1. Modification Because of Conflict with State or Federal Laws. In the event that State or Federal laws or regulations enacted after the Effective Date of this Agreement prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans,

maps, or permits approved by the County, the parties shall meet and confer in good faith in a reasonable attempt to modify this Agreement to comply with such State or Federal laws or regulations. Any such amendment or suspension of the Agreement is subject to approval by the Board of Supervisors, in its discretion. If such modification or suspension is infeasible in Developer's reasonable business judgment, then Developer may elect any one or more of the following in any sequence:

10.1.1. To terminate this Agreement by written notice to County, subject to payment to the County of all fees and charges due and owing;

10.1.2. To challenge the new law preventing compliance with the terms of this Agreement, and extend the Term of this Agreement for the period of time required to make such challenge. If such challenge is successful, this Agreement shall remain unmodified, except for the extension of the Term and shall remain in full force and effect. Nothing herein shall require the County to perform any action that, in its reasonable judgment, would cause it to violate controlling State or Federal authority.

10.2. Amendment by Mutual Consent. This Agreement may be amended in writing from time to time by mutual consent of the parties to this Agreement and in accordance with the procedures of State law.

10.3. Cancellation by Mutual Consent. Except as otherwise permitted in this Agreement, this Agreement may be cancelled in whole or in part only by the mutual consent of the parties or their successors in interest, in accordance with the same procedure used when entering into this Agreement.

11. Annual Review.

11.1. Review Date. The annual review date for this Agreement (the "Review Date") shall be one year following the Effective Date and the annual anniversary of said date each year thereafter.

11.2. Annual Review Process. The Community Development Director shall initiate the annual review by giving to Developer written notice within sixty (60) days following the Review Date that the County intends to undertake such review for the annual period ending with the Review Date. Developer shall provide evidence of good faith compliance with the terms and conditions of this Agreement to the Community Development Director within thirty (30) days following

receipt of the Community Development Director's notice. The Community Development Director shall review the evidence submitted by Developer and shall, within thirty (30) days following receipt of Developer's evidence, determine whether the Developer is in good faith compliance with this Agreement. The Community Development Director's determination that Developer has in good faith complied with the terms of this Agreement shall be final.

11.3. Hearing on a Determination that Developer Has Not Complied. If The Community Development Director determines that the Developer has failed to comply with the terms of this Agreement, he shall provide notice of this determination to the Developer. If, within ten (10) days of receiving such notice from the Community Development Director, Developer requests in writing that the Board of Supervisors review the finding, the Board of Supervisors shall schedule the topic of the Developer's good faith compliance with the terms of this Agreement as an agenda item for a meeting of the Board of Supervisors to be held within forty-five (45) days following such written request. The County shall give any required notice to the public in the time period required by law prior to such meeting of the Board of Supervisors. If, at such meeting, the Board of Supervisors determines that the Developer is then in good faith compliance with the terms of this Agreement, then the Board of Supervisors shall adopt a resolution making such a finding, and such finding shall conclusively determine such issue up to and including the date of such Board of Supervisors meeting. If the Board of Supervisors determines that the Developer is not then in good faith compliance with the terms of this Agreement, then the Board of Supervisors shall take such actions as it finds appropriate to enforce or interpret the parties' rights and obligations under the terms of this Agreement, including, but not limited to, the modification or termination of this Agreement in accordance with State law. The burden of proof of good faith compliance with the terms of this Agreement shall be on the Developer.

11.4. Fee for Annual Review. The fee for County's annual review shall be paid by Developer, and shall not exceed the costs of reimbursement of County staff time, including but not limited to staff time for review of Traffic Impact Reports and other traffic analysis as called for in the Conditions of Approval, and expenses at the customary rates then in effect. Failure to timely pay the Fee for Annual Review shall be a material breach of this Agreement.

12. Default.

12.1. Other Remedies Available. On the occurrence of an event of default, the parties may pursue all other remedies at law or in equity which are not otherwise provided for in this Agreement expressly including the remedy of specific performance of this Agreement.

12.2. Notice and Cure. On the occurrence of an event of default by either party, the nondefaulting party shall serve written notice of such default on the defaulting party. If the default is not cured by the defaulting party within thirty (30) days after service of such notice of default, the nondefaulting party may then commence any legal or equitable action to enforce its rights under this Agreement; provided, however, that if the default cannot be cured within the thirty (30) day period, the nondefaulting party shall refrain from any such legal or equitable action so long as the defaulting party begins to cure such default within the thirty (30) day period and makes reasonable progress toward curing such default. Failure to give notice shall not constitute a waiver of any default.

12.3. Procedure for Default by Developer. If the County alleges that the Developer is in default under this Agreement, then after notice and expiration of the cure period described in paragraph 13.2, above, if the Developer has not cured the alleged default, County may institute legal proceedings against Developer pursuant to this Agreement or give owner written notice of intent to terminate or modify this Agreement pursuant to section 65868 of the California Government Code. Following notice of intent to terminate or modify as provided above, the matter shall be scheduled for consideration and review in the manner set forth in sections 65867 and 65868 of the Government Code within thirty (30) days following the date of delivery of such notice. Following consideration of the evidence presented in such review before the Board of Supervisors and a determination, on the basis of substantial evidence, by a majority vote of the Board of Supervisors that a default by Developer has occurred, County may (i) give written notice of termination of this Agreement to Owner, and this Agreement shall thereafter deemed terminated as of the date of delivery of that notice or (ii) propose a modification to the Agreement, which modification shall be adopted as provided in section 11 of this Agreement if it is acceptable to all parties. Termination of this Agreement shall not render invalid any action taken by either party in good faith prior to the date on which the termination becomes effective. This paragraph shall not be interpreted to constitute a waiver of section 65865.1 of the California Government Code, but merely to provide the procedure by which the parties may take the actions set forth in such Section 65865.1.

12.4 Procedure for Default by County. If County is alleged by Developer to be in default under this Agreement, Developer may seek to enforce the terms of this Agreement by an action at law or in equity, including, without limitation, by specific performance.

12.5. Estoppel Certificate. Either party may, at any time, and from time to time, request written

notice from the other party requesting such party to certify in writing that, to the knowledge of the certifying party, (1) this Agreement is in full force and effect and a binding obligation of the parties, (2) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments, and (3) the requesting party is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature and amount of any such defaults. A party receiving a written request under this Section shall execute and return such certificate within sixty (60) days following the receipt thereof, or such longer period as may reasonably be agreed to by the parties. County Manager shall be authorized to execute any certificate requested on behalf of County. Failure to execute such an estoppel certificate shall not be deemed a default.

13. Severability. The unenforceability, invalidity, or illegality of any provision, covenant, condition, or term of this Agreement shall not render the other provisions unenforceable, invalid, or illegal, except that if it is determined in a final judgment by a court of competent jurisdiction that Developer's rights are not vested in the manner and to the extent agreed to in this Agreement, then the Parties shall meet and confer in a good faith attempt to agree on a modification to this Agreement that shall fully achieve the purposes hereof. If such a modification cannot be agreed on, then Developer or County may terminate this Agreement on 90-days' written notice to the other Party.

14. Transfers and Assignments.

14.1. Right to Assign. Developer's rights under this Agreement may be transferred, sold, or assigned in conjunction with the transfer, sale, or assignment of all or a portion of the Property subject to this Agreement at any time during the term of this Agreement; provided that, except as provided in this Agreement, no transfer, sale, or assignment of Developer's rights hereunder shall occur without prior written notice to County and the consent of the Board of Supervisors. Developer presently intends to transfer title in the in the land underlying the Wellness Center to Big Wave Group, an Internal Revenue Code Section 503(C) non-profit entity. The County and its Board of Supervisors hereby consent to that assignment.

14.2. Release Upon Transfer. Upon the transfer, sale, or assignment of Developer's rights and interests hereunder pursuant to the preceding subparagraph of this Agreement, Developer shall be released from the obligations under this Agreement with respect to the Property transferred, sold, or assigned, arising after the date of Board of Supervisors approval of such transfer, sale, or assignment; provided, however, that if any transferee, purchaser, or assignee approved by the

Board of Supervisors expressly assumes the obligations of Developer under this Agreement, Developer shall be released with respect to all such assumed obligations. In any event, the transferee, purchaser, or assignee shall be subject to all the provisions of this Agreement and shall provide all necessary documents, certifications, and other necessary information before Board of Supervisors approval.

14.3. Pre-Approved Transfers. The following transfers shall not require approval by the Board of Supervisors, and shall automatically result in the release of Developer from its obligations under this Agreement as they may relate specifically to the specific property or asset sold or transferred: (1) sale or lease of a subdivided parcel of the Property or of one or more completed buildings or portions thereof by Developer; and (2) transfer of any interest in the Project or the Property by Developer to an affiliated or related company or entity.

14.4. Foreclosure. Nothing contained in this Section 14 shall prevent a transfer of the Property, or any portion of the Property, to a lender as a result of a foreclosure or deed in lieu of foreclosure, and any lender acquiring the Property, or any portion of the Property, as a result of foreclosure or a deed in lieu of foreclosure shall take such Property subject to the rights and obligations of Developer under this Agreement; provided, however, in no event shall such lender be liable for any defaults or monetary obligations of Developer arising before acquisition of title to the Property by such lender, and provided further, in no event shall any such lender or its successors or assigns be entitled to a building permit or occupancy certificate until all fees due under this Agreement (relating to the portion of the Property acquired by such lender) have been paid to County.

15. Agreement Runs with the Land. Except as otherwise provided in this Agreement, all of the provisions, rights, terms, covenants, and obligations contained in this Agreement shall be binding on, and inure to the benefit of, the parties and their respective heirs, successors, and assignees, representatives, lessees, and all other persons acquiring the Property, or any portion of the Property, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions of this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to applicable laws, including, but not limited to, California Civil Code Section 1468. Each covenant to do, or refrain from doing, some act on the Property under this Agreement, or with respect to any owned property, (1) is for the benefit of such properties and is a burden on such properties, (2) runs with such properties, and (3) is binding on each party and each successive owner during its ownership of such properties or any portion thereof, and shall be a benefit to and a burden on each party and its property hereunder

and each other person succeeding to an interest in such properties.

16. Bankruptcy. The obligations of this Agreement shall not be dischargeable in bankruptcy.

17. Indemnification. Developer agrees to indemnify and hold harmless County, and its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives from any and all claims, costs, and liability for any personal injury or property damage which may arise directly or indirectly as a result of any actions or negligent omissions by the Developer, or any actions or negligent omissions of Developer's contractors, subcontractors, agents, or employees in connection with the construction, improvement, operation, or maintenance of the Project; provided, however, the provisions of this Paragraph 20 shall not apply to the extent the County or its elected and appointed councils, boards, commissions, officers, agents, employees, or representatives are found to have been negligent or to have committed willful misconduct.

18. Force Majeure. In addition to any specific provisions of this Agreement, performance of obligations under this Agreement shall be excused and the term of this Agreement shall be similarly extended during any period of delay caused at any time by reason of acts of God such as floods, earthquakes, fires, or similar catastrophes; wars, riots, or similar hostilities; strikes and other labor difficulties beyond the party's control; shortage of materials; the enactment of new laws or restrictions imposed or mandated by other governmental or quasi-governmental entities preventing this Agreement from being implemented; litigation involving this Agreement or the Project Approvals, which delays any activity contemplated under this Agreement; or other causes beyond a party's control. County and Developer shall promptly notify the other party of any delay under this Agreement as soon as possible after the delay has been ascertained.

19. Notices. All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, by overnight delivery or by facsimile.

Notices required to be given to County shall be addressed as follows:

County of San Mateo
Director of Community Development
455 County Center, 2nd Floor
Redwood City, CA 94063
Facsimile: (650) 363-4849

Notices required to be given to Developer shall be addressed as follows:

David J. Byers, Esq.
McCracken, Byers & Richardson LLP
870 Mitten Road
Burlingame, CA 94010
Facsimile: (650) 697-4895

A party may change its address for notices by giving notice in writing to the other party, and thereafter all notices shall be addressed and transmitted to the new address. Notices shall be deemed given and received on the earlier of personal delivery, or if mailed, on the expiration of 48 hours after being deposited in the United States Mail or on the delivery date or attempted delivery date shown on the return receipt, air bill, or facsimile.

20. Agreement Is Entire Understanding. This Agreement is executed in four duplicate originals, each of which is deemed to be an original. This Agreement constitutes the entire understanding and agreement of the parties.

21. Exhibits. The following documents are referred to in this Agreement and are attached to this Agreement and incorporated herein as though set forth in full:

Exhibit A: Legal Description of Property

Exhibit B: Project Approvals

Exhibit C: Topography of Southern Parcel

Exhibit D: Topography of Northern Parcel

Exhibit E: Alternative C Office Park Property Vesting Tentative Map from FEIR, October 2010

Exhibit F: Office Park Grading and Erosion Control Plan

Exhibit G: Draft Office Park Planting Plan

Exhibit H: Alternate Traffic Route for Office Park Under Alternative C

Exhibit I: Wellness Center Property Vesting Tentative Map from Final EIR, October 2010

Exhibit J: Wellness Center Grading and Erosion Control Plan

Exhibit K: Draft Wellness Center Planting Plan

Exhibit L: Draft "90% Basis of Design - Riparian and Water/Wetlands Ecosystem Restoration"

22. Recordation of Development Agreement, Amendment, or Cancellation. Within ten (10) days after the Effective Date of this Agreement, the Developer shall submit a fully-executed original of this Agreement for recording with the County Recorder. If the parties to the Agreement or their successors-in-interest amend or cancel the Agreement or if the County terminates or modifies the Agreement for failure of the Developer to comply in good faith with the terms or conditions of the Agreement, either party may submit for recording the notice of such action with the County Recorder.

///

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date and year first above written.

County of San Mateo

President, Board of Supervisors

Big Wave LLC

Print Name: Jeffrey Peck

3/9/11

ATTEST:

Clerk of the Board

EXHIBIT A: Legal Description of Property

EXHIBIT B: Project Approvals

EXHIBIT C: Topography of Southern Parcel

EXHIBIT D: Topography of Northern Parcel

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EXHIBIT A

(Assessor's Parcel Number 047-312-040, southern parcel)

Property Description

All that certain real property situate in the unincorporated County of San Mateo, State of California, being a portion of the Rancho Corral de Tierra Palomares, more particularly described as follows:

Beginning at the most northerly corner of Lot 27, Block 13; as said lot and block are shown on that certain map entitled "Princeton by the Sea," filed in Book 6 of Maps at page 32, records of said County; thence North $42^{\circ}03'19''$ West 276.20 feet to a $3/4$ " iron pipe monument with surveyor's tag "LS 5304"; thence North $13^{\circ}40'49''$ West 392.00 feet to a $3/4$ " iron pipe monument with surveyor's tag "LS 5304" on the southeasterly line of Parcel No. 3 as described in the grant deed from Josephine C. Valencia to the United States of America, recorded April 30, 1943, in Book 1057 of Official Records at page 375, records of said County; thence along said line North $25^{\circ}49'00''$ East 300.00 feet to the southwesterly line of Airport Street, said street being Parcel No. 2 as described in said deed from Valencia to the United States of America; thence along said line South $43^{\circ}00'00''$ East 538.62 feet to the northwesterly line of said Block 13; thence along said line South $25^{\circ}29'08''$ West 511.90 feet to the point of beginning.

This is to certify that the real property described above complies with the State of California Subdivision Map Act and the San Mateo County Subdivision Ordinance.

(Reference: San Mateo County Recorder's Document No. 98-038473, recorded March 23, 1998)

(Assessor's Parcel Number 047-311-060, northern parcel)

Property Description

All that certain real property situate in the unincorporated County of San Mateo, State of California, being a portion of the Rancho Corral de Tierra Palomares, more particularly described as follows:

Beginning at the intersection of the southwesterly line of Airport Street, said street being Parcel No. 2 as described in the grant deed from Josephine C. Valencia to the United States of America, recorded April 30, 1943, in Book 1057 of Official Records at page 375, records of said County, with the northeasterly prolongation of the southeasterly boundary of Parcel No. 2 as said parcel is shown on that certain parcel map filed August 13, 1985, in Volume 56 of Parcel Maps at pages 21 and 22, records of said County; thence along said line of Airport Street South 43°00'00" East 1,151.64 feet to the most northerly corner of Parcel No. 3 as described in said deed from Valencia to the United States of America; thence along the northwesterly line of said Parcel No. 3 South 25°49'00" West 160.00 feet to a 3/4" iron pipe monument with surveyor's tag "LS 5304"; thence South 49°23'42" West 232.18 feet to a 3/4" iron pipe monument with surveyor's tag "LS 5304"; thence North 63°37'49" West 846.23 feet to a 3/4" iron pipe monument with surveyor's tag "LS 5304"; thence South 66°29'08" West 209.91 feet to a 3/4" iron pipe monument with surveyor's tag "LS 5304" on the southeasterly boundary of Parcel No. 1 as said parcel is shown on said parcel map; thence along the boundary of said Parcels No. 1 and No. 2 of said parcel map and the northeasterly prolongation thereof North 25°56'26" East 940.00 feet to the point of beginning.

This is to certify that the real property described above complies with the State of California Subdivision Map Act and the San Mateo County Subdivision Ordinance.

(Reference: San Mateo County Recorder's Document No. 98-038473, recorded March 23, 1998)

EXHIBIT B

PLACE HOLDER

(INSERT PROJECT APPROVALS)

UTILITY NOTE

THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE VARIOUS UTILITY COMPANIES AND THE SURVEYOR/ENGINEER DOES NOT ASSUME RESPONSIBILITY FOR THE THEIR COMPLETENESS. INDICATED LOCATION ON THIS RECORD UTILITY LOCATION SHOULD BE CONFIRMED BY EXCAVATING THE UTILITY.

LEGEND:

- | | |
|------|--------------------------|
| CS | CATCH BASIN |
| FT | FINISHED FLOOR ELEVATION |
| PP | FINISHED PAVEMENT |
| FL | FLOW LINE |
| TC | TOP OF CURB |
| TC | TOP OF GRATE |
| SDMH | STORM DRAIN MANHOLE |
| SSMH | SANITARY SEWER MANHOLE |
| INVT | INVERT |
| H.P. | HIGH POINT |
| G.B. | GRADE BREAK |
| J.P. | JOINT POINT |
| WM | WATER METER |
| DCV | DETECTOR CHECK VALVE |
| BCV | BACKFLOW |
| NSL | NEW SANITARY SEWER LINE |
| NSDL | NEW STORM DRAIN LINE |
| G | GAS LINE |
| E | ELECTRIC LINE |
| W | WATER LINE |
| WC | NEW CONTOUR LINE |
| FS | FIRE SERVICE LINE |
| DW | DOMESTIC WATER LINE |
| WM | WELL WATER |
| RW | RECYCLED WATER |
| PJT | PRIVATE JOINT TRENCH |
| PJT | PUBLIC JOINT TRENCH |
| RWD | RAINWATER DRAIN |

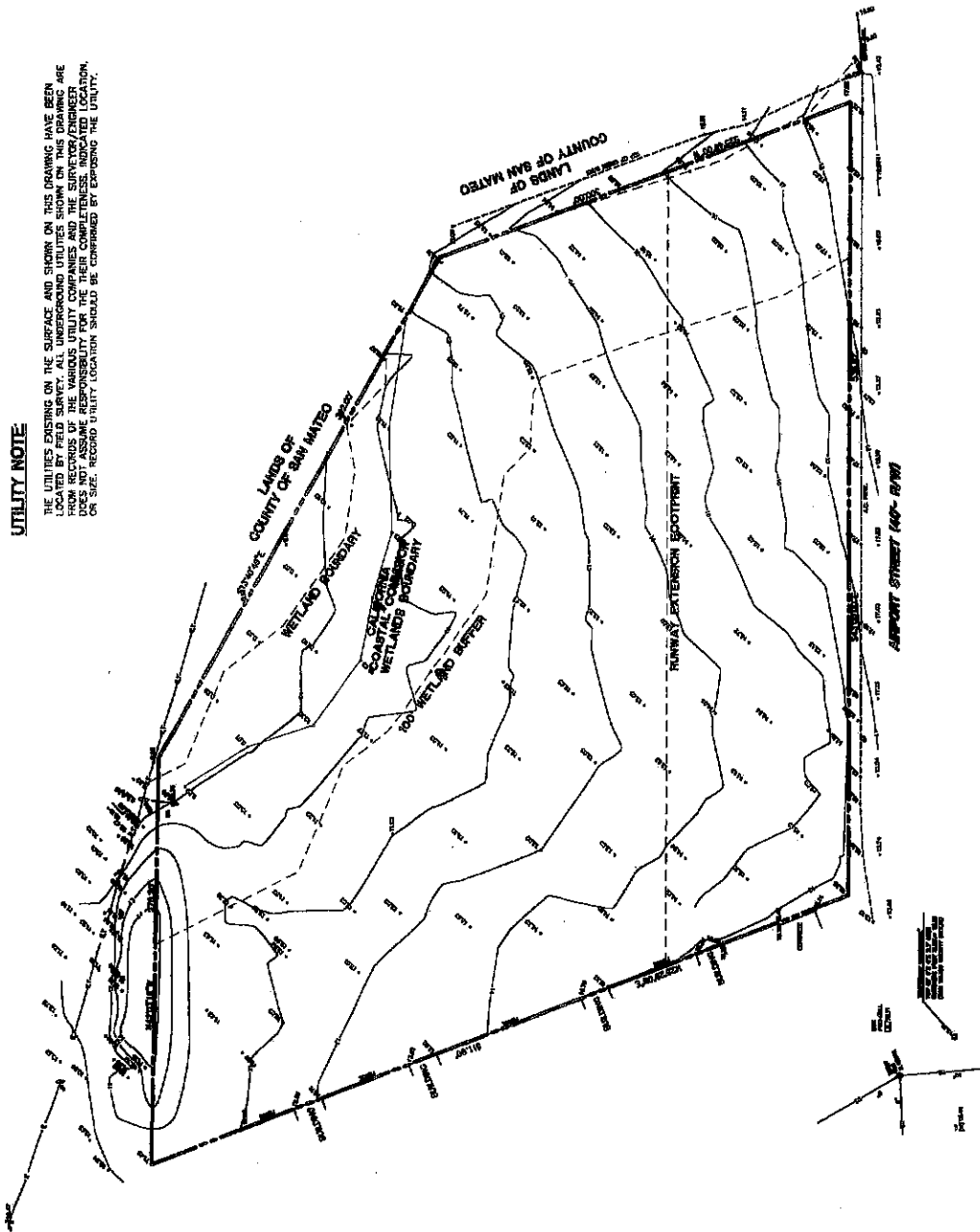


EXHIBIT C

Source: MacLeod and Associates, 07/28/08.

CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure III-2B
Topography of Southern Parcel

LEGEND:

CB	CATCH BASIN
FF	FINISHED FLOOR ELEVATION
FP	FINISHED PAVEMENT
FL	FLOWLINE
TC	TOP OF CURB
TC	TOP OF CHUTE
SDH	STORM DRAIN MANHOLE
SSMH	SANITARY SEWER MANHOLE
INVT	INVERT
H.P.	HIGH POINT
GB	GRADE BREAK
JP	JOINT POINT
NSL	NEW SANITARY SEWER LINE
NSDL	NEW STORM DRAIN LINE
CL	CAS LINE
E	ELECTRIC LINE
W	WATER LINE
WC	NEW CONTOUR LINE
WH	WELL WATER
RW	RECYCLED WATER
PJT	PRIVATE JOINT TRENCH
PJT	PUBLIC JOINT TRENCH

UTILITY NOTE:

THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE SAN MATEO COUNTY PUBLIC UTILITIES DEPARTMENT. THE LOCATION OF SIZE RECORD UTILITY LOCATION SHOULD BE CORRELATED BY EXPOSING THE UTILITY.

PARCEL AREA = 14,253 ± ACRES

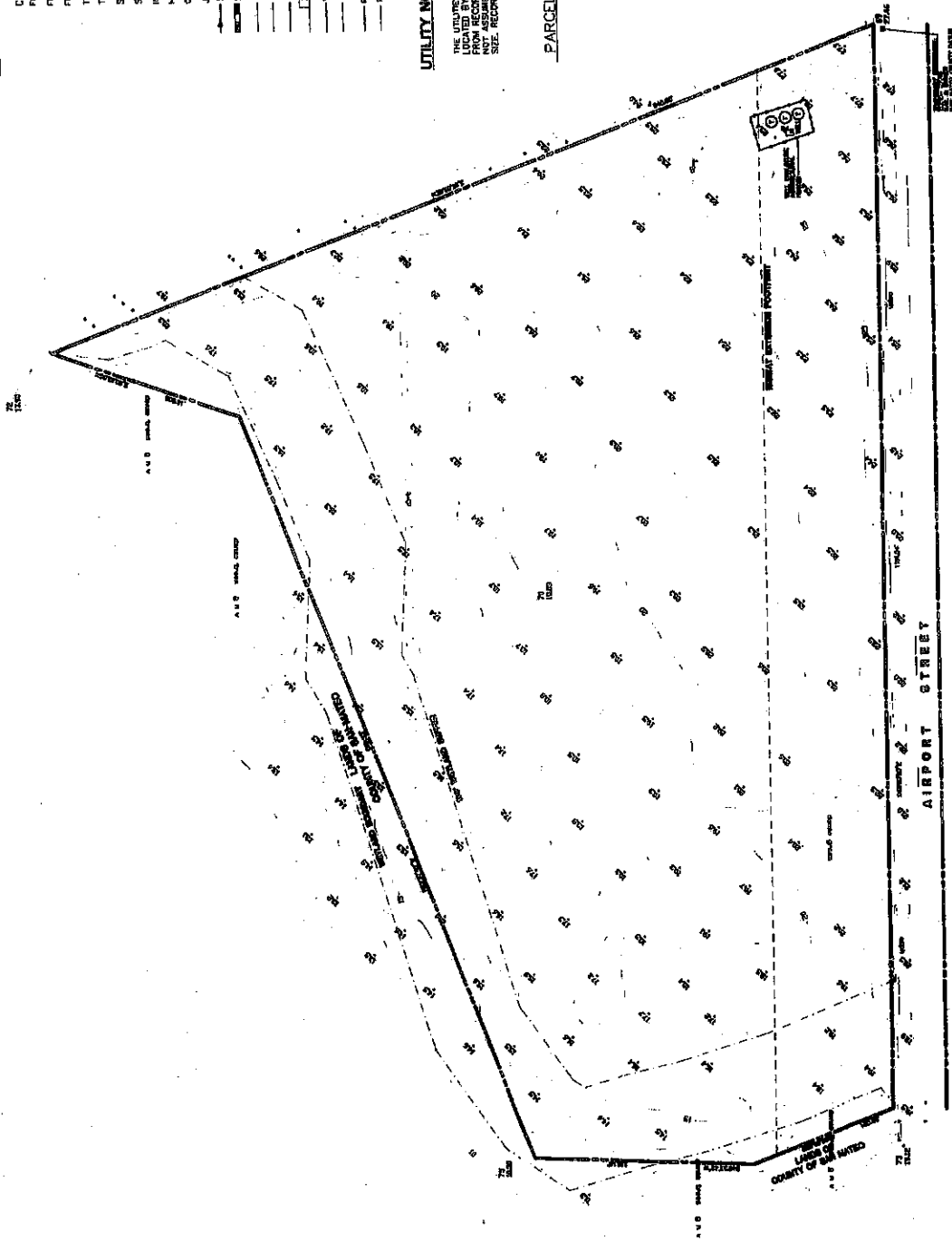


EXHIBIT D

Source: MacLeod and Associates, 07/28/08.

CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

**Figure III-
Topography of Northern Part**

MATTEO AND ASSOCIATES
CIVIL ENGINEERING • LAND SURVEYING

10	CRACK BRUSH
11	WIPED 100% CLEAN
12	WIPED PAINT
13	FLAME
14	TOP OF CRACK
15	TOP OF CRACK
16	STAIN BRUSH MINOR L
17	STAIN BRUSH MINOR L
18	WASH
19	HIGH POINT
20	GRADE DRAIN
21	JOINT POINT
22	EDGE OF PAINT
23	RED SANDS SEVER LINE
24	RED SANDS SEVER LINE
25	CAR LINE
26	ELECTRIC LINE
27	WATER LINE

TEMPERATURE RECORDING:
DATE - 27 APR 87
TIME - 11:00 AM
SAN MATEO COUNTY DATUM

DON MULLISQON

GRAPHIC SCALE

EXHIBIT E

[illegible]

THE UTILITIES EXISTING ON THE SURFACE AND BENEATH ON THIS TRACTING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UTILITY CROSSINGS SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE CITY ENGINEERS AND THE SANITARY DISTRICT DOES NOT ASSUME RESPONSIBILITY FOR THEIR COMPLETENESS. INDICATED LOCATION, DEPTH AND SERVICE INFORMATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY.

S&E

[illegible]

ITEM	QTY	UNIT
PREPARE TOP SUR AND STOCKPILE ON SITE (1' MIN. CUT)	19,420	CU YD
BUILDING PADS	7,240	SQ YD
PARABOLIC LOT	6,376	SQ YD
GRAVEL AND PLANTATION WOODS	2,325	SQ YD
TOTAL	27,965	SQ YD

THESE RESULTS ARE IN ACCORDANCE WITH THE CONCLUSIONS OF THE LITERATURE.

EXHIBIT F

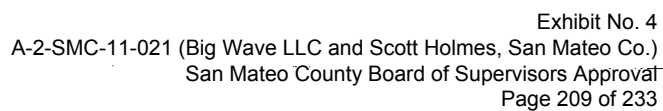
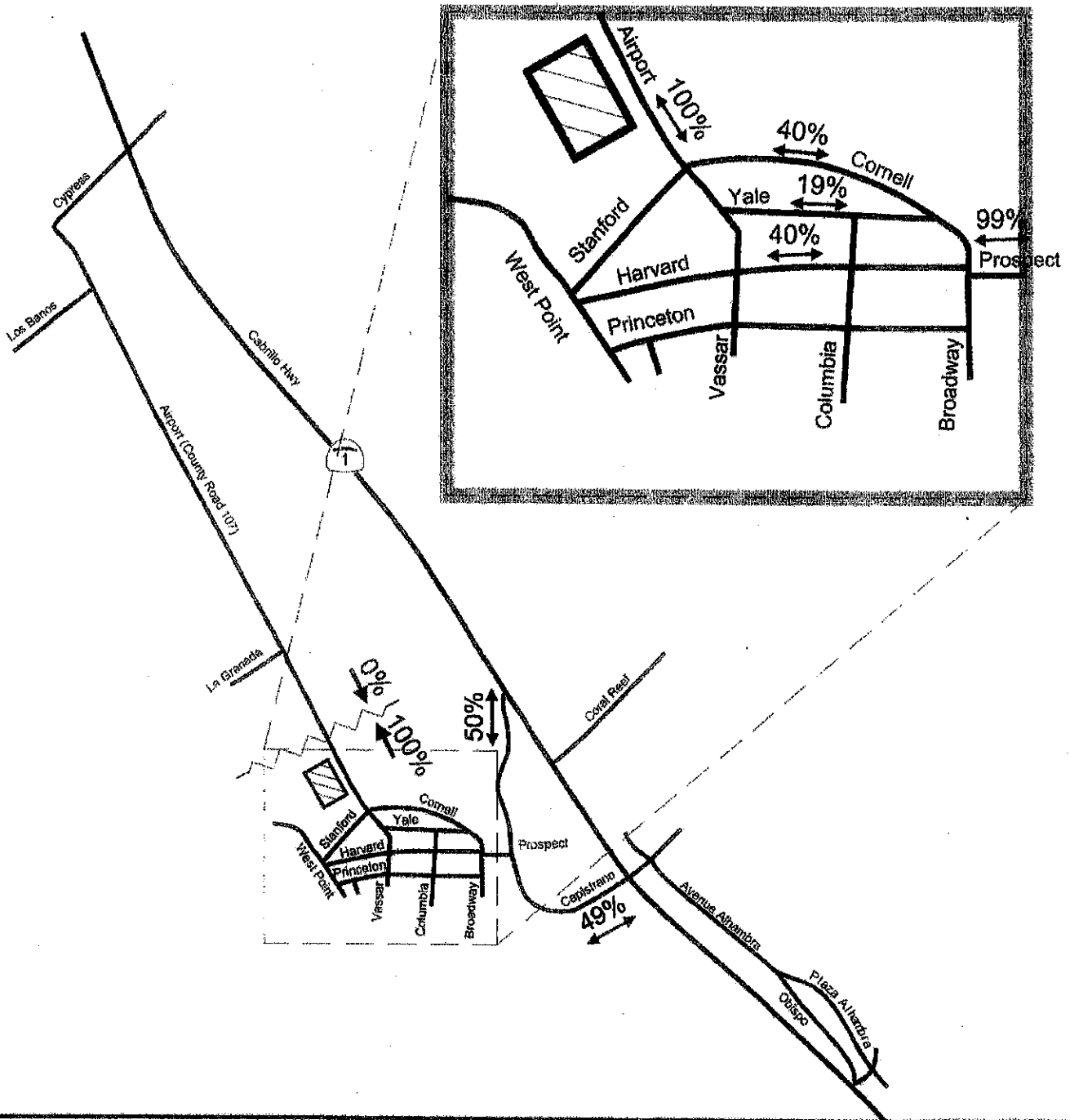


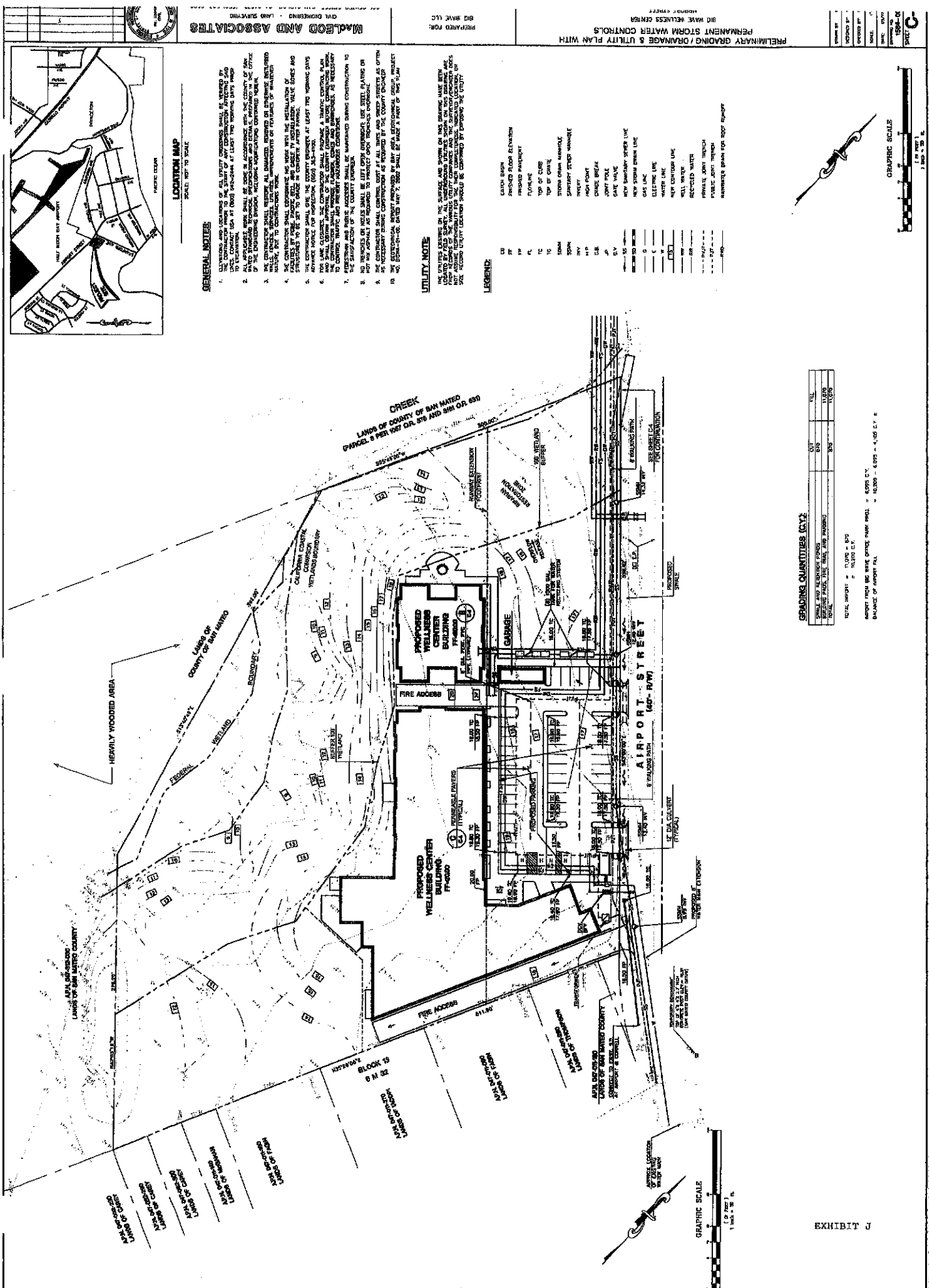
EXHIBIT H



LEGEND

 SITE LOCATION

FIGURE D



MADBOO AND ASSOCIATES
CIVIL ENGINEERING
1000 S. ELGIN AVE., SUITE 100
SAN MATEO, CA 94401
TEL: (650) 593-1000
FAX: (650) 593-1001
WWW.MADBOO.COM

PREPARED FOR:
BIG WAVE LLC

**PRELIMINARY GRAVING / DRAINAGE AND UTILITY PLAN WITH
PERMANENT STORM WATER CONTROLS**
BIG WAVE WELLNESS CENTER
BIG WAVE PROJECT

NO.	DATE	BY	DESCRIPTION
1	01/15/2021	JM	ISSUED FOR PERMIT
2	01/15/2021	JM	ISSUED FOR PERMIT
3	01/15/2021	JM	ISSUED FOR PERMIT
4	01/15/2021	JM	ISSUED FOR PERMIT
5	01/15/2021	JM	ISSUED FOR PERMIT

GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE COUNTY OF SAN MATEO AND THE CITY OF SAN MATEO.
2. ALL UTILITIES SHALL BE LOCATED AND DEPTH VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE COUNTY OF SAN MATEO AND THE CITY OF SAN MATEO.
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UTILITY NOTE:

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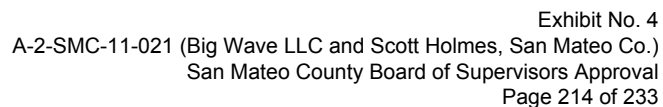
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ITEM	QUANTITY	UNIT
1. EXCAVATION	1,000	CY
2. FILL	1,000	CY
3. TOTAL	2,000	CY

ADJUST FROM THE MARK OFFICE: MARK OFFICE = 4,000 C.Y.
BALANCE OF MARK OFFICE = 10,000 - 4,000 = 6,000 C.Y.

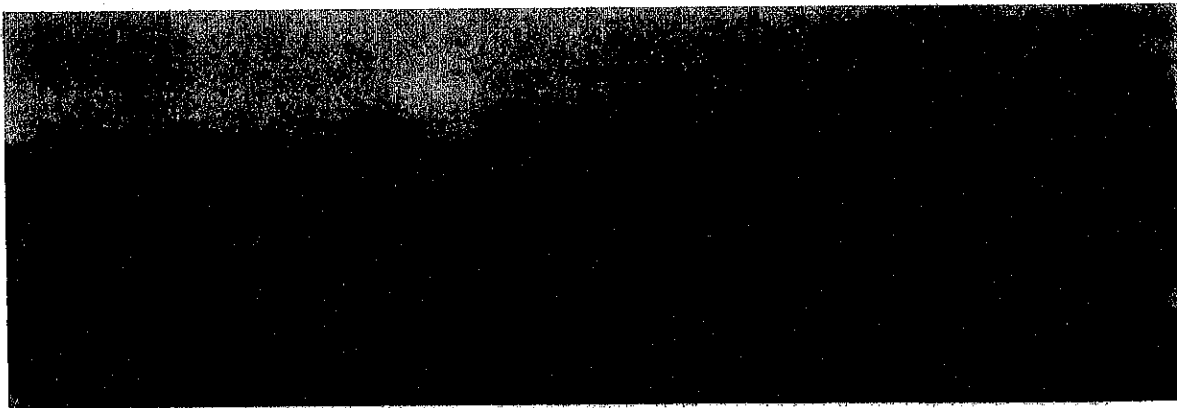
EXHIBIT J





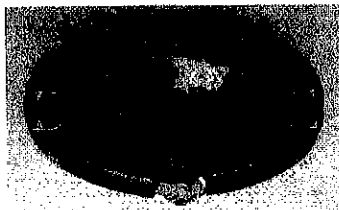
Draft (90%) Basis of Design Report

**Riparian & Waters/Wetlands
Ecosystem Restoration for
Big Wave Wellness Center and Office Park
San Mateo County, California**



August 4, 2008

Prepared for:



**Big Wave LLC
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Suite 307
San Francisco, CA 94109**

Prepared by:



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160 Franklin Street, Suite 300
Oakland, CA 94607**

DISCLAIMER

WSP Environment & Energy has prepared this basis of design report for use by Big Wave LLC. Waters of the U.S., including wetlands (waters/wetlands) boundaries presented in this report are described in a previous report by WSP (2008a). These waters/wetlands boundaries have been approved by the U.S. Army Corps of Engineers, San Francisco District (File No. 2008-001025; Regulatory Division, U.S. Army Corps of Engineers, San Francisco District, June 5, 2008). Wetland boundaries under California Coastal Commission jurisdiction have not received formal approval.

Lyndon C. Lee

August 4, 2008

Lyndon C. Lee, Ph.D.

Date

Principal Ecologist & Vice President

Ecosystem Science and Natural Resources Management Services

WSP Environment and Energy

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EXECUTIVE SUMMARY

The Big Wave Wellness Center and Office Park Project (hereafter, "Project") consists of the construction of a residential village and an adjacent commercial property/office park complex. The residential village is designed to provide affordable housing and independent living for a developmentally disabled community, and the office park is designed similarly to provide a state-of-the-art "green", LEED-certified working environment. The primary objective of the project is to construct innovative living and work environments that foster independent and meaningful living/work experiences for disabled young adults. The proposed Project also includes restoration of the waters of the U.S., including wetlands (*i.e.*, waters/wetlands) and California Coastal Commission (state) wetlands on the property that are currently used in agricultural production.

This basis of design report outlines a restoration plan for the riparian/wetland ecosystem that encompasses the federal and state waters/wetlands and their buffer that lie within the project area. This 90% restoration design describes a suite of activities that would increase waters/wetlands ecosystem functions, and to develop a native, diverse, and aesthetically pleasing landscape. Best management practices for stormwater treatment are designed to incorporate retention/detention microdepressions (rain gardens) and swales planted with native species.

The riparian/wetland ecosystem restoration plan includes five elements:

1. Earthwork, including mass and fine grading,
2. Installation of large wood,
3. Planting and irrigation,
4. Weed management, and
5. Monitoring and adaptive management.

The riparian/wetland ecosystem restoration design integrates the built environment with natural communities through utilization of native species for landscaping, locally adapted plant stock, and when possible, use of propagules obtained from the Project Site and adjacent landscape. Additionally, the Project design encourages community involvement by offering educational opportunities for village residents in the restoration process as well as via an informal foot path within the restored buffer. If implemented as designed, the riparian/wetland ecosystem will result an increase in the hydrologic, biogeochemical, native plant community, and faunal support/habitat functions of the currently farmed wetlands. A monitoring and adaptive management program will be implemented to ensure success of the restoration efforts.

I. INTRODUCTION

The Big Wave Wellness Center and Office Park Project (hereafter, "Project") consists of the construction of a residential village and an adjacent commercial property/office park complex. The residential village is designed to provide affordable housing and independent living for a developmentally disabled community, and the office park is designed similarly to provide a state-of-the-art "green", LEED-certified working environment. The primary objective of the project is to construct innovative living and work environments that foster independent and meaningful living/work experiences for disabled young adults.

The proposed Project also incorporates a restoration plan for the riparian/wetland ecosystem which for the purposes of this project includes (a) the waters of the U.S., including wetlands (hereafter, waters/wetlands), (b) California Coastal Commission (state) wetlands, and (c) a 100 foot wide buffer around these waters/wetlands. The majority of all three areas is currently are used in agricultural production. For the purposes of this Project, a "riparian/wetland ecosystem" is defined as upland, transitional, and waters/wetland habitats, all of which will be restored in a complex mosaic within a 100 ft buffer adjacent to existing federal and state waters/wetlands. Restoration of the buffer will provide significant benefits to waters/wetlands ecosystem functions, relative to existing conditions, particularly with respect to the native plant and animal communities. Of particular importance is the restoration of potential breeding habitat for the California red-legged frog (*Rana aurora draytonii*) and potential foraging habitat for the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*). The restoration design integrates the built environment with natural communities through utilization of native species for landscaping, locally adapted plant stock, and when possible, use of propagules obtained from the Project Site and adjacent landscape. Additionally, the Project design encourages community involvement by offering educational opportunities for village residents in the restoration process as well as via an informal foot path within the restored buffer.

A. Project Site

The Big Wave Project Site (hereafter, "Project Site") is located in unincorporated San Mateo County, adjacent to Princeton-by-the-Sea, California (Figure 1). The Project Site consists of two agricultural fields totaling 19.5 ac. These fields are separated by a small, county-owned, unnamed intermittent stream that is an extension of San Mateo County's Pillar Point Marsh. As such, it drains directly to the Pacific Ocean, entering the Pacific Ocean via Pillar Point Harbor immediately north of the mouth of Denniston Creek.

The Project Site is bordered to the northeast by the Half Moon Bay Municipal Airport (Figure 2) and to the south by Pillar Point Marsh, a nature reserve that is part of the County of San Mateo Fitzgerald Marine Reserve complex managed by the County's Parks and Recreation Division. A public trailer park is immediately north of the Project Site along Airport Road. Elevations at the Project Site range from 9.0 to 27.7 feet NGVD, although the agricultural fields are generally flat but slope gently to the south and west.

B. Existing Conditions at the Big Wave Project Site

1. Soils and Geomorphic Context

The Project Site is situated on the uplifted Half Moon Bay marine terrace formation within a partially filled coastal basin. The coastal basin consists of Pleistocene coarse-grained, alluvial fan and stream terrace deposits. Underlying sediments include poorly consolidated sand, gravel, and silt comprising the headward-most extent of old alluvial fans (Brabb and Pampeyan 1983). Montara Mountain, a northern spur of the Santa Cruz Mountain sequence of the Outer Coast Ranges, separates this low-lying coastal area from San Francisco Bay to the north and east.

Soils within the Project Site are mapped by the Natural Resources Conservation Service (NRCS, formerly U.S. Department of Agriculture Soil Conservation Service) as Denison clay loam on nearly level slopes (DcA) and Denison clay loam on nearly level slopes that are imperfectly drained (DdA) (NRCS 1961). These soils are derived from granitic alluvium, and have formed on low coastal terraces under the influence of herbaceous vegetation (grass). Denison clay loam soils occur on 0 to 2 percent slopes and the mapping unit has approximately 1 percent hydric inclusions, which typically are found in depressions across the mapping unit. Denison clay loam soils are generally highly fertile. Overall, Denison soils are classified as fine, smectitic (*i.e.*, clay derived from the alteration of the minute glass in volcanic ash, formerly known as bentonite), isomesic (*i.e.*, summer and winter temperatures differ by less than 6°C at 50 cm depth) pachic argixerolls (see Soil Survey Staff 2006).

2. Climate

The Project Site has a mild Mediterranean type climate maintained by persistent sea breezes. Temperatures rarely exceed 90°F and seldom drop below 32°F. Average daily temperatures (by month) range from 51°F to 59°F (NRCS 2007). Cloud coverage and fog are common during the evening and early morning hours, but typically dissipate during mid-day. Total average annual precipitation is 28 inches (NRCS 2007).

3. Hydrology

Hydrologic inputs to the project site are dominated by precipitation and surface runoff. The majority of surface runoff comes to the Project Site via the Half Moon Bay Airport storm water runoff collection system. Within the airport property, runoff is consolidated in a series of channels, culverts, and pipes leading to a pair of concrete culverts (44" diameter) that run southwest under Airport Street. The 44" culverts form the headward-most extent of a stream reach of an unnamed intermittent tributary that bisects the Project Site. This tributary passes through two culverts under West Point Avenue and connects with the tidally influenced Pillar Point Marsh, eventually flowing into Pillar Point Harbor (WSP 2008a).

4. Plant Communities

The Project Site, consisting of two more or less adjacent agricultural fields, currently is under active cultivation. The site is annually plowed, disked, and planted in one or more rotations; therefore, little to no adventive (uncultivated) vegetation persists or has the opportunity to

colonize across the great majority of the Project Site. In those areas where agricultural clearing had not occurred recently (e.g., along Airport Street verge and in very small, scattered patches within agricultural fields), non-native annual grasses and forbs occur. Dominant species along the main verge include wild oats (*Avena* spp.), bristly oxtongue (*Picris echioides*), and common vetch (*Vicia sativa*).

Along the unnamed intermittent tributary that bisects the property and the southern perimeter of the property adjacent to Pillar Point Marsh, riparian (palustrine scrub shrub) and seasonal freshwater wetland plant communities persist (palustrine persistent and non-persistent emergent) (Cowardin *et al.* 1979). Dominant species within the unnamed drainage include willows (*Salix lasiolepis*, *S. scouleriana*, *S. sitchensis*), California blackberry (*Rubus ursinus*), and poison hemlock (*Conium maculatum*). Dominant species along the southern edge of the property included slough sedge (*Carex obnupta*), soft rush (*Juncus effusus*), silverweed (*Potentilla anserina* var. *pacifica*), field mint (*Mentha arvensis*), arroyo willow (*Salix lasiolepis*), and California blackberry. Overall, the vegetation on the proposed project site has been significantly altered and reflects a long history of regular disturbance and agricultural cultivation.

5. Protected Species

No rare plants of conservation concern have been observed on the project site (WSP 2008b). Four rare plant species have been documented by the California Natural Diversity Database (CNDDB) within two miles of the Project Site, but they are unlikely to occur on the Project Site due to lack of suitable habitat.

No rare, threatened or endangered animal species have been observed on the Project Site (WSP 2008b). The WSP field team observed 29 wildlife species on the property during a field survey in early Spring 2008. One species on the watch list of the California Department of Fish and Game, the sharp-shinned hawk, was observed flying above the property. Two special status animal species, *Rana aurora draytonii* (California red legged frog) and *Geothlypis trichas sinuosa* (saltmarsh common yellowthroat) have been recorded in the past on adjacent property (CNDDB 2008). The California red legged frog, including one adult and one sub-adult, were observed in a wetland near the Project Site near West Point Road on May 7, 1999 (CNDDB 2008). The saltmarsh common yellowthroat has been observed near the site in the past; specifically, observations of individuals or breeding pairs were recorded in 1985, 1988, 1989, and 1990, but have not been document since then (CNDDB 2008). During the 2008 field effort, the WSP team observed one common yellowthroat perched in willows in the wetlands adjacent to and to the southwest of the Project Site. These protected species are not expected to occur on the Project Site as no suitable breeding or foraging habitat currently exists.

6. Extent of Jurisdictional Waters/Wetlands and their Buffers

Approximately 0.45 acres of wetlands of "other waters" (Type 3 waters of the U.S.), 0.74 acres (32,180 ft²) of California Coastal Commission waters/wetlands, and 4.26 acres of buffer are delineated at the Big Wave Project Site (WSP 2008a, Figure 3). The great majority of these waters/wetlands are found along the southern margin of the property. The proposed development will avoid all direct impacts to waters/wetlands and the 100 foot buffer set back.

II. OBJECTIVES

WSP Environment & Energy (WSP) was retained by Big Wave LLC to assist in the restoration of the native coastal ecosystems at the Project Site. The purpose of the restoration effort is to increase the functioning of the native coastal ecosystems at the Project Site. Specifically, in this report, WSP was asked to assist with the following tasks:

1. Prepare a restoration plan for riparian waters/wetland ecosystem within the buffer area of the Project Site.
2. Design a natural landscaping plan of native species for the residential and commercial areas.
3. Assist in the design of natural storm water management/rain garden system using native plant species genetically adapted to the central coast of California.

Sections III, IV and V of this report describe designs developed for the riparian buffer restoration, native landscaping, and natural storm water management, respectively.

III. DRAFT (90%) RIVERINE WETLAND ECOSYSTEM DESIGN

A. Guiding Principles

WSP used the following set of principles to guide design of the riverine/riparian waters/wetland ecosystem restoration:

1. Give due diligence to federal, state and local regulatory requirements.
2. Target no net loss of waters/wetlands area and/or ecosystem functioning.
3. Base the restoration design on attainable regional reference conditions.
4. Aim to restore the native hydrological, biogeochemical, plant community, and faunal support/habitat functioning.
5. Target restoration of riverine ecosystem functions (*e.g.*, through maintaining hydrological connectivity within the landscape and restoring microtopography).
6. Integrate the form and function of the natural and the constructed landscapes.

B. U.S. Army Corps and EPA Guidance on Wetlands Compensatory Mitigation

In April 2008, the U.S. Army Corps of Engineers along with the U.S. Environmental Protection Agency issued new standards to improve wetland restoration and protection policies (Federal Register 2008). The new “wetlands compensatory mitigation standards” were offered to promote the use of best available science, promote innovative approaches to the “no net loss of area and/or function” national policy, and to focus on the results of restoration and protection.

Relevant to the Big Wave Wellness Center and Office Park Project, these new Corps/EPA mitigation standards reaffirm the mitigation sequence of avoid, minimize, and mitigate (compensate). The Big Wave Project is avoiding all impacts to existing waters/wetlands (including both waters of the U.S. and Coastal Commission wetlands) and therefore is in line with the new guidance on mitigation sequencing. As described in this basis of design, the proposed restoration of riparian areas adjacent to waters/wetlands will likely result in expansion of at minimum 5.3 acres of state wetlands.

C. General Description and Design Rationale

The riparian waters/wetlands ecosystem buffer design includes ten plant community types that support approximately 75 native California taxa (Figures 4-10). The community types are based upon the U.S. Fish & Wildlife Service’s hierarchical classification system (Cowardin *et al.* 1979) of five wetland systems – marine, estuarine, riverine, lacustrine, and palustrine. Only wetlands within the palustrine system are appropriate to the Project Site. As such, three palustrine forest communities, two palustrine scrub-shrub communities, three palustrine (persistent) emergent communities are proposed. Additionally, an upland community that supports native coastal scrub species and similarly a plan for the storm water swales also is included.

A total of 54 polygons at the Wellness Center and Office Park (inclusive) will be restored, representing a total 5.3 acres of riparian and waters/wetlands within the buffer and across the built landscape. Specifically, a total of 1.89 acres of palustrine forest, 2.47 acres of palustrine scrub shrub, 0.51 acres of palustrine emergent wetlands will be restored, in addition to 0.26 acres of upland coastal scrub and 0.18 acres of stormwater wetland swales (Figures 4-10).

In the design process of the riparian buffer along the adjacent waters/wetlands of Wellness Center and Office Park, WSP focused on achieving the highest level of ecosystem functioning possible. Design elements relative to ecosystem function were developed based on site history and landscape context and will be monitored over a minimum of ten years post restoration. Importantly, an increased level of function has to be achieved while also achieving a natural, unbroken, visually attractive transition between the restored ecosystem and the residential/commercial landscape. To achieve this target, WSP relied upon:

1. A reference database and draft hydrogeomorphic guidebook for 3rd and 4th order riverine waters/wetlands of the central California coast (NWSTC 1996) developed to assist in the design, permitting and monitoring of riverine restorations within this reference domain (biogeographic province),
2. Relevant literature, reports, flora documentation, and
3. Cumulative 60+ years of professional experience of the lead WSP scientists working in waters/wetlands ecosystems along the central coast of California.

This 90% restoration design is based upon a suite of activities that would increase waters/wetlands ecosystem functions and develop a native, diverse, and aesthetically pleasing landscape. Elements of the restoration design are focused around five phases of work, including earthwork, (mass and fine grading), installation of large wood, planting and irrigation, weed management, and monitoring and adaptive management.

Our rationale for implementation of each technique is described in the following text.

1. Earthwork

Natural transitions within the landscape will need to be restored as a result of historic land uses and the integration of wild and urban environments. Mass grading can restore landscape hydrologic connectivity creating smooth transitions within and between wetland and upland habitat. In addition, mass grading is extremely effective at removing weeds through eliminating standing biomass and elimination of a viable seed bank in the upper soil horizon(s). Earthwork also decreases competition from well-established weeds and, with standard grading techniques such as ripping and/or disking, helps loft soil, blend top and sub-soil horizons, and prepare a successful planting environment.

Fine grading involves the use of directed time to grade microtopographic features within the riverine and riparian environments. Finish grading also involves the placement of large wood structures, and will thus provide an essential element of an ecosystem (detritus). These wood structures will mimic dead and decomposing features of a woody riparian ecosystem, including

snags (standing dead), decadent/decaying logs, and log jam features of floodplains and fluvial systems, as described in the following paragraph.

2. Installation of large wood and log structures

Prior to agriculture, grazing, clearing, industrial uses, and intense water management in California, large wood was a part of natural ecosystems. Log structures can be placed above and/or below ground. Large wood provides numerous ecosystem functions, for example log structures create roughness (*i.e.*, increase Manning's *n*) that slows water flow and spreads it out to promote maximum contact of water with the floodplain surface. Log structures can be strategically placed in order to deflect flood waters away from civil structures including roadways, bridges, *etc.* Large wood creates hydraulic complexity within a reach through dissipation, focusing, and/or adding complexity to the riverine ecosystem and thereby provide habitat for aquatic invertebrates and vertebrates, including fish. Placement of large wood and log structures creates microtopographic variation with abrupt gradients in site water balance which allows for increased plant diversity and variety of habitat microsites.

3. Planting and Irrigation

Planting will be conducted to maintain fidelity to native plant community structure, function, and composition for the Project Site. A native plant nursery will be established on site for the project to provide nursery stock, to hold for planting, and to generate replacement stock should replacement planting become necessary after the project is completed. Collection of seed will be conducted as close to the project site as possible to ensure reestablishment of a suite of locally adapted native plants. An irrigation system will be installed to increase likelihood for planting success. Restoring native plants also will increase the detrital pool (in this case, primarily quickly decomposing carbon sources) that has been removed due to intensive farming. Native plant community restoration improves hydrologic and biogeochemical functioning on the site and provides habitat for native fauna by offering hiding, resting, escape, breeding, and foraging habitats. Establishment of native plants will lead to relative exclusion of non-native and invasive weeds and will provide vertical and horizontal structure within the landscape.

4. Weed Management Strategy

Several aggressive, non-native plant species are present at or near the Project Site, including Himalayan blackberry (*Rubus discolor*) and German ivy (*Delairea odorata*). Invasive weed species not only degrade the plant community functions, but also threaten the success of a restoration project. Therefore, an integrated weed/pest management strategy should be developed and implemented in tandem with the restoration project. The weed management strategy begins with control of existing weeds adjacent to the restoration area through hand pulling, approved localized chemical application, and/or mowing. Installing native plants species with rapid growth rates and/or at high densities will help to quickly develop a canopy which excludes weed recruitment. Continued maintenance including hand weeding and replanting of plants which suffer mortality should be conducted following restoration.

5. Maintenance, Monitoring and Adaptive Management

To ensure that restoration is a success and that appropriate adaptive management/contingency measures are used, the Project Site will be monitored following restoration for a minimum of 5 years. Project targets and standards articulated in the monitoring plan will be established at the beginning of the restoration project and based on the assessment of the path that will achieve stated goals. The monitoring design will include methods to quantify and document each project target and standard and will identify criteria for success. Monitoring protocols will include some combination of photo points, topographic surveys, soil profiles, invertebrate surveys, and/or assessment of vegetation cover and composition. In case project standards and/or success criteria are not met, an adaptive management strategy with contingency measures will be included as part of the monitoring plan. In the event of failure to achieve a project standard, recommended contingency measure(s) will be outlined (e.g., weeding, grading, planting) and implemented as soon as possible.

D. Construction Sequencing

The various tasks associated with the Project Site restoration plan are described in general terms in the following text, which will be used to guide the development of construction plans and specifications.

1. Earthwork (mass and finish grading)

- a) Grade to create a smooth transition to the surrounding landscape
- b) Grade surrounding landscape to increase rugosity in the surrounding landscape. Rugosity is a measure of small-scale variations and complexity or surface roughness. Increased rugosity offers a relatively more diverse array of sites for planting.
- c) Using directed time, construct and link microtopographic depressions and small scale swales, rain gardens, and storm water features.

2. Log Structures

Large wood on and within the active channel and on the adjacent floodplain and associated stream terraces is an integral structural variable of fluvial systems, and an equally important link for plant and animal support ecosystem functions. As such, large wood structures will be constructed across the wetland/riparian buffer.

- a) Using directed time, install large wood structures as articulated in the planting plan and other construction documents. These structures shall consist of single logs or piles of log on and beneath final grade (Figure 11).

3. Planting and Irrigation

- a) Through mass grading remove all existing weeds and where possible, seed source in the upper 6 inches of soil.
- b) Lay out (i.e., stake) planting plan as designed (see Figure 4, 5, 8-10)

- c) Install native nursery stock according to planting plan using a suite of plant community types suited to microsite conditions and with fidelity to reference system conditions (Figure 6).
- d) Mulch entire planted and seeded areas with minimum 4" lift of sterile (weed-free) straw
- e) Install temporary irrigation system. Following grading activities, install a temporary irrigation system to provide irrigation water to all planted areas across the wetland and riparian buffer. A temporary irrigation plan will be designed prior to project implementation.

4. Weed Control

After initial establishment of restored riparian/wetland ecosystem area and functioning, management of weeds/invasive species will become a high priority. Implementation of weed management must address (i) re-emergence of weeds from onsite seed banks, (ii) establishment of existing populations of weeds that were not removed in the initial clearing effort, and (iii) colonization of restored area from offsite exotic seeds sources. Weed control efforts should be adapted with an integrated program which includes mowing, hand weeding, and re-planting or interplanting additional plants as necessary. Weed control will be required as part of the monitoring, maintenance and adaptive management activities.

5. Monitoring Maintenance and Adaptive Management

- a) Assume a ten year monitoring interval with monitoring reports completed at Year 0 (baseline), 1, 2, 5, and 10.
- b) Conduct two site visits per monitoring year, wet and dry season. During each visit, characterize the site through the collection of site data referencing project standards including hydrologic, biogeochemical, plant community and faunal support/habitat functions.
- c) Prepare annual monitoring report due by December 15 each monitoring year. Based on observations, recommend any necessary maintenance and/or adaptive management measures.
- d) Implement maintenance and adaptive management measures, including weeding, as necessary.

E. Sediment and Erosion Control

Restoration construction should be initiated and completed during the dry season (May to November). All construction activities must adhere to the project-specific Storm Water Pollution and Prevention Plan (SWPPP) and associated Temporary Erosion and Sediment Control (TESC) plan, both of which must be prepared and submitted by the Big Wave LLC or its consultants to the regulatory community prior to project implementation.

The first step will be to install sediment and erosion control measures according to the SWPPP and TESC. Upon completion of earthwork and log structure installation (e.g., creating

microdepressions, creating windthrow mounds, installing log jams, *etc.*), temporary irrigation must be installed to ensure successful post-construction planting. In addition, Big Wave Group or its consultants may be required to prepare and submit a water quality monitoring plan to regulatory agencies, as part of the monitoring agreement with regulatory agencies.

F. Proposed Design Success Criteria

Specific project standards and associated success criteria (*i.e.*, field indicators/measurements) have been developed for this riparian/wetland ecosystem restoration project. The proposed restoration design places emphasis on the following four project targets.

Project Target 1: Increase waters/wetlands habitat patch size for native wetland and riparian animal species typical of the central California coast.

Project Standard: Success Criteria

1. Increase Patch Size: One hundred percent coverage by native plant communities in the 100 foot buffer.

Project Target 2: Establish and maintain diverse native plant communities, with nursery stock genetically adapted to the restored wetland and riparian ecosystem restoration project site.

Project Standard: Success Criteria

1. Percent cover of native tree species in riparian forest communities: Greater than or equal to 95%.
2. Percent cover of native shrub species in riparian forest and scrub-shrub communities: Greater than or equal to 40% and less than or equal to 75%.
3. Percent cover of native shrub species in riparian scrub-shrub communities: Greater than or equal to 95%.
4. Percent cover of native forbs, graminoids, ferns, and fern allies in palustrine persistent and non-persistent emergent community types: Greater than or equal to 80%.
5. Percent cover of native forbs, graminoids, ferns, and fern allies in forest and scrub shrub communities: Greater than or equal to 20% and less than or equal to 75%.
6. Percent of native species cover in each stratum: Greater than or equal to 85%.
7. Vigor of planted stock: Greater than or equal to 80% survival.

Project Target 3: Increase microtopographic complexity (*i.e.*, microdepressions, windthrow mounds) within the restored riparian and waters/wetlands ecosystem restoration project site

Project Standard: Success Criteria

1. Structural features: Large wood (windthrow mounds) remain structurally stable.
2. Microtopographic roughness: Constructed microtopographic features remain intact.

Project Target 4: Increase the faunal support/habitat function for native species within the restored riparian and waters/wetlands ecosystem restoration project site

Project Standard: Success Criteria

1. *Vegetative strata*: Forest communities- three or more strata (*i.e.*, trees, shrubs, herbs, with sapling/seedling and/or vines as additional stratum); Scrub-shrub communities - greater than or equal to two strata (*i.e.*, shrubs, herbs, with sapling/seedling and/or vines as additional stratum)
2. *Faunal diversity*: Restoration site continues to attract a diversity of native wildlife
3. *Canopy cover*: Greater than 80% cover by two or three strata in forest and scrub-shrub communities.

G. Expected Changes in Ecosystem Functions Following Restoration

The proposed riparian/wetland ecosystem restoration plan is expected to result in the increase in ecosystem functioning as considered by four types of wetland functions: (1) hydrologic, (2) biogeochemical, (3) plant community, and (4) faunal support/habitat functions. Comparisons between current (existing) conditions on the site and wetland conditions expected five years after restoration were assessed using best professional judgment. It should be noted that the riparian restoration will result in an increase of approximately 5.3 acres of wetlands under jurisdiction of the California Coastal Commission, but is not expected to add any increase in federal jurisdiction.

Factors affecting the ability of the wetlands at the Project Site to perform ecosystem functions include, but are not limited to (1) degradation from historical land use, (2) intensity of cropping practices, (3) historic modifications to hydrologic features of the site, (4) non-native species, and (5) urbanization in surrounding landscape.

1. Hydrologic Functions

Energy Dissipation. Energy dissipation is defined as *the transformation and/or reduction of the kinetic energy of water as a function of the roughness of the landscape and channel morphology, and vegetation.*

Existing conditions at the Project Site do not allow for significant energy dissipation because the site is cleared and farmed. However, installation of large wood, establishment of complex microtopography, and a diverse plant community including trees will promote an increase in this function.

Surface & Subsurface Storage of Water. Surface & Subsurface Storage of Water is defined as *the presence of soil and/or geologic materials within the creek ecosystem, including the hyporheic zone, that have physical characteristics suitable for detention, retention, and transmission of water.*

The Project Site currently is leveled and degraded by agricultural activities. However, this wetland function is recoverable with the proposed restoration through establishment of sinuous storm water swales hydrologically linked to microtopographic depressions, installation of large wood above and below ground, and development of a native plant community with complex vertical structure.

Landscape Hydrologic Connections. Landscape Hydrologic Connections is defined as *the maintenance of the natural hydraulic connectivity among source areas of surface and subsurface flow to riverine waters/wetlands and other downgradient waters/wetlands.*

This hydrologic function at the Project Site is degraded due to ditching associated with road construction both upstream and downstream and the agricultural activities on the property. The down gradient connection is culverted under and interrupted by West Point Avenue. This function is only modestly recoverable with the proposed wetland and riparian ecosystem restoration.

2. Biogeochemical Functions

Cycling of Elements & Compounds. Cycling of Elements & Compounds is defined as *the short- and long-term transformation of elements and compounds through abiotic and biotic processes that convert chemical species (e.g., nutrients and metals) from one form, or valence, to another.*

The Project Site is not functioning at a high level in its existing conditions because the original slope wetlands and associated hyporheic zone have been filled, drained, and degraded by agricultural activities. However, this function is recoverable with the proposed restoration due to increased microtopographic variation, installation of large wood, and establishment of a diverse native plant community.

Removal of Imported Elements & Compounds. Removal of Imported Elements & Compounds is defined as *the removal of imported nutrients, contaminants, and other elements and compounds in surface and groundwater.*

The Project Site currently is functioning at a low level because the original riparian zone has been leveled and degraded as a result of agriculture and road building activities. This function is recoverable with the proposed restoration.

Retention and Detention of Particulates. Retention and Detention of Particulates is defined as *the deposition and retention of inorganic and organic particulates ($>0.45\mu\text{m}$) from the water column, primarily through physical processes.*

The Project Site currently is functioning at a low level because the original riparian zone has been leveled, degraded, and invaded by a large number of non-native species as a result of agriculture and road building activities. This function is recoverable with the proposed restoration.

Organic Matter Export. Organic Matter Export is defined as *the export of dissolved and particulate organic carbon from a wetland.*

The Project Site currently is functioning at a low level because the original riparian zone has been leveled and degraded as a result of agriculture and road building activities. This function is recoverable with the proposed restoration.

3. Plant Functions

Characteristic Native Plant Communities. Characteristic Plant Communities is defined as *the physical characteristics and ecological processes that maintain the indigenous living plant biomass.*

The Project Site currently is functioning at a low level because the original riparian zone has been leveled, degraded, and invaded by a large number of non-native species as a result of agriculture and road building activities. This function is recoverable with the proposed restoration. The Project Site should be expected to achieve a reference condition after a period of time that exceeds the expected five-year monitoring program.

Characteristic Detrital Biomass. Characteristic Detrital Biomass is defined as *the process of production, accumulation, and dispersal of dead plant biomass of all sizes.*

The Project Site currently is functioning at a low level because the original riparian zone has been leveled, degraded, and invaded by a large number of non-native species as a result of agriculture and road building activities. This function is recoverable with the proposed restoration and will likely achieve reference standard functioning after ten years or more, i.e., after the conclusion of the anticipated five-year monitoring program.

4. Faunal Support Habitat Functions

Spatial Structure of Habitat. Spatial Structure of Habitat is defined as *the capacity of waters/wetlands to support animal populations and guilds through the heterogeneity of structure of vegetative communities.*

The Project Site currently is functioning at a low level because the original riparian zone has been leveled, degraded, and invaded by a large number of non-native species as a result of agriculture and road building activities. This function is recoverable with the proposed restoration and will likely achieve reference standard functioning after ten years or more, i.e., after the conclusion of the anticipated five-year monitoring program.

Habitat Interspersion & Connectivity. Habitat Interspersion & Connectivity is defined as *the capacity of waters/wetlands to permit aquatic, semi-aquatic, and terrestrial organisms to enter and leave a riverine ecosystem via large, contiguous plant communities to meet life history requirements.*

The Project Site currently is functioning at a low level because the original characteristic physical complexity of an associated riparian community is not present nor is it juxtaposed in a mosaic of coastal scrub, sage scrub, perennial grasslands, vernal swales, and depressions characteristic of the central Coast Ranges. This function is recoverable with the proposed restoration, and possible reference standard functioning after ten years or more, largely through the restoration of the riverine vegetative structure and adjacent plant communities.

Distribution & Abundance of Vertebrates. Distribution & Abundance of Vertebrates is defined as *the capacity of waters/wetlands to maintain characteristic density and spatial distribution of vertebrates (aquatic, semi-aquatic and terrestrial).*

The Project Site currently is functioning at a low level because the original characteristic physical complexity of an associated riparian community is not present nor is it juxtaposed in a mosaic of perennial grasslands, vernal swales and depressions characteristic of the central Coast Ranges. This function is recoverable with the proposed restoration, and possible reference standard functioning after ten years or more, largely through the restoration of the wetland and riparian vegetative structure and adjacent plant communities.

Distribution & Abundance of Invertebrates. Distribution & Abundance of Invertebrates is defined as *the capacity of waters/ wetlands to maintain the density and spatial distribution of invertebrates (aquatic, semi-aquatic and terrestrial).*

The Project Site currently is functioning at a low level because the original characteristic physical complexity of an associated riparian community is not present nor is it juxtaposed in a mosaic of coastal scrub, sage scrub, perennial grasslands, vernal swales and depressions characteristic of the central Coast Ranges. This function is recoverable with the proposed restoration, and possible reference standard functioning after ten years or more, largely through the restoration of the wetland and riparian vegetative structure and adjacent plant communities.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

**COMMISSION NOTIFICATION OF APPEAL**

DATE: April 18, 2011
TO: Camille Leung, Project Planner
County of San Mateo, Building & Planning
455 County Center, 2nd Floor
Redwood City, CA 94063
FROM: Madeline Cavalieri, Coastal Program Analyst
RE: **Commission Appeal No. A-2-SMC-11-021**

PLP (6/1)

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN2005-00482, PLN2005-00481
Applicant(s): Big Wave, L.L.C., Attn: Jeff Peck; Scott Holmes
Description: Major subdivision to subdivide the northern parcel into 10 lots; minor subdivision of the southern parcel into 3 lots; 8 office park buildings containing 225,000 square feet of mixed-office uses and a 640 space parking lot; 2 wellness center buildings containing a maximum of 57 dwelling units and accessory uses and a 50 space parking lot, 10,000 square feet commercial public storage use and 4,000 square feet of wellness center storage uses; 6,000 square feet of communications and back up power uses; wetland habitat creation; use of an existing agricultural well for domestic purposes; establishment of a mutual water service company and a community wastewater treatment and recycling system; and 26,050 cubic yards of balanced cut and fill.
Location: Airport Street, Princeton By The Sea (San Mateo County)
(APN(s) 047-311-060, 047-312-040)
Local Decision: Approved w/ Conditions
Appellant(s): Committee For Green Foothills, Attn: Lennie Roberts; Surfrider Foundation, San Mateo County Chapter, Attn: Edmundo Larenas; Loma Prieta Chapter, Sierra Club, Attn: Mike Ferreira; Pillar Ridge Homeowners Association, Attn: Lisa Ketcham; San Mateo County League For Coastside Protection, Attn: Dana Kimsey

Date Appeal Filed: 4/18/2011

The Commission appeal number assigned to this appeal is A-2-SMC-11-021. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Madeline Cavalieri at the North Central Coast District office.

cc: Big Wave, L.L.C., Attn: Jeff Peck;

Scott Holmes

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Committee for Green Foothills, c/o Lennie Roberts

and Co-Appellants - see Attached List

Mailing Address: 339 La Cuesta

City: Portola Valley, CA

Zip Code: 94028

Phone: 650-854-0449

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Mateo

2. Brief description of development being appealed:

Big Wave Wellness Center and Office Park

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Airport Street and Stanford Avenue, Princeton, San Mateo County

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

RECEIVED

APR 18 2011

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO. A-2-SMC-11-021

DATE FILED: 4/18/11

DISTRICT: North Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: March 29, 2011

7. Local government's file number (if any): PLN2005-00481 and PLN2005-00482

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Big Wave LLC, Attn: Jeff Peck	Scott Holmes
P.O. Box 1901	635 Railroad Avenue
El Granada, CA 94018	Half Moon Bay, CA 94019

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) See County File

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see Attached

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Information and facts stated above are correct to the best of my/our knowledge.
Lennie Roberts, San Mateo County Legislature Advocate
Committee for Green Foothills
Lennie Roberts

Signature of Appellant(s) or Authorized Agent

Date: April 12, 2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date:

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Michael J. Ferreira, Conservation Chair Sierra Club - Loma Prieta

[Signature]

Signature of Appellant(s) or Authorized Agent

Date: April 12, 2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

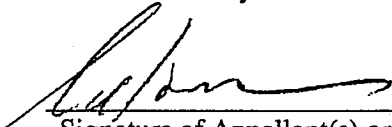
Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Surfrider foundation
San Mateo County chapter
Edmundo Larenas



Signature of Appellant(s) or Authorized Agent

Date: April 12, 2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Lisa Kitcham, President
Pillar Ridge Homeowners Association

Signature of Appellant(s) or Authorized Agent

Date: April 12, 2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

San Mateo County League for Coastal Protection

Diana M. Kinsley

Signature of Appellant(s) or Authorized Agent

Date: April 12, 2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Appeal of Big Wave Project (PLN2005-00481 and PLN2005-00482)

Appellant Information:

Lennie Roberts, Legislative Advocate, San Mateo County
Committee for Green Foothills
339 La Cuesta
Portola Valley, CA 94028
Phone: 650-854-0449

Edmundo Larenas, Chair
Surfrider Foundation, San Mateo County Chapter
P.O. Box 2006
El Granada, CA 94018
Phone: 650-728-5067

Mike Ferreira, Chair, Conservation Committee
Loma Prieta Chapter, Sierra Club
3921 East Bayshore Road
Palo Alto, CA 94303
Phone: 650-563-4030

Lisa Ketcham, President
Pillar Ridge Homeowners Association
175 Culebra Lane
Moss Beach, CA 94038
Phone: 650-728-2756

Dana Kimsey, Co-Chair
San Mateo County League for Coastsides Protection
P.O. Box 126
Half Moon Bay, CA 94019
Phone: 650-726-1309

Appeal of Big Wave Coastal Development Permit

Reasons for Appeal: As set forth in detail below, Committee for Green Foothills, Loma Prieta Chapter, Sierra Club, Surfrider Foundation, San Mateo County Chapter, Pillar Ridge Homeowners Association and San Mateo County League for Coastside Protection appeal the actions of the Board of Supervisors in approving the Coastal Development Permit for the Big Wave Wellness Center and Office Park ("Project"). For the reasons stated in our Appeal, the project does not conform to the standards in the San Mateo County Local Coastal Program and the Public Access and Recreation Policies in Chapter 3 of the Coastal Act, as further explained below:

Project Setting: The project site is comprised of two parcels with expansive open space and wetlands that have been actively farmed – following a lengthy hiatus – with row crops for four of the past five years (southern parcel) and for five years (northern parcel). Public views of the site from State Route 1, Airport Street, West Point Avenue, and trails on Peninsula Open Space Trust (POST) properties at Pillar Point Bluffs and Rancho Corral de Tierra, are of scenic open space and farmlands. The two parcels are located between the first through public road (Airport Street) and the sea.

Pillar Point Marsh, a designated Environmentally Sensitive Habitat Area (ESHA) in the certified LCP, bounds the project site to the west. The marsh is comprised of extraordinarily diverse wetlands with both saltwater and freshwater marsh habitats, and is the second largest marsh on the San Mateo County coast. A stream channel with associated riparian and wetland vegetation bisects the two parcels, and provides fresh water to the marsh. Portions of the project site contain public trust lands and tidelands, which likely remain within the retained jurisdiction of the Coastal Commission; this jurisdictional question has not yet been determined.

The Pillar Ridge residential community, consisting of one-story manufactured homes, is adjacent to the proposed Office Park site on the north. Pillar Ridge was constructed in the early 1960's and is designated and protected as an affordable housing site in the LCP.

The Half Moon Bay Airport, across Airport Street to the east of the property, is a vital link in the nation's transportation system, and provides essential commerce and emergency services, including Air Ambulance and Medevac flights, law enforcement and homeland security patrols, Coast Guard sea-rescue operations, and disaster relief for emergency supplies.

Princeton's Waterfront Industrial district is adjacent to the proposed Wellness Center site to the south. Princeton is developed with one and two story buildings with land uses that support the working waterfront at Pillar Point Harbor. The harbor is San Mateo County's only commercial and recreational harbor along 55 miles of coast. The world famous Maverick's surf break, a popular visitor attraction, is just offshore.

Both project sites are designated as General Industrial and Open Space in the County General Plan and certified Land Use Plan (LUP). The proposed Office Park site is zoned M-1/DR (Light Industrial/Design Review) and RM-CZ/DR (Resource Management-Coastal Zone/Design Review). The proposed Wellness Center site is zoned W/DR (Waterfront/Design Review) and RM-CZ/DR (Resource Management-Coastal Zone/Design Review). A 125-foot wide area paralleling Airport Street across the front of both parcels, is further constrained by the Airport Overlay (AO) Zone, which severely limits the number of people allowed on a site at one time; all land uses within the AO Zone require a Use Permit.

Natural hazards constraints to development on the project's two parcels include geologic hazards from the active Seal Cove/San Gregorio Fault, which can produce "very violent" earth shaking, and "extreme damage". The clayey and sandy soils beneath the site are subject to liquefaction, differential settlement, sand boils, fault rupture and other earthquake hazards. The proposed housing is within the mapped Tsunami Inundation Area and is adjacent to the hazards in Princeton's Waterfront zoning district where all but the most hazardous chemicals are permitted to be stored indoors and outdoors. The Wellness Center's location so close to the Half Moon Bay Airport runway is incompatible with the safe operation of the airport, as has been repeatedly pointed out by the FAA, the California Division of Aeronautics, and the County Public Works Department.

Lack of Conformity to the standards in the Certified LCP:

The proposed project does not conform to the following LCP Policies:

Locating and Planning New Development Component Policies 1.3, 1.4, 1.16, 1.18, 1.19, and 1.24, the LUP Land Use Map, and Zoning Regulations 6285-6289

Public Works Component Policies 2.2, 2.3, 2.14, 2.21, 2.33, and 2.49 and LUP Water Utilities Map

Housing Component Policy 3.13

Agriculture Component Policies 5.1, 5.2, 5.5, 5.22

Sensitive Habitats Component Policies 7.3, 7.4, 7.14, 7.16, 7.18, 7.19, 7.20, 7.32-35

Visual Resources Component Policies 8.5, 8.6, 8.7, and 8.13

Hazards Component Policy 9.3, LUP Hazards Map, and Zoning Regulations Section 6326.2

Shoreline Access Component Policy 10.22

Discussion:

Locating and Planning New Development Component Policies 1.3, 1.4, and 1.16 direct new development to existing urban areas able to accommodate it in order to

maximize the efficiency of public utilities. Policy 1.18 (c) allows some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and coastal resources will not be endangered. Policy 1.19 defines infill as land that is subdivided and zoned for development at densities greater than one dwelling unit per five acres and/or served by sewer and water utilities.

The Office Park and Wellness Center sites are not infill as defined as they are neither subdivided nor presently served by sewer and water utilities, although they are within the service areas of Montara Water and Sanitary District (MWSD) for water, and Granada Sanitary District (GSD) for sewer. The Wellness Center site is designated as Industrial in the LCP and Land Use maps, and is zoned Waterfront (W). Permitted uses in this industrial district are Waterfront/Marine Industrial and Light Industrial. The purpose of the W district is to provide a "Working Waterfront" area intended primarily for the location of marine related trades, services, and manufacturing uses that support the County's commercial fishing and recreational boating, which are priority land uses under the Coastal Act, and to protect its economic viability by restricting incompatible land uses. Housing is not a permitted use, either by right or as a conditionally permitted use in the W district.

To circumvent these restrictions, the County determined that the Big Wave housing could be defined as a Sanitarium, which is permitted in any zoning district with the issuance of a use permit, per Section 6500(d) of the zoning regulations. A Sanitarium is an institution intended for short-term rest, recuperation, treatment of the chronically ill, or therapy for rehabilitation. Big Wave is not intended for short-term rest, but rather long-term residence. The residents are not "chronically ill" nor would they be receiving medical treatment at the facility.

Therefore, the Wellness Center does not qualify as a Sanitarium, and even if it did, it is a fundamentally incompatible land use in an Industrial area and cannot be found in conformity with the Locating and Planning New Development Component, Land Use Plan Maps and the W Zoning Regulations of the LCP.

Archaeological/Paleontological Resources: Policy 1.24 requires protection of archaeological/ paleontological resources. The project area contains an important archaeological site (CA-SMA-151). Conditions of Approval do not adequately protect the site. Specifically, Condition 5 i. allows the archaeological site to be used for agricultural purposes, including ripping, plowing, and disking to no deeper than "approximately" six inches below existing grade. It is unclear whether the proposed wetlands restoration plan, as yet to be revised to reflect changes in the Wellness Center Site Plan, would adequately protect the archaeological site.

Public Works Component Policies 2.2, 2.8 and 2.13 establish policies for providing urban level services and establish service area boundaries for public utilities such as sewer and water in order to efficiently and economically provide public utilities to new development in urban areas. The project site is within the MWSD service area as depicted in the certified LUP Water Utilities and Midcoast Community Plan maps.

The LUP Sewer Utilities Map shows the site is within the Granada Sanitary District (GSD) Service Area.

The project proposes the option of using private on-site water and wastewater treatment/disposal systems, as further explained below. Use of private systems where public utilities are available is inconsistent with Policies 2.2, 2.8, and 2.13 and would be an unnecessary and costly duplication of these public services. Therefore the project does not conform to the Public Works Component of the LCP.

Water Supply: The project proposes the option of converting an on-site agricultural well as its domestic water source. The well was drilled in 1986 without benefit of receiving a Coastal Development Permit (CDP) or Coastal Development Exemption (CDX) and thus is not an approved source of water, either for agricultural or domestic water use. Even if conversion of the agricultural well were permitted to serve as the source of water for the proposed Big Wave Mutual Water Company, the applicant must, at a minimum, comply with Policy 2.33 and 7.20 (see also discussion under Sensitive Habitats).

The project proposes to utilize the Coastside County Water District (CCWD) for emergency water, even though the project site is not within the CCWD service area. Rather it is within the Montara Water and Sanitary District service area, successor owner to Citizens Utilities Company of California (CUCC) as shown on the LUP Water Utilities Map. Condition of Approval #9, which requires the property owners to pursue a water connection from CCWD by applying to LAFCo for annexation, and by requesting an amendment to conditions in the CDPs issued by the Coastal Commission, is inconsistent with the LCP.

The fire protection service and/or public water service by CCWD would constitute an impermissible extension of water services outside of the CCWD service boundary per the certified LCP, and would be inconsistent with the Water Supply and Sensitive Habitat Policies of the LCP, and the LUP Water Utilities Map. An LCP Amendment would be required to change the service area from MWSD to CCWD.

Wastewater Treatment and Disposal: The project proposes a private on-site wastewater treatment system with partial reuse and disposal on site and disposal of the remainder of wastewater to the GSD public sewer system. In addition, the project proposes that the public sewer utility will provide emergency sewer service in the event that the private system fails. This scheme is an unnecessary and wasteful duplication of the public sewer system.

There is inadequate information regarding the volume of wastewater that would be required to be discharged into the public system, particularly during the winter rainy season when disposal of recycled water through irrigation of landscaping would not be possible. Condition 5.jj. impermissibly defers necessary revisions to project plans and water budget analysis to correct the inconsistencies in the water recycling assumptions/calculations in order to determine the appropriate amounts of recycled water needed for landscaping. This information should not be deferred

to a future date. Decision makers and the public need to be assured that all wastewater will be adequately treated and disposed of.

A storage tank is proposed to hold 40,000 gallons of treated wastewater at peak development (FEIR, page II-84). This size is inadequate for emergencies or system breakdowns, particularly in the winter rainy season, when there is no ability to use wastewater for landscaping and wetlands, as area soils underlain with impermeable clay, will be saturated. The GSD may not have adequate transmission and pumping capacity to accommodate the full volume of wastewater, particularly in winter when wet weather flows at times have exceeded transmission capacity already.

Inadequate or improperly functioning wastewater treatment, and/or improper discharge of wastewater effluent, which has the potential to degrade coastal water quality and marine resources, would be inconsistent with LCP Policy 7.3(b) and Coastal Act Sections 30230 and 30231.

Housing Component Policy 3.13 requires that new affordable housing maintain a sense of community character by being of a compatible scale, size and design, with height limited to two stories to mitigate the impact of the Wellness Center housing on surrounding neighborhoods. The Wellness Center housing includes a 300-foot long, 36-foot high, three story building (Building A). The mass, bulk, and height of the three story building is not of compatible scale, size and design with surrounding neighborhoods, and is in conflict with the two story limitation for affordable housing in Policy 3.13; therefore the project does not conform to the Housing Component of the LCP.

Agriculture Component: Both project sites are comprised entirely of prime agricultural soils. Coastal Act Section 30241 and LCP Policies 5.1, 5.2, 5.5, and 5.22 require the protection of prime agricultural lands as a resource. There is no mitigation proposed for conversion of these prime soils. While the LCP does not designate the two sites as prime agricultural lands due to their location within the urban boundary, any conversion of prime soils to non-agricultural uses is not in conformity with the above-cited LCP agricultural policies and Coastal Act Section 30241.

Sensitive Habitats Component: The project site contains important biological resources, including wetlands and special-status species. Portions of the site contain public trust lands and tidelands, which likely fall within the Commission's retained jurisdiction. LCP Policy 7.3 requires development adjacent to sensitive habitats to be sited and designed to prevent significant adverse impacts and to maintain their biological productivity. Development within wetlands and their 100-foot buffer zone is restricted to very limited uses by LCP Policies 7.16, 7.17, 7.18, and 7.19. As detailed in the following paragraphs, the project does not comply with the Sensitive Habitats Component of the LCP and Sections 30230-30233 of the Coastal Act.

Impermissible fill in wetlands buffers: The 5/17/10 Preliminary Grading, Drainage, and Utility Plan for the Wellness Center shows the buildings would have a

finished floor elevation of 20 feet, on a finished grade of 18 feet. The existing grade beneath the buildings ranges from 12 to 15 feet. In order to raise the grade an additional 3 to 6 feet, the 5/17/10 plans show the fill would extend into the 100-foot wetlands buffer zone. Portions of Building B also extend into the buffer. In order to comply with California Fire Code and Coastside County Fire Protection District requirements, a 20-foot fire lane will likely be required around the perimeter of the buildings, which will result in additional fill in the wetlands buffer. This has not been factored into the Site Plans or Grading Plans. Filling of wetland buffers to accommodate new development and associated roads is not permitted per Policy 7.19, and would cause potentially significant adverse impacts to adjacent sensitive habitats (ESHA).

Pillar Point Marsh and groundwater extraction: LCP Policy 7.20 requires special protections for Pillar Point Marsh and limits groundwater extractions from the marsh to a safe yield determined by a hydrologic study. LCP Policy 2.34 requires, as a condition of development permit for any facilities to increase water supply, that any water system that presently draws or proposes to draw water from wells in the aquifer serving Pillar Point Marsh agree to participate in and assist in the funding of the hydrologic study of Pillar Point Marsh required by Policy 7.20 and to accept the restrictions resulting from that study.

The Pillar Point Marsh Groundwater Basin Study, which was required by Policy 7.20 and Permits A-3-SMC-86-155 and A-3-SMC-86-155A, was accepted by the Coastal Commission in 1993. The Study made a preliminary determination of a "safe yield" of 436 afy, but this preliminary safe yield needed to be finalized based on data from a long-term monitoring plan conducted by the two water districts that has not yet been implemented (see Coastal Commission comment letter of February 19, 2002 to Miroo Brewer, County Planner, re: PLN2001-00300). Therefore, the project's proposed use of groundwater from the unpermitted on-site agricultural well cannot be approved until the long-term monitoring plan confirms the long-term safe yield, including extractions from the project's agricultural well. Moreover, the proposed Mutual Water Company for the Big Wave Project should be required to agree to limits based on the long-term monitoring plan, should the well be allowed as a source of water for the project.

Wetlands Destruction: The proposed Wellness Center parcel historically had more extensive wetlands, as delineated by staff of the Army Corps of Engineers (ACOE) on June 20, 1994. This delineation shows a "finger" of wetlands extending diagonally across the Wellness Center parcel to Airport Street. Beginning in June, 2006, wetlands on the Wellness Center parcel were destroyed by deep ripping and disking, and bringing in many "end dump" truckloads of earth. This destruction of wetlands was documented by several citizens and County Parks staff. (see CGF's Presentation to Planning Commission Meeting of November 18, 2009, and Power Point). The Coastal Commission has an open file on this violation. The Applicant asserts that ripping, disking and filling of wetlands was for agricultural purposes,

and that no filling of wetlands occurred. Yet agricultural use of the Wellness Center parcel historically has been sporadic and no crops were planted in 2010,

WSP Environment and Energy (WSP) the wetland consultants retained by Big Wave, Inc., authored a Report: ***"An Analysis of the Geographic Extent of Waters of the United States, including Wetlands, on the Big Wave Property, San Mateo County, California,"*** dated March 17, 2008 based on data collected November 20, 2007 (Report). This Report and wetlands delineation did not show the "finger" of wetlands previously delineated by the ACOE. However, in a Letter Addendum to the Report dated April 24, 2008, Mr. Lee and Ms. Fieldler of WSP, informed the Applicants that field observations made during an on-site meeting on March 27, 2008 revealed that conditions in the southwestern field, while fallow, allowed for establishment of annual species, including wetland indicator plants that were more extensive than previously mapped. (emphasis added) Mr. Lee and Ms. Fiedler advised that a new Coastal Commission delineation should be done, based on vegetation, and the Applicants agreed. However, when Ms. Fiedler returned to the project site on April 9, 2008, all of the annual vegetation had been plowed under and disked. Clearly, the repetitious agricultural cultivation has suppressed wetlands indicator plants. It appears that the Applicant has been engaging in "Predevelopment Farming".

A new wetlands delineation, cognizant of the 1994 ACOE delineation, should be done by an independent consultant after the site has had sufficient time to recover from the farming activities. Failure to accurately identify wetlands could result in proscribed development of wetlands and within their required wetland buffer areas which would be inconsistent with LCP Policies 7.16, 7.17, 7.18, 7.19, and Section 30240 of the Coastal Act.

Illegal trespass/destruction of wetlands on County Parks property: The Applicant has repeatedly trespassed onto County Parks property, by farming in wetlands along the western property boundary, and driving farm and construction vehicles through the stream and wetlands that bisect the two properties. A 20-foot wide "road" through the stream has destroyed wetlands and riparian species. The Applicant has also trespassed by constructing a six-inch water line through the stream/wetland area (between the "road" and Airport Street) without permission from County Parks. The stream and wetlands are likely within the Commission's area of retained jurisdiction. These unpermitted developments are a violation of the Resource Protection policies of the LCP and Coastal Act, and potentially constitute a take of the California red-legged frog and San Francisco garter snake, two federally protected species.

Endangered Species Impacts: LCP Policy 7.3 prohibits any land use or development that would have significant adverse impact on sensitive habitat areas, and requires that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. Policies 7.4 and 7.33 permit only resource dependent uses in sensitive habitat areas and also require that permitted uses comply with U.S. Fish and Wildlife

Service (USFWS) and California Department of Fish and Game (CDFG) regulations. Policy 7.35 requires preservation of all habitats of rare and endangered species.

Regarding the project's impact to sensitive habitat areas and habitat of rare and endangered species, an email to the Project Planner from Chris Nagano, USFWS Chief of Endangered Species on January 11, 2011 stated: ***"...As of this date, the County of San Mateo and/or other parties have not resolved the issue of the potential for adverse effect or take of federally listed species resulting from the proposed Big Wave project with the Service..."*** Given that the issue of potential take of the listed species (California red-legged frog and San Francisco garter snake) is not resolved, the project fails to comply with LCP Policies 7.3, 7.4, 7.33 and 7.35. A recently published research study states by G.M. Fellers and P.M. Kleeman, titled ***"California Red-Legged Frog Movement and Habitat Use: Implication for Conservation"*** in the Journal of Herpetology, 2007, vol. 41, no.2, pp. 271-281, states that "non-breeding habitats are critically important" for the survival of California red-legged frogs and that even disturbed land can provide critical non-breeding habitat. The same study found that California red-legged frogs moved a median distance of 150 meters, and as far as 1.4 kilometers, between breeding and non-breeding areas. The DEIR, page IV.D-89 states that there have been confirmed sightings of the California red-legged frog within Pillar Point Marsh south of West Point Road, and along Denniston Creek. Both locations are within 1.4 kilometers of the project site. Hence the buffer zones around the project are not sufficient to protect all breeding and non-breeding habitat as required by LCP Policies 7.3, 7.4, 7.33 and 7.34.

Wetlands "Restoration" and Landscaping: The project proposes restoration of wetlands and the 100-foot buffer zone based on WSPs "Draft (90%) Basis of Design Report titled: ***"Riparian and Waters/Wetlands Ecosystem Restoration for Big Wave Wellness Center and Office Park, San Mateo County, California"*** dated August 4, 2008, prepared for Big Wave Inc. (Design Report). The Design Report proposes mass grading of soil up to six inches deep, creation of microdepressions, placement of large wood structures such as log jams and windthrow mounds, planting and irrigation, weed suppression, and monitoring, with a goal of achieving a total of ten plant community types including native forest, scrub shrub, and perennial sedge/rush meadows. This would be a massive conversion of the naturally occurring wetlands, buffer areas, and uplands, some to entirely new ecosystems not found in this locale.

The Draft Planting Plan proposes to create polygons of Live Oak Riparian Forest and Arroyo Willow Riparian Forest that include species such as Coast Live Oak, Buckeye, Red Alder, and Toyon. These species will not survive on this site that is underlain by wet, clayey soils, located so close to the ocean. Coast Live Oak, Madrone, California Buckeye, Western Sycamore, and Big Leaf Maple are also proposed for landscaping along the perimeter of the site and in the parking lots, to screen the buildings. It is unlikely these species will grow successfully, and therefore the landscaping will not achieve the necessary screening. Much of the wetlands restoration would not be

necessary if the Applicant had not destroyed wetlands and buffer areas through predevelopment farming. The Planting Plan continues to include Rainwater Gardens and Stormwater Swales to dispose of polluted runoff from buildings and parking lots, which are not allowable uses in wetlands or buffers, and which are inconsistent with other project plan revisions. Condition 26, which requires recordation of a Conservation Easement to limit uses within wetland and buffer areas to uses consistent with the LCP and Chapter 3 of the Coastal Act, does not require a qualified third party enforcer or other effective mechanism, and therefore is unenforceable.

There are major discrepancies between the Draft Planting Plan which shows a total of 143 trees on the perimeters of the Office Park (84) and Wellness Center (63), and the 3/1/2011 Staff Report under Project Updates in the Final EIR, Landscaping, which states there would be 4,000 upland trees plus 6,000 upland shrubs installed around the perimeter of the property. Considering that the perimeter segments called out for landscaping in the Draft Planting Plan (adjacent to Pillar Ridge community, Airport Street, and Princeton) is only 2,332 linear feet, the 4,000 trees would need to be planted closer than one foot apart or in multiple rows. Fast-growing tall trees with invasive roots planted along the perimeter of Pillar Ridge homes will block sunlight and views, impact power and sewer lines, and endanger residents from falling limbs/trees in the strong local winds.

Stormwater Runoff and Wetlands Impacts: The stormwater drainage plan is inadequate. The proposed system directs runoff from buildings and parking lots to perforated pipes under the "permeable" parking lot, but the underlying layer of clay just a foot and a half below the surface has very low permeability, and the groundwater table is very high in this area (ranging from 3 to 9 feet below the surface). The parking lot system is only sized for expected rainfall from a 10-year storm event, which is inadequate given the site and groundwater conditions. During storm events, soils beneath the parking lot may already be saturated to a point where additional stormwater would not infiltrate, which could result in polluted surface water runoff being discharged into the adjacent wetlands, Pillar Point Marsh, and Harbor. Oil, grease, and other pollutants from automobiles and trucks are known to be one of the largest non-point source contributors to water pollution. The project's estimated 2,125 vehicle trips per day will have a large negative impact on the water quality of the creeks, wetlands, and marshes in the surrounding area. Moving this many vehicles through Princeton, which has only sketchy open ditches and culverts for stormwater runoff, will have an even greater impact on water quality in the harbor. An inadequate stormwater plan and improperly designed stormwater management system would result in water quality impacts and would be inconsistent with LCP Policy 7.3(b) and Coastal Act Sections 30230, 30231, and 30232.

Visual Resources Component: Policy 8.5 requires new development to be located on a portion of a parcel where it will be least visible from State and County scenic roads, is least likely to impact views from public viewpoints, and best preserves the

open space qualities of the parcel overall. Policy 8.6 protects the visual quality of streams, wetlands, and estuaries. Policy 8.7 prohibits development that would project above the ridgeline or skyline. Policy 8.13 a (4) requires structures to be designed to be in scale with their setting. The project site is adjacent to the Pillar Point Marsh and would be visible from State Route 1, Airport Street, public hiking trails on Pillar Ridge, Pillar Point Harbor, and the Pillar Point Marsh. Buildings on both the Wellness Center and Office Park sites would project above the ridgeline as viewed from Airport Street and from State Route 1, and therefore the project is inconsistent with LCP Policies 8.5, 8.7, and 8.13.

Material changes to the project have resulted in new, greater, visual impacts that have not been adequately evaluated. There is insufficient information to evaluate the visual impacts from the revised project, particularly the three story 36-foot high 300-foot long "Building A" and the three story Storage Building that would be just 30 feet from Airport Street on the Wellness Center site. Photo simulations of original project were misleading, and the sketchy story poles with single thin tape were wholly inadequate, as they were not visible from any viewing sites except directly in front on Airport Street. The Revised Site Plans for both parcels show general locations of buildings, but there are no elevations or photo simulations of their visual impacts. Conditions 47 and 48 require substantial design revisions to the Office Park and Wellness Center buildings with only Staff level review, which leaves concerned members of the public without any ability to evaluate what the Revised Plans might look like, except the orange color is deleted.

Hazards Component: LCP Policy 9.3 and Zoning Regulations Section 6326.2 prohibit buildings used primarily used by mentally or physically infirm persons, publicly owned buildings intended for human occupancy, schools, hospitals, nursing homes, or other buildings or development used primarily by children, to be located in a Tsunami Inundation Area. This prohibition is for protection of people, and is not discrimination against any of these groups, as asserted by County staff. Approval of the Big Wave housing and associated facilities for developmentally disabled individuals within the Tsunami Inundation Area would be in direct conflict with Policy 9.3 and Section 6326.2 of the Zoning Regulations.

LCP Policy 9.10 requires site-specific geotechnical investigations to determine mitigation measures for the remedy of geological hazards. The project site is adjacent to the active Seal Cove/San Gregorio Fault, which is capable of producing "very violent" shaking and "extreme damage". The clayey and sandy soils beneath the site are subject to liquefaction, differential settlement, sand boils, fault rupture and other earthquake hazards. Detailed geotechnical investigations, including subsurface exploration using rotary-wash drilling methods and/or Cone Penetration Testing to better characterize the subsurface conditions and prescribe mitigation measures for seismic related ground failure, total and differential settlement, and expansive soil hazards are deferred to future studies. Without this information, decision makers and the public cannot be assured that the site's geological hazards

can be adequately remedied, and/or what the potential impacts of any additional mitigation measures to ensure safety from geological hazards might be.

Public Access, Highway Capacity and Traffic Impacts: The project site is located between the first public road and the sea and therefore must be consistent with the public access and recreation policies of the Coastal Act, particularly Section 30210, which requires that maximum public access to the coast be provided and maintained. The impacts of the project's projected additional 2,123 vehicle trips per day on key roadway segments and intersections along State Routes 1 and 92 have not been adequately evaluated. LCP Policy 2.49 establishes Level of Service (LOS) "D" as acceptable (on a scale of A-F) for roadway segments and intersections on State Routes 1 and 92. Per the September, 2009 San Mateo County Congestion Management Program (CMP), Highway 1 has a baseline (1990-91) of LOS "E" between Frenchman's Creek Road and Miramontes Road in Half Moon Bay; and LOS (D) between Linda Mar Boulevard in Pacifica and Frenchman's Creek Road in Half Moon Bay. State Route 92 has a Baseline of LOS "E" from Highway 1 to I-280. Thus, traffic on these critical coastal access roads has already worsened beyond the acceptable level in the LCP, and the estimated 2,123 daily vehicle trips generated by the project will exacerbate this unacceptable condition.

The project's traffic analysis was based on the assumption that nearly all of the employees at the Office Park will be coastside residents. Even if that were true, project traffic impacts to Highway 1 between Frenchman's Creek Road and Miramontes Road during peak commute hours will be unacceptable. Moreover, the traffic analysis is flawed in that it focuses on delays of vehicles moving through selected intersections, which does not include delays associated with queueing and backup of vehicles prior to arriving at those intersections. By only measuring the delay of a vehicle once stopped at an intersection, the traffic analysis failed to adequately address project impacts upon the public's ability to access the area's beaches and other visitor serving coastal resources, in conflict with Coastal Act Sections 30210 and 30213.

The Big Wave project is located within a "roadshed" that has only two points of access – through the State Route 1/Cypress/Airport bottleneck to the north, and the Capistrano/Prospect Way/ Broadway/Cornell bottleneck to the south. **All traffic** from the residential Seal Cove and Pillar Ridge neighborhoods, plus the industrial waterfront Princeton area, plus coastal visitors wishing to visit the Princeton area, Maverick's surf break, Pillar Point Marsh, Pillar Point Bluff, and the southern portion of the Fitzgerald Marine Reserve, **must pass through these two chokepoints.** Funneling up to 2,123 additional daily trips through these chokepoints will adversely impact residents, businesses, and visitors to these popular coastal destinations. Traffic jams during emergencies will likely impede emergency vehicle access and evacuation efforts. It is unknown where the 50 off-site parking spaces and shuttle required by Condition 6.n. would be located. Therefore, this mitigation for traffic impacts is merely speculative and impermissibly vague.

Parking and Beach Access: Revised Table III-7 and text on pages III.A-19-20 of the FEIR, concluded that the demand for parking spaces at the Office Park would average 628 spaces, based on the mix of different uses, and concluded that "the County may agree to accept the Applicant's proposed 640 parking spaces as conforming to this average." Table 8 of the Staff Report of March 1, 2010 summarizes the parking requirements, yet inexplicably, the required number of spaces in Condition 41 is apparently reduced in Table 8 from **640** to **518**. Clearly this is inadequate, and does not comply with Section 6118 (f) of the Zoning Regulations that requires in the case of mixed uses, the total requirements for the various uses shall be computed separately. Applying the standard of one parking space per 200 sq. ft. of General Office floor area to the 90,000 sq. ft. (40% of total area) of Office Space results in a requirement of 450 spaces for the office use alone. Research and Development and Light Manufacturing uses were assigned the minimum required by the Parking Regulations of one space per 2,000 sq. ft. of floor area, rather than the required "one space for each two employees on largest shift" as specified in the Parking Regulations.

Insufficient parking for the Research and Development and Light Manufacturing uses would likely result in Office Park users using the reserved on-site beach access parking and/or spilling onto other locations, including along Airport Street and the public access parking lot at the Pillar Point Bluff trailhead. This would not be consistent with Coastal Act public access and recreation policies, particularly Sections 30212-30214. Condition 41 does not ensure that parking for beach access will be adequately signed, maintained, and open to the public, free of charge, during the hours of 10-4 as required by LCP Shoreline Access Policy 10.22.d and the Coastal Act. To the contrary, compliance with Condition 64 b. could result in gating and locking the Wellness Center parking lot from the public. Therefore the project does not comply with the public access and recreation policies of Chapter 3 of the Coastal Act.

CEQA Functional Equivalency: In certifying the San Mateo County LCP in 1981, (and in certifying subsequent Amendments thereof), the Coastal Commission made Findings that the LUP Resource Protection Policies are the functional equivalent of CEQA and that the LCP, as certified, complied with Chapter 3 of the Coastal Act.

As conditioned and approved by the Board of Supervisors, the Proposed Project falls woefully short of complying with Chapter 3 Resource Protection Policies. The project has the potential to impact Sensitive Habitats, Endangered Species, Prime Agricultural Lands, and Visual Resources, as well as the Public Access and Recreation Policies of the Coastal Act, as enumerated above. As such, unless the project is modified to comply in all respects with the LCP and Chapter 3 Resource Protection Policies, the Commission's role in carrying out the Functional Equivalency of CEQA cannot be met.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

**COMMISSION NOTIFICATION OF APPEAL**

DATE: April 19, 2011
TO: Camille Leung, Project Planner
County of San Mateo, Building & Planning
455 County Center, 2nd Floor
Redwood City, CA 94063
FROM: Madeline Cavalieri, Coastal Program Analyst
RE: **Commission Appeal No. A-2-SMC-11-021**

up (SW)

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN2005-00482, PLN2005-00481
Applicant(s): Big Wave, L.L.C., Attn: Jeff Peck; Scott Holmes
Description: Major subdivision to subdivide the northern parcel into 10 lots; minor subdivision of the southern parcel into 3 lots; 8 office park buildings containing 225,000 square feet of mixed-office uses and a 640 space parking lot; 2 wellness center buildings containing a maximum of 57 dwelling units and accessory uses and a 50 space parking lot, 10,000 square feet commercial public storage use and 4,000 square feet of wellness center storage uses; 6,000 square feet of communications and back up power uses; wetland habitat creation; use of an existing agricultural well for domestic purposes; establishment of a mutual water service company and a community wastewater treatment and recycling system; and 26,050 cubic yards of blanced cut and fill.
Location: Airport Street, Princeton By The Sea (San Mateo County)
(APN(s) 047-311-060, 047-312-040)
Local Decision: Approved w/ Conditions
Appellant(s): Granada Sanitary District
Date Appeal Filed: 4/19/2011

The Commission appeal number assigned to this appeal is A-2-SMC-11-021. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Madeline Cavalieri at the North Central Coast District office.

cc: Big Wave, L.L.C., Attn: Jeff Peck;

Scott Holmes

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form

SECTION I. Appellant(s)

Name: Granada Sanitary District

Mailing Address: Post Office Box 335

City: El Granada, California

Zip Code: 94018

Phone: (650) 726-7093

RECEIVED
APR 19 2011
CALIFORNIA
COASTAL COMMISSIONSECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Mateo

2. Brief description of development being appealed:

Development of an Office Park, including 225,000 square feet of mixed office use within eight 2 and 3 story buildings, a 4000 square foot communications building and a 640-space parking lot; and a Wellness Center, including 70 units, other onsite living and recreational facilities, a 23,000 square foot public storage space, and a 73-space parking lot.

Granada Sanitary District (GSD) is the public agency provider of sewer and garbage collection service for the area in which the proposed development is located and this appeal relates to those responsibilities. The Applicant has failed to provide the required finite, consistent and stable Project Description and supportive information explaining how (and in what volume) wastewater and garbage will be collected, transported, treated and disposed of. The County's approval explicitly states that the development must be redesigned: (1) to fix the admittedly incorrect wastewater budget analysis; and (2) to provide necessary expansion of the sewer system capacity to accommodate the addition of the expected maximum sewage flow of 26,000 gpd. The result is akin to a "shell game" which creates unacceptable risks to coastal resources and GSD ratepayers from sewer overflows (documented by the 2006 EPA Report) and excess unrecycled garbage.

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-2-SMC-11-021

DATE FILED:

4/19/11

DISTRICT:

North Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Location: Airport Street at Stanford Avenue, Princeton, California

Assessor's Parcel Nos.: 047-311-060, 047-312-040

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: March 29, 2011

7. Local government's file number (if any): File Nos.: PLN2005-00481 and PLN2005-00482

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Big Wave, LLC c/o Jeffrey Peck 190 Mendel Street San Francisco, CA 94124	Big Wave Group P.O. Box 1901 El Granada, CA 94018	Scott M. Holmes 635 Railroad Ave. Half Moon Bay, CA 94019	David J. Byers, Esq. McCracken, Byers & Richardson 870 Mitten Road Burlingame, CA 94010	P.O. Box 700 Belmont, CA 94002 (address of owner as listed on latest tax roll)
--------------------------------------------------------------------------------------	------------------------------------------------------------	--------------------------------------------------------------------	--------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Granada Sanitary District
c/o Wittwer & Parkin LLP
147 S. River Street, Suite 221
Santa Cruz, California 95060

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

- (2) Montara Water and Sewer District
c/o Law Offices of David E. Schricker
20370 Town Center Lane
Cupertino, CA 95014

- (3) Committee for Green Foothills
c/o Lennie Roberts
Peninsula Conservation Center
3921 East Bayshore Road
Palo Alto CA 94303

- (4) California Pilots Association
c/o Ed Rosiak, President
California Pilots Association
P.O. Box 6868
San Carlos, California 94070

- (5) Surfrider Foundation, San Mateo Chapter
Sarah Damron, Central California Regional Manager
P. O. Box 2006
El Granada, CA 94018-2006

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Introduction. The Granada Sanitary District (GSD) appeals the County of San Mateo's (County) approval of the Big Wave Project (Project) on the basis that it is inconsistent with the California Coastal Act and the County of San Mateo certified Local Coastal Program (LCP). Furthermore, due to the County's determination in the EIR that there is an incorrect wastewater budget analysis and need to redesign the development to handle wastewater, the Coastal Development Permit and Environmental Review, as it is coming to the Coastal Commission, must be corrected and revised before the required Coastal Commission functional equivalent of CEQA compliance can be accomplished. This will require substantial error correction and additional information (including engineering) in order to prevent unacceptable risks to coastal resources and GSD ratepayers from sewer overflows (documented by the 2006 EPA Report) and excess unrecycled garbage.

Summary of inconsistencies with LCP Policies and Coastal Act regarding use of public sewer service systems. The critical context for the LCP and Coastal Act inconsistencies which preclude approval of the Big Wave development as currently proposed can be found in the County's own determinations set forth below (in bold and underlined for emphasis).

Mitigation Measures

Impact UTIL-2:

Wastewater Collection System Capacity

Mitigation Measure(s):

Mitigation Measure UTIL-2: Wastewater Collection System Capacity.

The applicant shall either: (a) revise the project design to limit the maximum amount of sewage flow to the Granada Sanitary District sewer system to that which can be accommodated by the existing 8-inch sewer line in Stanford Avenue and the Princeton Pump Station; **or (b) provide necessary expansion of the capacity of the sewer system** to accommodate the addition of the expected maximum sewage flow of 26,000 gpd from the project. **Any implementation of Mitigation Measure UTIL-2b would require separate CEQA review and permit review.**

Impact UTIL-5:

Wastewater and Recycling Water Flow Estimates

Mitigation Measure(s):

Mitigation Measure UTIL-5: Wastewater and Recycling Water Flow Estimates.

The applicant shall revise the project plans and water budget analysis to correct the inconsistencies in the water recycling assumptions and calculations, and shall use this information to verify: (a) the adequacy of plans for irrigation uses of recycled water; and (b) the

sufficiency of the proposed landscape areas for winter season dispersal of all wastewater flow not distributed for toilet flushing. The project's use of treated waste-water for irrigation shall be managed and controlled to prevent changes in existing drainage and hydrology that could adversely impact the biology or hydrology of wetland habitats or result in ponding that could result in health, circulation, or structural stability problems. Prior to Planning approval of any grading permit, the applicant shall submit a report, prepared by a biologist/hydrologist to determine appropriate recycled watering levels for all seasons that is consistent with the above requirement and the revised water budget analysis. The report shall be submitted for review by the Environmental Health Division, RWQCB, and the County Planning Department. Use of recycled water for irrigation shall be monitored for two years by a biologist/hydrologist to adjust water levels as necessary based on actual site conditions.

Impact UTIL-6:

Creek Crossing by Sewage Pipeline

Mitigation Measure(s):

Mitigation Measure UTIL-6: Creek Crossing by Sewage Pipeline.

The project applicant shall modify the current plans for sewer connection between the North and South parcels to provide either: (a) re-alignment and profile correction to accommodate a gravity sewer line; or (b) incorporation of a lift station on either the North or South parcel.

These "mitigation measures" are supposed to be provided by GSD after being accorded Responsible Agency status and consultation with the County as Lead Agency. As can be seen, even the County had to acknowledge that the Applicant has refused to provide accurate and adequate information and has submitted a project which the County has determined must be revised in significant (but undefined) respects as to wastewater impacts. Due to this lack of a clear Project Definition, GSD was unable to propose mitigation measures other than the most basic requirements for obtaining permits for the sewer connection and private wastewater system and complying with GSD garbage collection regulations. The County refused to make even these basic mitigations "mitigation measures" and chose to include only two of the three, and those two only as "administrative requirements."

One of the most serious risks to coastal resources is a Sanitary Sewer Overflow (SSO). The March 14, 2011 comment letter to the County from the Coastal Commission notes that the EIR for the project states that the project would obtain a Sewer Connection Permit from GSD for a service volume of eight (8) Equivalent Residential Units of sewer capacity from GSD, which amounts to approximately 1,800 gallons of wastewater per day. However, this is entirely inconsistent with fact that the project, as proposed, would also use GSD's system for disposal of all 26,000 gallons of wastewater for periods when recycling is not possible (as required by Title 22 Water Recycling Criteria; DEIR p. IV.N-7) which would in fact require on the order of 117 Equivalent Residential Units, and likely overload GSD's system absent any mitigations measures (or conditions). In an attempt to address this inconsistency, the Applicant proposed (for the first time in the Final EIR) implementing a "flow-equalization" system (which the Applicant describes as storing wastewater in tanks and discharging it at standard rates) designed to meter the flow of wastewater into GSD's sewer system so that no more than 1,800 gallons would be discharged in any given day. However, the Applicant has not provided any information as to how the "flow equalization" system would/could achieve this standard in all circumstances. Of particular import is the fact that the Applicant has not provided the capacity of the "flow equalization" system, which would likely be exceeded when recycling is not possible (e.g. during wet weather, when SSO's occur and disposal of recycled water through irrigation of landscaping and/or solar panel washing

would not be possible or practical) or in the event of failure of the proposed on-site treatment system. Indeed, to meet the Title 22 requirements for a minimum of 20-days storage capacity, it would appear that the onsite "flow-equalization" storage tank would have to be on the order of 484,000 gallons (26,000gpd – 1,800gpd metered into GSD's system) X 20 days).

Given that the Applicant proposes a storage tank of only one day's capacity (or at the most two as argued by Applicant), the result would be that SSO's would become an even more serious risk than they already are. The USEPA's NPDES Compliance Evaluation Report on August 18, 2006 identifies a prior warning letter to the Sewer Authority Mid-Coastside (SAM) from NOAA for a violation of the National Marine Sanctuaries Act and a prior RWQCB Penalty Order, both based on SSO's. The EPA Report finds "[t]he SAM Sewer System does not have sufficient capacity to convey peak flows during the winter rains." The EPA Report further states that "[t]he largest spills, however, have occurred when the excess wet weather flow hits bottlenecks in the SAM IPS [Intertie Pipeline System] at the Montara and Portola Pump Stations." Despite responsible actions and proactive infrastructure improvements by SAM and its member agencies (including GSD) to prevent wet weather overflows, the problem has not yet been solved.

Furthermore, the residential units proposed by the Big Wave Project are not included the "buildout capacity" established by the current LCP. Any increase in buildout capacity will clearly increase the risk of future SSO's because Measure A adopted by the voters in 1986 (and the proposed LCP Update) precludes construction of infrastructure capacity to exceed the existing buildout capacity.

An inadequate or improperly functioning sewage/wastewater system, and the resulting improper discharge of sewage/wastewater effluent, which would degrade coastal resources (including water quality and marine resources), and is inconsistent with the San Mateo County LCP and the Coastal Act provisions described below (at minimum).

LCP inconsistencies: The sewage/wastewater and garbage generated by this proposed Big Wave development indisputably has the reasonable likelihood of creating inconsistency as to the following LCP regulations. The Applicant certainly has not demonstrated to the contrary.

2.6 Capacity Limits

Limit development or expansion of public works facilities to a capacity which does not exceed that needed to serve buildout of the Local Coastal Program.

2.7 Phased Development of Public Works Facilities

Require the phased development of public works facilities in order to insure that permitted public works capacities are limited to serving needs generated by development which is consistent with the Local Coastal Program policies.

2.8 Reservation of Capacity for Priority Land Uses

a. Reserve public works capacity for land uses given priority by the Local Coastal Program as shown on Table 2.7 and Table 2.17. All priority land uses shall exclusively rely on public sewer and water services.

2.24 Environmental Compatibility of Treatment Plants Note that GSD has been informed by the RWQCB that the private wastewater system proposed by Applicant to handle a portion of the

wastewater must be owned and operated by a "utility."

- a. Require that utilities, prior to approval of construction or addition to treatment plants, submit a plan for successful mitigation of any potential impacts on the surrounding residential and recreational area and on resources, including habitats and air quality.
- b. Require that plants be designed and landscaped to be visually compatible with surrounding areas, particularly nearby residences or recreational areas.

7.3 Protection of Sensitive Habitats

- a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.
- b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

Coastal Act Inconsistencies: SSOs are clearly inconsistent with the following provisions of the Coastal Act. Furthermore, the Applicant's private wastewater system proposed to handle a portion the development's wastewater likewise has the reasonable likelihood of resulting in inconsistency with these Coastal Act provisions as well.

Public Resources Code § 30230. Marine resources

Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Public Resources Code § 30231. Biological productivity and water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Requirement for Functional Equivalent of CEQA Compliance.


As set forth above, the County's own determinations explicitly state that the EIR's analysis of wastewater impacts is incorrect and that the development must be redesigned in important respects. Accordingly, the state of the environmental analysis of the development as appealed (e.g., requiring correction of errors and inconsistencies in the wastewater budget analysis and redesign or expansion of the SAM/GSD sewer system), prevents the Coastal Commission from performing the functional equivalent of CEQA compliance as required by State law. Assuming the Commission takes jurisdiction of this appeal (i.e. by finding that the project raises a "substantial issue" with respect to impacts on Coastal Resources), any final action by the Commission must comply with the "Functional Equivalency" requirements of CEQA. See § 21080.5, subs. (a), (e)(1); CEQA Guidelines, §§ 15002, subd. (1), 15251, subs. (c), (f). The Commission's regulations facilitate this

analysis by requiring that EIRs or Negative Declarations be submitted to the Commission for projects requiring environmental review under CEQA. CCR Title 14, §13052(g); (presumably, this regulation assumes that the environmental document does not contain express statements demonstrating that it is facially flawed as to such an important environmental issue as handling sewage/wastewater). See, e.g. Mitigation Measures Util-2, Util-5, Util-6; Conditions of Approval 60, 83, 84; Findings of Fact pp. 14-15 (Impacts on Utilities), pp. 44-46

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 9)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: April 15, 2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Jonathan Wittwer and/or Ryan Moroney
to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Date: April 15, 2011

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

**COMMISSION NOTIFICATION OF APPEAL**

DATE: April 19, 2011

TO: Camille Leung, Project Planner
County of San Mateo, Building & Planning
455 County Center, 2nd Floor
Redwood City, CA 94063

FROM: Madeline Cavalieri, Coastal Program Analyst *MLC*

RE: **Commission Appeal No. A-2-SMC-11-021**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN2005-00482, PLN2005-00481

Applicant(s): Big Wave, L.L.C., Attn: Jeff Peck; Scott Holmes

Description: Major subdivision to subdivide the northern parcel into 10 lots; minor subdivision of the southern parcel into 3 lots; 8 office park buildings containing 225,000 square feet of mixed-office uses and a 640 space parking lot; 2 wellness center buildings containing a maximum of 57 dwelling units and accessory uses and a 50 space parking lot, 10,000 square feet commercial public storage use and 4,000 square feet of wellness center storage uses; 6,000 square feet of communications and back up power uses; wetland habitat creation; use of an existing agricultural well for domestic purposes; establishment of a mutual water service company and a community wastewater treatment and recycling system; and 26,050 cubic yards of blanced cut and fill.

Location: Airport Street, Princeton By The Sea (San Mateo County)
(APN(s) 047-311-060, 047-312-040)

Local Decision: Approved w/ Conditions

Appellant(s): California Coastal Commission, Commissioner Steve Blank and
Commissioner Mary K. Shallenberger

Date Appeal Filed: 4/19/2011

The Commission appeal number assigned to this appeal is A-2-SMC-11-021. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Madeline Cavalieri at the North Central Coast District office.

cc: Big Wave, L.L.C., Attn: Jeff Peck;

Scott Holmes

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE (415) 904-5260 FAX (415) 904-5400

TDD (415) 597-5885

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Commissioners Shallenberger and Blank

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: (415) 904-5260

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Mateo

2. Brief description of development being appealed:

Development of an office park and a residential facility for developmentally disabled adults (See Attachment A for complete project description).

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Airport Street in Princeton-By-The-Sea, San Mateo County (APNs 047-311-060, 047-312-040)

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

RECEIVED

APR 19 2011

COASTAL COMMISSION
NORTH CENTRAL COAST

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-2-SMC-11-021

DATE FILED:

4/19/11

DISTRICT:

North Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: 3/29/2011

7. Local government's file number (if any): PLN2005-00481; PLN2005-00482

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Big Wave Group
P.O. Box 1901
El Granada, CA 94018

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) GRANADA SANITARY DIST
C/O WITTWER & PARKIN LLP
147 S. RIVER ST, STE 221
SANTA CRUZ, CA 95060

(2) MONTARA WATER AND SEWER DIST
C/O LAW OFFICES OF DAVID E. SCHRICKER
20370 TOWN CENTER LANE
CUPERTINO, CA 95014

(3) COMMITTEE FOR GREEN FOOTHILLS
C/O LENNIE ROBERTS
PENINSULA CONSERVATION CENTER
3921 EAST BAYSHORE RD
PALO ALTO, CA 94303

(4) CALIFORNIA PILOTS ASSOC
C/O ED ROSIAK, PRESIDENT
CA PILOTS ASSOCIATION
P.O. BOX 6868
SAN CARLOS, CA 94070

(5) SURFRIDER FOUNDATION
SAN MATEO CHAPTER
SARAH DAMRON, CENTRAL CA REGIONAL MANAGER
P.O. BOX 2006
EL GRANADA, CA 94018-2006

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Exhibits A and B

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

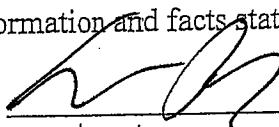
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attachments A & B

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____
Appellant or Agent

Date: 4/19/11

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: _____

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Big Wave
Attachment A: Appeal Reasons
Page 1 of 6

The County of San Mateo approved the development of an office park and a residential facility for developmentally disabled adults (Wellness Center) on two parcels on Airport Street in Princeton-By-The-Sea, San Mateo County (APNs 047-311-060, 047-312-040). The project includes subdividing the northern parcel into 10 lots, and subdividing the southern parcel into three lots. The northern lot would contain eight office buildings with 225,000 square feet of mixed-office uses and a 640-space parking lot. The southern lot would contain two Wellness Center buildings with a maximum of 57 dwelling units and accessory uses, a 50-space parking lot, and 10,000 square feet of commercial public storage. The project also includes creation of wetland habitat, use of an agricultural well to serve the project, construction of a wastewater treatment and recycling system, establishment of a mutual water service company, and 26,050 cubic yards of balanced cut and fill. The project approval is inconsistent with the County's certified LCP policies related to hazards, zoning, locating and planning new development, public works, public access, visual resources and biological resources, including the policies discussed below.

Hazards and Waterfront Zoning District

Certified LUP Policies 9.1 and 9.2 define and designate hazardous areas and Policy 9.3 applies specific ordinance sections to these hazardous areas. In addition, Policy 9.10 requires site-specific geotechnical investigations in geologic hazard areas to ensure hazards are mitigated adequately. The project site is located in an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act and a Tsunami Evacuation Area, as shown on the Tsunami Evacuation Planning Map for San Francisco & San Mateo County developed by the Association of Bay Area Governments. The project site is also subject to additional seismic hazards, including liquefaction, sand boils, and cyclic densification. As approved, the proposed project is not consistent with the LUP's requirements to avoid and mitigate hazards, because future geotechnical investigations are required as conditions of CDP approval, and would most likely lead to additional mitigation measures that have not yet been identified. These geotechnical investigations must be conducted prior to CDP approval, to ensure hazards are adequately mitigated and to ensure the coastal resource impacts of necessary mitigation measures are evaluated for consistency with the LCP.

In addition, the project site is located in the Waterfront zoning district, and the purpose of this district is to provide for a working waterfront area that serves marine-related industries, and to accommodate compatible recreational and resource management uses. The proposed Wellness Center would be a residential facility for developmentally disabled adults, which would provide its residents with on-site caregivers and social and employment opportunities, in addition to connecting its residents to support and medical services. This type of development could potentially be allowed in any zoning district within the Urban Areas of the coastal zone, pursuant to Section 6500(d) of the zoning regulations, if it is considered to be a "sanitarium."

However, the Wellness Center is inconsistent with the certified zoning regulations in two ways. First, Section 6326.2 of the regulations, which is part of the certified LCP, prohibits the development of facilities that are used primarily by "physically or mentally infirm persons"

within Tsunami Inundation Areas.¹ The Wellness Center would house and provide services, including residential aides, for up to 50 developmentally disabled adults, and it is located within a Tsunami Inundation Area. Therefore, the approved location of the Wellness Center is inconsistent with Section 6326.2 of the certified zoning regulations. Second, the Wellness Center is a residential facility, which is not an allowed use within the Waterfront zoning district, pursuant to Section 6287.0 of the certified LCP.

Further, the County's approval authorizes additional commercial uses at the Wellness Center, including a gym, catering services, laundry services, dog walking and grooming, and a potential store. These uses are not industrial or marine-related, and they are not allowed in the Waterfront zoning district. As such, the approved project is inconsistent with the zoning regulations of the LCP, including the allowed uses in Tsunami Inundation Areas and within the Waterfront zoning district.

Locating and Planning New Development and Public Works

Water Supply

The proposed project is located within the County's urban/rural boundary and therefore, must be served by public water utilities. LUP policies 1.3, 1.4, 1.16, and 1.18 direct new development to existing urban areas to maximize the efficiency of public utilities. LUP policy 1.18 specifically requires new development to be concentrated in urban areas by requiring infill development, and LUP policy 1.19 goes on to define infill as development of vacant land in urban areas that is served by sewer and water utilities. Moreover, LUP policy 2.14 clearly intends for urban services to be provided in urban areas and not within rural areas. To be consistent with these policies, development within the urban/rural boundary, including the project site, should be served by public utilities. The County's approval acknowledges this requirement with a condition of approval that requires the applicant to pursue a water connection from Coastside Community Water District (CCWD). However, this condition is not adequate to comply with the LCP because it allows for the permanent use of the private on-site well for potable water needs if a connection to CCWD is not obtained. This potential for permanent use of the private, on-site well is inconsistent with the policies of the LCP, including those policies cited above. In addition, in order for CCWD to serve the site, it would need to expand its district boundary. Such an expansion requires an amendment to the district's current CDP authorization and potentially amendments to the LCP. It is not clear that these amendments could be approved consistent with the applicable CDP conditions, or the policies of the LCP and the Coastal Act. Therefore, in regards to water supply, the approved development is inconsistent with the LCP, including LUP Policies 1.3, 1.4, 1.16, and 1.18.

Sewer Service

The approved project includes construction and operation of an on-site wastewater treatment and recycling facility, as well as wastewater disposal into the public sewer system. The project is

¹ The terms 'tsunami inundation area' and 'tsunami evacuation area' are used interchangeably.

Big Wave
Attachment A: Appeal Reasons
Page 3 of 6

served by an 8-inch sewer line and would obtain eight equivalent dwelling units of sewer capacity from the Granada Sanitary District (GSD), which amounts to approximately 1,800 gallons of wastewater per day. In addition, GSD would provide emergency sewer service to the project, in the event that the project's water recycling and/or reuse capacity is interrupted. As discussed above, the LCP requires the project site to be served by public utilities, and the approval of a private, on-site wastewater treatment facility is inconsistent with the LCP.

Further, it is unclear if the approved plan for wastewater treatment and disposal is feasible, because GSD does not currently have public sewer capacity available to serve the project in an emergency if, or when, the wastewater treatment facility service is interrupted. The project would produce an estimated 26,000 gallons per day of wastewater, but the agreement for public sewer disposal includes only 1,800 gallons of wastewater per day. In addition, the GSD sewer pump station, which would need to be used to transport wastewater to the sewage treatment plant, is not capable of accommodating the 26,000 gallons per day. The County's approval inadequately addresses this lack of public sewer capacity with a condition of approval requiring the project to either limit its sewer output or provide for the necessary expansion of the public sewer system. It is not clear if either of these mitigations is feasible.

Further, the policies of the LCP, including policies 2.8 and 2.21, require public works, water and sewage capacity to be reserved for Coastal Act priority uses, such as marine related industrial uses and commercial recreation. The approved project would accommodate general industrial development and residential care facilities and therefore, is not considered a priority use. The County's approval of this non-priority use authorizes the unrestricted use of a private, agricultural water supply, and may result in development exceeding the capacity of public resources and infrastructure, including the groundwater supply and the sewer system, as described above. Therefore, the project is not consistent with the LCP policies requiring public works capacity to be reserved for priority uses, including those policies discussed above.

Traffic Capacity and Public Access

The project site is located between the first public road and the sea, and therefore, must be consistent with the public access and recreation policies of the Coastal Act as well as the public access policies of the LCP. Coastal Act sections 30210 through 30213 protect the public's right to access the coast and require maximum public access to the coast to be provided and maintained. As approved, the project is inconsistent with the public access policies of the Coastal Act and the LCP.

The proposed office park would include a subdivision to create ten parcels in order to accommodate the construction of 225,000 square feet of office space in eight new office buildings. The project would nearly double the existing office space in the Midcoast and would add approximately 2,123 peak-hour vehicle trips to the road. All of these vehicle trips would utilize Highway 1, and many would also utilize Highway 92. Both of these highways are at capacity during peak commute and recreational times, which interferes with the public's right to access the coast. Traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal

resources in conflict with these policies. Therefore, any additional traffic on these roadways would cause significant adverse impacts on the public's ability to access the coast, which is protected under the public access and recreation policies of the Coastal Act. The County's approval did not adequately analyze the impacts of the project and did not perform an evaluation of impacts on the level of service (LOS) for road segments on Highways 1 and 92, as required by LUP policy 2.49. Given the existing traffic congestion and the magnitude of the project, the approval would result in significant public access impacts on traffic capacity, inconsistent with Coastal Act Sections 30210 through 30213.

In addition, to address the traffic impacts of the project, the County's conditions of approval include a requirement to provide for a new traffic light on Highway 1, if future traffic reports show such a light is necessary. However, the approval fails to evaluate the potential impacts of adding a new light to Highway 1 at this location, including the impacts to the flow of traffic on Highway 1, so these potential project impacts are not known. Due to this uncertainty, the County's approval does not ensure public access to the coast is protected as required by the public access policies of the Coastal Act and the LCP, including those policies discussed above.

Finally, although the County required beach user parking spaces within the project, as required by LCP Policy 10.22, it appears that the number of parking spaces for beach users is not adequate. First, although the approved office park would contain 640 parking spaces, the number of beach user spaces required for the office park was based on a total of 518 parking spaces, and therefore, the special condition provides for fewer than the required 20% beach user spaces. In addition, although the Wellness Center would be required to provide 20% of its 50 parking spaces for beach users, it appears that there is not an adequate number of parking spaces for the Wellness Center itself, including because no visitor spaces are provided for either the caregivers or the developmentally disabled residents. When people do come to the Wellness Center to visit residents, it is possible that they would use the beach user parking, limiting the number of spaces available to the public. Therefore, the public access parking required through the County's conditions of approval is inconsistent with the public access and recreation policies of the LCP including policy 10.22, and the Coastal Act.

Visual Resources

The Visual Resources component of the LCP regulates development to protect the visual resources of the County's coastal zone. LUP policy 8.5 requires new development to be sited in areas that are the least visible from State and County scenic roads, to reduce impacts on views from public viewpoints, and to preserve the visual and open space qualities of the parcel. In addition, LUP policy 8.6 protects the visual resources of streams, wetlands and estuaries.

The project site is located adjacent to Pillar Point Marsh and would be visible from the harbor, Airport Road, Highway 1, several hiking trails, and other viewpoints. The approved project is significantly larger in mass and scale than surrounding development and would obstruct views of ridgelines and significant open space areas, including Pillar Point Marsh, and cause significant visual impacts, inconsistent with the visual resources policies of the LCP, including those policies cited above.

Biological Resources

The project site includes important biological resources, including wetlands, a riparian corridor and habitat for special-status species. In addition, portions of the project site contain tidelands and public trust lands, which are subject to the Commissions retained permit jurisdiction authority. Development in the wetlands and wetland buffers in the County's jurisdiction is restricted by the Sensitive Habitat component of the LUP. LUP policy 7.14 defines wetlands; LUP policy 7.16 limits the uses allowed in wetlands; LUP policies 7.18 and 7.19 establish wetlands buffer zones and limit the uses allowed in them; and LUP policy 7.20 provides specific protections for the Pillar Point Marsh. Development within riparian habitats and habitat for special-status species are subject to additional LUP policies, including policies 7.3 and 7.4 which protect sensitive habitats and prohibit development adjacent to sensitive habitat from having adverse impacts on the habitat. The County's approval does not contain adequate findings of consistency of the project with these policies, because the habitat areas of sensitive species, including dispersal habitat for California Red-Legged Frog, was not mapped, and because raptor surveys were not conducted to evaluate the potential habitat values of trees that would be directly impacted by the project. In addition, the approved establishment of a nursery within the wetlands buffer is inconsistent with the wetlands buffer policies.

In addition, the approved use of a private well and wastewater treatment and recycling facilities has the potential to cause negative impacts to biological resources, including wetlands and sensitive habitats, inconsistent with the LCP. First, the County did not adequately evaluate whether the quantity of well water to be used would lead to negative impacts on the surrounding wetlands and other biological systems that rely on the quantity and quality of groundwater in the surrounding aquifer. The County's approval defers monitoring, evaluation and mitigation of these potential impacts to future studies. In addition, it is unclear if such future mitigation could be capable of avoiding these biological resource impacts. Second, the County did not adequately evaluate whether the approved use of recycled water for onsite irrigation would result in excess runoff to the wetland system, especially during the rainy season, or if such runoff would have negative impacts on biological resources caused by the salinity levels or nutrient loads of the recycled water. Given the constraints on disposing the recycled water through the public sewer system, discussed above, as approved, the project may ultimately lead to the disposal of recycled water into the wetlands system. Such disposal may result in impacts on biological resources, inconsistent with the LCP. In addition, the water balance calculations used by the County to determine the quantity of wastewater the project would produce contain errors that were identified by the County but have not yet been corrected, and therefore, it is not possible to determine the actual quantity of wastewater that the approved project would need to dispose of.

Finally, the approval provides for the construction of several wind turbines directly adjacent to the riparian corridor, but the County's approval lacks an evaluation of whether these turbines would cause negative impacts on sensitive avian species or other biological resources. Therefore, because the County's approval lacks an analysis of the impacts of this component of the project, it does not comply with the LCP's requirement for new development located in or adjacent to sensitive habitats to avoid impacts on biological resources.

In order to approve a CDP, findings need to be made, based on substantial evidence in the record, that the project is consistent with the LCP. As described above, the County failed to make such findings and instead deferred important studies and analyses to a future project phase. Therefore, the development is inconsistent with the sensitive habitat policies of the LCP, including, but not limited to, policies 7.3, 7.4, 7.14, 7.16, 7.18, 7.19 and 7.20.

1.3 Definition of Urban Areas

- a. Define urban areas as those lands suitable for urban development because the area is either: (1) developed, (2) subdivided and zoned for development at densities greater than one dwelling unit/5 acres, (3) served by sewer and water utilities, and/or (4) designated as an affordable housing site in the Housing Component.
- b. Recognize, however, that in order to make a logical urban/rural boundary, some land has been included within the urban boundary which should be restricted to open space uses and not developed at relatively high densities (e.g., prime agricultural soils, and sensitive habitats).

1.4 Designation of Urban Areas

Designate as urban those lands shown inside the urban/rural boundary on the Land Use Plan Maps. Such areas include Montara, Moss Beach, El Granada, Princeton and Miramar.

1.16 Definition and Establishment of Urban/Rural Boundary

Define urban/rural boundary as a stable line separating urban areas and rural service centers from rural areas in the Coastal Zone and establish this line on the LCP Land Use Maps.

1.18 Location of New Development

- a. Direct new development to existing urban areas and rural service centers in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, (3) minimize energy consumption, (4) encourage the orderly formation and development of local governmental agencies, (5) protect and enhance the natural environment, and (6) revitalize existing developed areas.
- b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.
- c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.
- d. Require the development of urban areas on lands designated as agriculture and sensitive habitats in conformance with Agriculture and Sensitive Habitats Component policies.

1.19 Definition of Infill

Define infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities.

2.8 Reservation of Capacity for Priority Land Uses

- a. Reserve public works capacity for land uses given priority by the Local Coastal Program as shown on Table 2.7 and Table 2.17. All priority land uses shall exclusively rely on public sewer and water services.

...

2.14 Establishing Service Area Boundaries

a. Confine urban level services provided by governmental agencies, special districts and public utilities to urban areas, rural service centers and rural residential areas as designated by the Local Coastal Program on March 25, 1986.

b. Redraft the boundaries of special districts or public utilities providing urban level services to correspond to the boundaries of urban areas, rural service centers and rural residential areas established by the Local Coastal Program.

...

d. Require, when a special district or public agency maintains rural lands within their boundaries that the special district or public agency divide the districts into rural and urban zones. Make boundaries of the urban zone, where urban level services are provided, correspond to the boundaries of urban areas and rural service centers established by the Local Coastal Program. Include the rest of the district in the rural zone. Restrict the activities in rural zones to those which are consistent with the maintenance of the rural nature of the area and all other policies of the Local Coastal Program. Lower the user costs in the rural zone to reflect the lower level of service and minimize growth inducement.

2.21 Reservation of Capacity for Priority Land Uses

a. Reserve sewage treatment capacity for each land use given priority by the Coastal Act or the Local Coastal Program. These priority uses are shown on Table 2.7. Amend this table to reflect all changes in the Land Use Plan which affect these priority land uses.

b. For each phase of sewage treatment facility development, reserve capacity adequate to allow each priority land use to develop to the percent of buildout allowed by the phase.

...

2.49 Desired Level of Service

In assessing the need for road expansion, consider Service Level D acceptable during commuter peak periods and Service Level E acceptable during recreation peak periods.

***7.3 Protection of Sensitive Habitats**

a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.

b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

***7.4 Permitted Uses in Sensitive Habitats**

a. Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.

b. In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

7.14 Definition of Wetland

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and manmade impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

7.16 Permitted Uses in Wetlands

Within wetlands, permit only the following uses: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement through water management and biological controls; however, when determined to be ineffective, allow chemical controls which will not have a significant impact, (6) diking, dredging, and filling only as it serves to maintain existing dikes and an open channel at Pescadero Marsh, where such activity is necessary for the protection of pre-existing dwellings from flooding, or where such activity will enhance or restore the biological productivity of the marsh, (7) diking, dredging, and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging manmade reservoirs for agricultural water supply where wetlands may have formed, providing spoil disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, and (9) incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

7.18 Establishment of Buffer Zones

Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

7.19 Permitted Uses in Buffer Zones

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

7.20 Management of Pillar Point Marsh

- a. Define safe yield from the aquifer feeding the marsh as the amount of water that can be removed without adverse impacts on marsh health.
- b. Restrict groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD). Water system capacity permitted and the number of building permits allowed in any calendar year shall be limited if necessary by the findings of the study.
- c. Encourage purchase by an appropriate public agency such as the Coastal Conservancy.
- d. Encourage management of the marsh to enhance the biological productivity and to maximize wildlife potential.
- e. All adjacent development shall, where feasible, contribute to the restoration of biologic productivity and habitat.

8.5 Location of Development

a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

8.6 Streams, Wetlands, and Estuaries

- a. Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway.
- b. Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies.
- c. Retain the open natural visual appearance of estuaries and their surrounding beaches.
- d. Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400
TDD (415) 597-5885



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioners Shallenberger and Blank

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: (415) 904-5260

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Mateo

2. Brief description of development being appealed:

Development of an office park and a residential facility for developmentally disabled adults (See Attachment A for complete project description).

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Airport Street in Princeton-By-The-Sea, San Mateo County (APNs 047-311-060, 047-312-040)

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

RECEIVED

APR 19 2011

COASTAL COMMISSION
NORTH CENTRAL COAST

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-2-SMC-11-021

DATE FILED:

4/19/11

DISTRICT:

North Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: 3/29/2011

7. Local government's file number (if any): PLN2005-00481; PLN2005-00482

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Big Wave Group
P.O. Box 1901
El Granada, CA 94018

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) GRANADA SANITARY DIST
C/O WITTWER & PARKIN LLP
147 S. RIVER ST, STE 221
SANTA CRUZ, CA 95060

(2) MONTARA WATER AND SEWER DIST
C/O LAW OFFICES OF DAVID E. SCHRICKER
20370 TOWN CENTER LANE
CUPERTINO, CA 95014

(3) COMMITTEE FOR GREEN FOOTHILLS
C/O LENNIE ROBERTS
PENINSULA CONSERVATION CENTER
3921 EAST BAYSHORE RD
PALO ALTO, CA 94303

(4) CALIFORNIA PILOTS ASSOC
C/O ED ROSIAK, PRESIDENT
CA PILOTS ASSOCIATION
P.O. BOX 6868
SAN CARLOS, CA 94070

(5) SURFRIDER FOUNDATION
SAN MATEO CHAPTER
SARAH DAMRON, CENTRAL CA REGIONAL MANAGER
P.O. BOX 2006
EL GRANADA, CA 94018-2006

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Exhibits A and B

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attachments A & B

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

Date 4/19/11

NOTE: If signed by agent, appellant(s)
must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: _____

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Big Wave
Attachment A: Appeal Reasons
Page 1 of 6

The County of San Mateo approved the development of an office park and a residential facility for developmentally disabled adults (Wellness Center) on two parcels on Airport Street in Princeton-By-The-Sea, San Mateo County (APNs 047-311-060, 047-312-040). The project includes subdividing the northern parcel into 10 lots, and subdividing the southern parcel into three lots. The northern lot would contain eight office buildings with 225,000 square feet of mixed-office uses and a 640-space parking lot. The southern lot would contain two Wellness Center buildings with a maximum of 57 dwelling units and accessory uses, a 50-space parking lot, and 10,000 square feet of commercial public storage. The project also includes creation of wetland habitat, use of an agricultural well to serve the project, construction of a wastewater treatment and recycling system, establishment of a mutual water service company, and 26,050 cubic yards of balanced cut and fill. The project approval is inconsistent with the County's certified LCP policies related to hazards, zoning, locating and planning new development, public works, public access, visual resources and biological resources, including the policies discussed below.

Hazards and Waterfront Zoning District

Certified LUP Policies 9.1 and 9.2 define and designate hazardous areas and Policy 9.3 applies specific ordinance sections to these hazardous areas. In addition, Policy 9.10 requires site-specific geotechnical investigations in geologic hazard areas to ensure hazards are mitigated adequately. The project site is located in an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act and a Tsunami Evacuation Area, as shown on the Tsunami Evacuation Planning Map for San Francisco & San Mateo County developed by the Association of Bay Area Governments. The project site is also subject to additional seismic hazards, including liquefaction, sand boils, and cyclic densification. As approved, the proposed project is not consistent with the LUP's requirements to avoid and mitigate hazards, because future geotechnical investigations are required as conditions of CDP approval, and would most likely lead to additional mitigation measures that have not yet been identified. These geotechnical investigations must be conducted prior to CDP approval, to ensure hazards are adequately mitigated and to ensure the coastal resource impacts of necessary mitigation measures are evaluated for consistency with the LCP.

In addition, the project site is located in the Waterfront zoning district, and the purpose of this district is to provide for a working waterfront area that serves marine-related industries, and to accommodate compatible recreational and resource management uses. The proposed Wellness Center would be a residential facility for developmentally disabled adults, which would provide its residents with on-site caregivers and social and employment opportunities, in addition to connecting its residents to support and medical services. This type of development could potentially be allowed in any zoning district within the Urban Areas of the coastal zone, pursuant to Section 6500(d) of the zoning regulations, if it is considered to be a "sanitarium."

However, the Wellness Center is inconsistent with the certified zoning regulations in two ways. First, Section 6326.2 of the regulations, which is part of the certified LCP, prohibits the development of facilities that are used primarily by "physically or mentally infirm persons"

within Tsunami Inundation Areas.¹ The Wellness Center would house and provide services, including residential aides, for up to 50 developmentally disabled adults, and it is located within a Tsunami Inundation Area. Therefore, the approved location of the Wellness Center is inconsistent with Section 6326.2 of the certified zoning regulations. Second, the Wellness Center is a residential facility, which is not an allowed use within the Waterfront zoning district, pursuant to Section 6287.0 of the certified LCP.

Further, the County's approval authorizes additional commercial uses at the Wellness Center, including a gym, catering services, laundry services, dog walking and grooming, and a potential store. These uses are not industrial or marine-related, and they are not allowed in the Waterfront zoning district. As such, the approved project is inconsistent with the zoning regulations of the LCP, including the allowed uses in Tsunami Inundation Areas and within the Waterfront zoning district.

Locating and Planning New Development and Public Works

Water Supply

The proposed project is located within the County's urban/rural boundary and therefore, must be served by public water utilities. LUP policies 1.3, 1.4, 1.16, and 1.18 direct new development to existing urban areas to maximize the efficiency of public utilities. LUP policy 1.18 specifically requires new development to be concentrated in urban areas by requiring infill development, and LUP policy 1.19 goes on to define infill as development of vacant land in urban areas that is served by sewer and water utilities. Moreover, LUP policy 2.14 clearly intends for urban services to be provided in urban areas and not within rural areas. To be consistent with these policies, development within the urban/rural boundary, including the project site, should be served by public utilities. The County's approval acknowledges this requirement with a condition of approval that requires the applicant to pursue a water connection from Coastside Community Water District (CCWD). However, this condition is not adequate to comply with the LCP because it allows for the permanent use of the private on-site well for potable water needs if a connection to CCWD is not obtained. This potential for permanent use of the private, on-site well is inconsistent with the policies of the LCP, including those policies cited above. In addition, in order for CCWD to serve the site, it would need to expand its district boundary. Such an expansion requires an amendment to the district's current CDP authorization and potentially amendments to the LCP. It is not clear that these amendments could be approved consistent with the applicable CDP conditions, or the policies of the LCP and the Coastal Act. Therefore, in regards to water supply, the approved development is inconsistent with the LCP, including LUP Policies 1.3, 1.4, 1.16, and 1.18.

Sewer Service

The approved project includes construction and operation of an on-site wastewater treatment and recycling facility, as well as wastewater disposal into the public sewer system. The project is

¹ The terms 'tsunami inundation area' and 'tsunami evacuation area' are used interchangeably.

Big Wave
Attachment A: Appeal Reasons
Page 3 of 6

served by an 8-inch sewer line and would obtain eight equivalent dwelling units of sewer capacity from the Granada Sanitary District (GSD), which amounts to approximately 1,800 gallons of wastewater per day. In addition, GSD would provide emergency sewer service to the project, in the event that the project's water recycling and/or reuse capacity is interrupted. As discussed above, the LCP requires the project site to be served by public utilities, and the approval of a private, on-site wastewater treatment facility is inconsistent with the LCP.

Further, it is unclear if the approved plan for wastewater treatment and disposal is feasible, because GSD does not currently have public sewer capacity available to serve the project in an emergency if, or when, the wastewater treatment facility service is interrupted. The project would produce an estimated 26,000 gallons per day of wastewater, but the agreement for public sewer disposal includes only 1,800 gallons of wastewater per day. In addition, the GSD sewer pump station, which would need to be used to transport wastewater to the sewage treatment plant, is not capable of accommodating the 26,000 gallons per day. The County's approval inadequately addresses this lack of public sewer capacity with a condition of approval requiring the project to either limit its sewer output or provide for the necessary expansion of the public sewer system. It is not clear if either of these mitigations is feasible.

Further, the policies of the LCP, including policies 2.8 and 2.21, require public works, water and sewage capacity to be reserved for Coastal Act priority uses, such as marine related industrial uses and commercial recreation. The approved project would accommodate general industrial development and residential care facilities and therefore, is not considered a priority use. The County's approval of this non-priority use authorizes the unrestricted use of a private, agricultural water supply, and may result in development exceeding the capacity of public resources and infrastructure, including the groundwater supply and the sewer system, as described above. Therefore, the project is not consistent with the LCP policies requiring public works capacity to be reserved for priority uses, including those policies discussed above.

Traffic Capacity and Public Access

The project site is located between the first public road and the sea, and therefore, must be consistent with the public access and recreation policies of the Coastal Act as well as the public access policies of the LCP. Coastal Act sections 30210 through 30213 protect the public's right to access the coast and require maximum public access to the coast to be provided and maintained. As approved, the project is inconsistent with the public access policies of the Coastal Act and the LCP.

The proposed office park would include a subdivision to create ten parcels in order to accommodate the construction of 225,000 square feet of office space in eight new office buildings. The project would nearly double the existing office space in the Midcoast and would add approximately 2,123 peak-hour vehicle trips to the road. All of these vehicle trips would utilize Highway 1, and many would also utilize Highway 92. Both of these highways are at capacity during peak commute and recreational times, which interferes with the public's right to access the coast. Traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal

resources in conflict with these policies. Therefore, any additional traffic on these roadways would cause significant adverse impacts on the public's ability to access the coast, which is protected under the public access and recreation policies of the Coastal Act. The County's approval did not adequately analyze the impacts of the project and did not perform an evaluation of impacts on the level of service (LOS) for road segments on Highways 1 and 92, as required by LUP policy 2.49. Given the existing traffic congestion and the magnitude of the project, the approval would result in significant public access impacts on traffic capacity, inconsistent with Coastal Act Sections 30210 through 30213.

In addition, to address the traffic impacts of the project, the County's conditions of approval include a requirement to provide for a new traffic light on Highway 1, if future traffic reports show such a light is necessary. However, the approval fails to evaluate the potential impacts of adding a new light to Highway 1 at this location, including the impacts to the flow of traffic on Highway 1, so these potential project impacts are not known. Due to this uncertainty, the County's approval does not ensure public access to the coast is protected as required by the public access policies of the Coastal Act and the LCP, including those policies discussed above.

Finally, although the County required beach user parking spaces within the project, as required by LCP Policy 10.22, it appears that the number of parking spaces for beach users is not adequate. First, although the approved office park would contain 640 parking spaces, the number of beach user spaces required for the office park was based on a total of 518 parking spaces, and therefore, the special condition provides for fewer than the required 20% beach user spaces. In addition, although the Wellness Center would be required to provide 20% of its 50 parking spaces for beach users, it appears that there is not an adequate number of parking spaces for the Wellness Center itself, including because no visitor spaces are provided for either the caregivers or the developmentally disabled residents. When people do come to the Wellness Center to visit residents, it is possible that they would use the beach user parking, limiting the number of spaces available to the public. Therefore, the public access parking required through the County's conditions of approval is inconsistent with the public access and recreation policies of the LCP including policy 10.22, and the Coastal Act.

Visual Resources

The Visual Resources component of the LCP regulates development to protect the visual resources of the County's coastal zone. LUP policy 8.5 requires new development to be sited in areas that are the least visible from State and County scenic roads, to reduce impacts on views from public viewpoints, and to preserve the visual and open space qualities of the parcel. In addition, LUP policy 8.6 protects the visual resources of streams, wetlands and estuaries.

The project site is located adjacent to Pillar Point Marsh and would be visible from the harbor, Airport Road, Highway 1, several hiking trails, and other viewpoints. The approved project is significantly larger in mass and scale than surrounding development and would obstruct views of ridgelines and significant open space areas, including Pillar Point Marsh, and cause significant visual impacts, inconsistent with the visual resources policies of the LCP, including those policies sited above.

Biological Resources

The project site includes important biological resources, including wetlands, a riparian corridor and habitat for special-status species. In addition, portions of the project site contain tidelands and public trust lands, which are subject to the Commissions retained permit jurisdiction authority. Development in the wetlands and wetland buffers in the County's jurisdiction is restricted by the Sensitive Habitat component of the LUP. LUP policy 7.14 defines wetlands; LUP policy 7.16 limits the uses allowed in wetlands; LUP policies 7.18 and 7.19 establish wetlands buffer zones and limit the uses allowed in them; and LUP policy 7.20 provides specific protections for the Pillar Point Marsh. Development within riparian habitats and habitat for special-status species are subject to additional LUP policies, including policies 7.3 and 7.4 which protect sensitive habitats and prohibit development adjacent to sensitive habitat from having adverse impacts on the habitat. The County's approval does not contain adequate findings of consistency of the project with these policies, because the habitat areas of sensitive species, including dispersal habitat for California Red-Legged Frog, was not mapped, and because raptor surveys were not conducted to evaluate the potential habitat values of trees that would be directly impacted by the project. In addition, the approved establishment of a nursery within the wetlands buffer is inconsistent with the wetlands buffer policies.

In addition, the approved use of a private well and wastewater treatment and recycling facilities has the potential to cause negative impacts to biological resources, including wetlands and sensitive habitats, inconsistent with the LCP. First, the County did not adequately evaluate whether the quantity of well water to be used would lead to negative impacts on the surrounding wetlands and other biological systems that rely on the quantity and quality of groundwater in the surrounding aquifer. The County's approval defers monitoring, evaluation and mitigation of these potential impacts to future studies. In addition, it is unclear if such future mitigation could be capable of avoiding these biological resource impacts. Second, the County did not adequately evaluate whether the approved use of recycled water for onsite irrigation would result in excess runoff to the wetland system, especially during the rainy season, or if such runoff would have negative impacts on biological resources caused by the salinity levels or nutrient loads of the recycled water. Given the constraints on disposing the recycled water through the public sewer system, discussed above, as approved, the project may ultimately lead to the disposal of recycled water into the wetlands system. Such disposal may result in impacts on biological resources, inconsistent with the LCP. In addition, the water balance calculations used by the County to determine the quantity of wastewater the project would produce contain errors that were identified by the County but have not yet been corrected, and therefore, it is not possible to determine the actual quantity of wastewater that the approved project would need to dispose of.

Finally, the approval provides for the construction of several wind turbines directly adjacent to the riparian corridor, but the County's approval lacks an evaluation of whether these turbines would cause negative impacts on sensitive avian species or other biological resources. Therefore, because the County's approval lacks an analysis of the impacts of this component of the project, it does not comply with the LCP's requirement for new development located in or adjacent to sensitive habitats to avoid impacts on biological resources.

In order to approve a CDP, findings need to be made, based on substantial evidence in the record, that the project is consistent with the LCP. As described above, the County failed to make such findings and instead deferred important studies and analyses to a future project phase. Therefore, the development is inconsistent with the sensitive habitat policies of the LCP, including, but not limited to, policies 7.3, 7.4, 7.14, 7.16, 7.18, 7.19 and 7.20.

1.3 Definition of Urban Areas

- a. Define urban areas as those lands suitable for urban development because the area is either: (1) developed, (2) subdivided and zoned for development at densities greater than one dwelling unit/5 acres, (3) served by sewer and water utilities, and/or (4) designated as an affordable housing site in the Housing Component.
- b. Recognize, however, that in order to make a logical urban/rural boundary, some land has been included within the urban boundary which should be restricted to open space uses and not developed at relatively high densities (e.g., prime agricultural soils, and sensitive habitats).

1.4 Designation of Urban Areas

Designate as urban those lands shown inside the urban/rural boundary on the Land Use Plan Maps. Such areas include Montara, Moss Beach, El Granada, Princeton and Miramar.

1.16 Definition and Establishment of Urban/Rural Boundary

Define urban/rural boundary as a stable line separating urban areas and rural service centers from rural areas in the Coastal Zone and establish this line on the LCP Land Use Maps.

1.18 Location of New Development

- a. Direct new development to existing urban areas and rural service centers in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, (3) minimize energy consumption, (4) encourage the orderly formation and development of local governmental agencies, (5) protect and enhance the natural environment, and (6) revitalize existing developed areas.
- b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.
- c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.
- d. Require the development of urban areas on lands designated as agriculture and sensitive habitats in conformance with Agriculture and Sensitive Habitats Component policies.

1.19 Definition of Infill

Define infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities.

2.8 Reservation of Capacity for Priority Land Uses

- a. Reserve public works capacity for land uses given priority by the Local Coastal Program as shown on Table 2.7 and Table 2.17. All priority land uses shall exclusively rely on public sewer and water services.

...

2.14 Establishing Service Area Boundaries

a. Confine urban level services provided by governmental agencies, special districts and public utilities to urban areas, rural service centers and rural residential areas as designated by the Local Coastal Program on March 25, 1986.

b. Redraft the boundaries of special districts or public utilities providing urban level services to correspond to the boundaries of urban areas, rural service centers and rural residential areas established by the Local Coastal Program.

...

d. Require, when a special district or public agency maintains rural lands within their boundaries that the special district or public agency divide the districts into rural and urban zones. Make boundaries of the urban zone, where urban level services are provided, correspond to the boundaries of urban areas and rural service centers established by the Local Coastal Program. Include the rest of the district in the rural zone. Restrict the activities in rural zones to those which are consistent with the maintenance of the rural nature of the area and all other policies of the Local Coastal Program. Lower the user costs in the rural zone to reflect the lower level of service and minimize growth inducement.

2.21 Reservation of Capacity for Priority Land Uses

a. Reserve sewage treatment capacity for each land use given priority by the Coastal Act or the Local Coastal Program. These priority uses are shown on Table 2.7. Amend this table to reflect all changes in the Land Use Plan which affect these priority land uses.

b. For each phase of sewage treatment facility development, reserve capacity adequate to allow each priority land use to develop to the percent of buildout allowed by the phase.

...

2.49 Desired Level of Service

In assessing the need for road expansion, consider Service Level D acceptable during commuter peak periods and Service Level E acceptable during recreation peak periods.

***7.3 Protection of Sensitive Habitats**

a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.

b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

***7.4 Permitted Uses in Sensitive Habitats**

a. Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.

b. In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

7.14 Definition of Wetland

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and manmade impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

7.16 Permitted Uses in Wetlands

Within wetlands, permit only the following uses: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement through water management and biological controls; however, when determined to be ineffective, allow chemical controls which will not have a significant impact, (6) diking, dredging, and filling only as it serves to maintain existing dikes and an open channel at Pescadero Marsh, where such activity is necessary for the protection of pre-existing dwellings from flooding, or where such activity will enhance or restore the biological productivity of the marsh, (7) diking, dredging, and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging manmade reservoirs for agricultural water supply where wetlands may have formed, providing spoil disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, and (9) incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

7.18 Establishment of Buffer Zones

Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

7.19 Permitted Uses in Buffer Zones

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

7.20 Management of Pillar Point Marsh

- a. Define safe yield from the aquifer feeding the marsh as the amount of water that can be removed without adverse impacts on marsh health.
- b. Restrict groundwater extraction in the aquifer to a safe yield as determined by a hydrologic study participated in by the two public water systems (CUC and CCWD). Water system capacity permitted and the number of building permits allowed in any calendar year shall be limited if necessary by the findings of the study.
- c. Encourage purchase by an appropriate public agency such as the Coastal Conservancy.
- d. Encourage management of the marsh to enhance the biological productivity and to maximize wildlife potential.
- e. All adjacent development shall, where feasible, contribute to the restoration of biologic productivity and habitat.

8.5 Location of Development

a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

8.6 Streams, Wetlands, and Estuaries

- a. Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway.
- b. Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies.
- c. Retain the open natural visual appearance of estuaries and their surrounding beaches.
- d. Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land.

issue	date	description
2	20 APRIL 2012	AGENCY ISSUE

PROPOSED DEVELOPMENT FOR

BIG WAVE

WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

GMA	LCM	1212.BIGWAVE
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drawn by	checked by	job number
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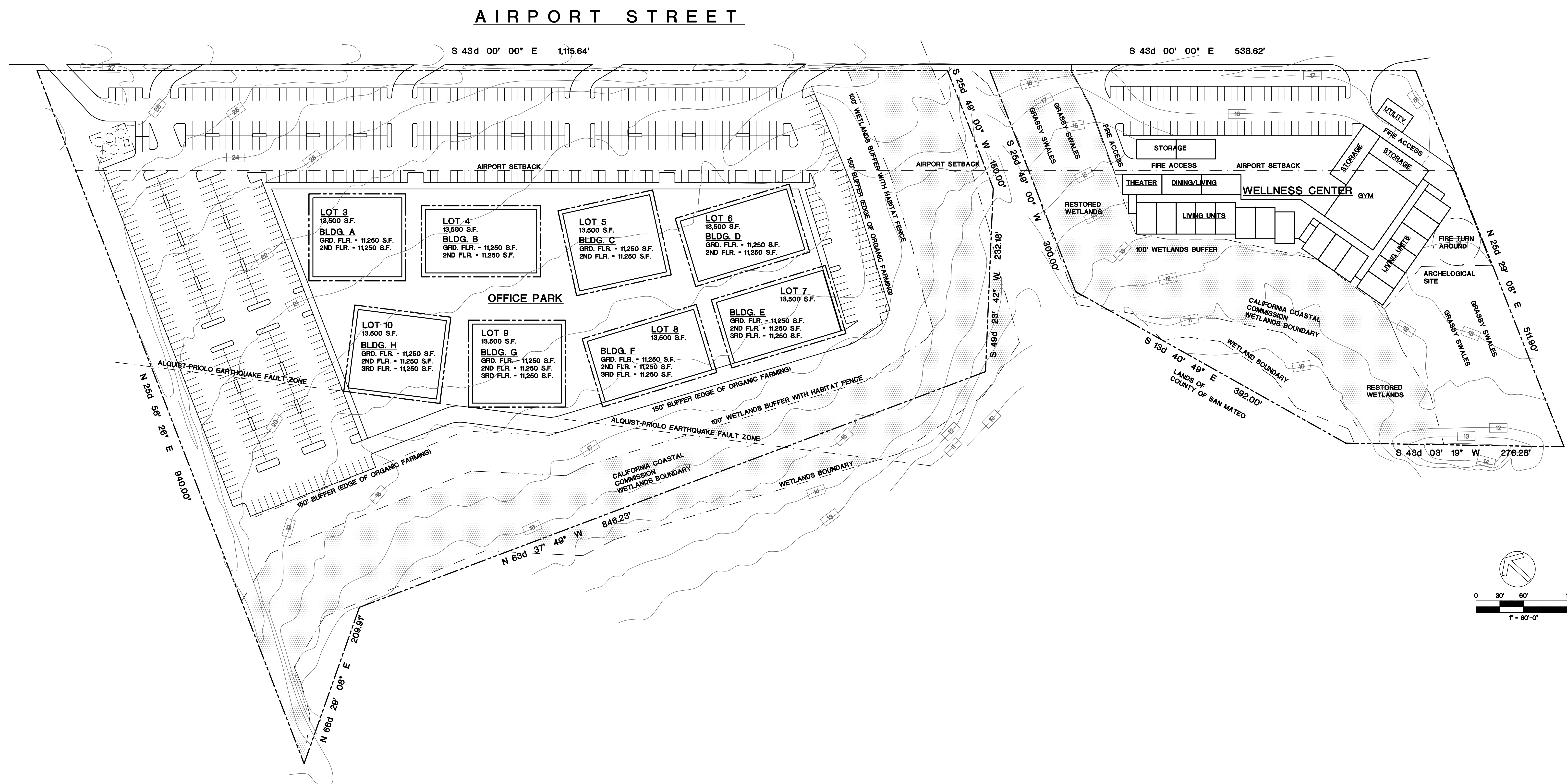
WELLNESS CNTR.
OFFICE PARK

PROPOSED
SITE PLAN

AS101

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Exhibit No. 6
A-2-2012-11221 Big Wave LLC and Scott Hansen, San Mateo Co.,
Revised Project Plans
Page 1 of 9



issue	date	description
2	20 APRIL 2012	AGENCY ISSUE

PROPOSED DEVELOPMENT FOR

BIG WAVE

WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

GMA LGM 1212.BIGWAVE

drawn by	checked by	job number
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WELLNESS CNTR.
OFFICE PARK

PROPOSED SITE PLAN PHASING

AS102

2 of 9

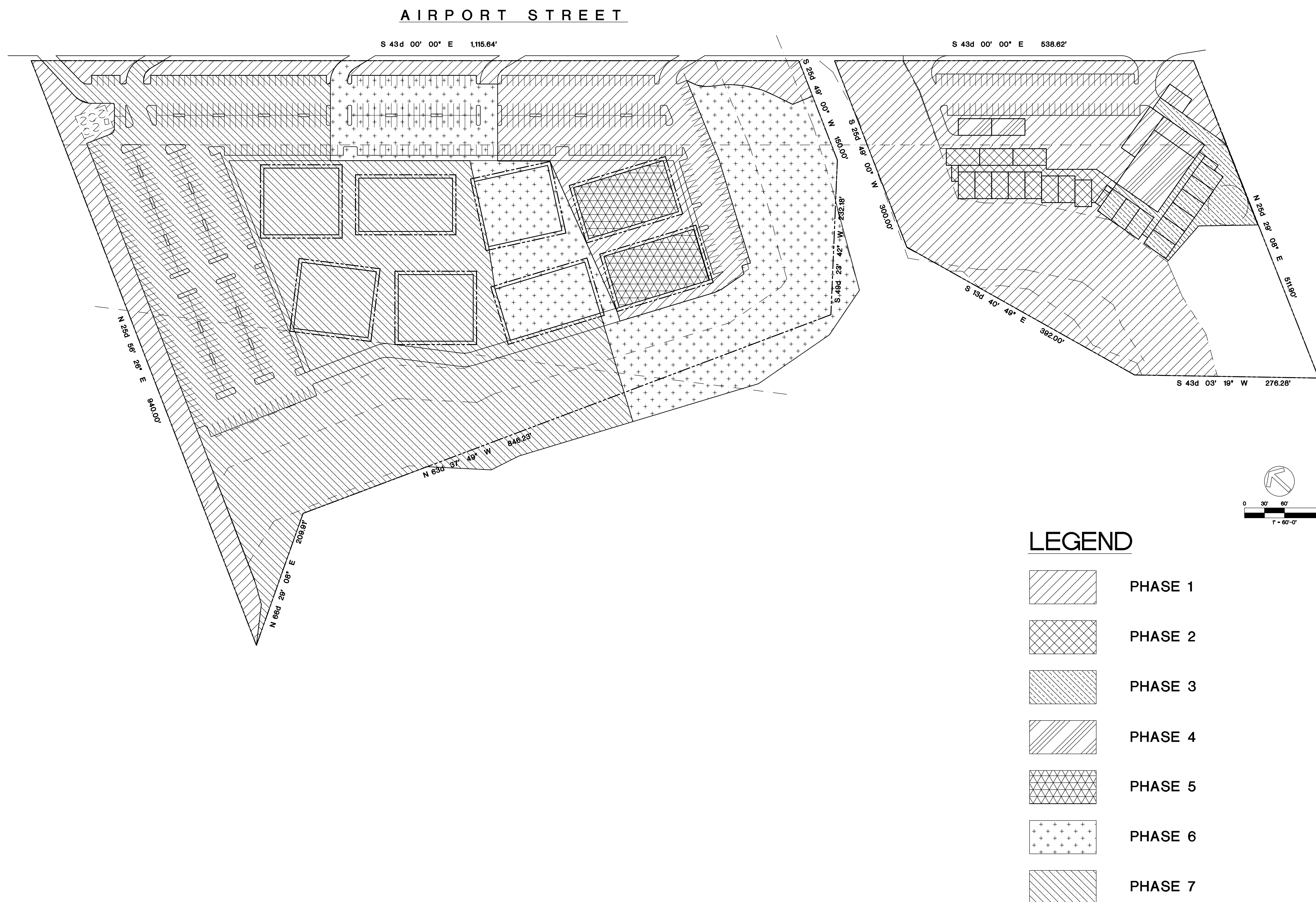
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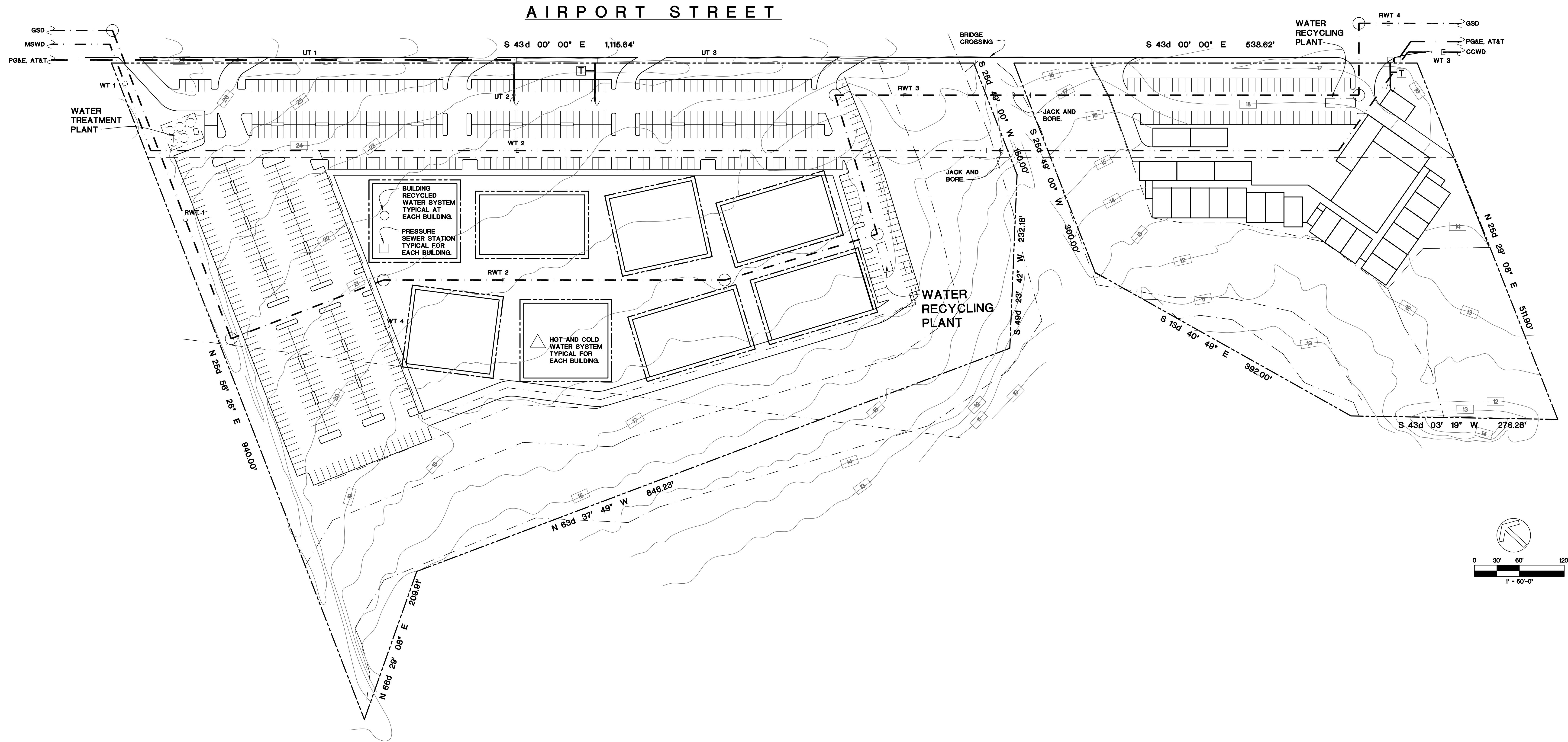
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Exhibit B

A-2-CMC 11-021 (Big Wave LLC and Scott Holmes, San Mateo)

Revised Print P





issue	date	description
2	20 APRIL 2012	AGENCY ISSUE

PROPOSED DEVELOPMENT FOR

BIG WAVE

WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

GMA	LCM	1212.BIGWAVE
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WELLNESS CNTR.
OFFICE PARK

PROPOSED
UTILITIES
PLAN

C101

2 20 APRIL 2012 AGENCY ISSUE

BIG WAVE

WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

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WELLNESS
CENTER

TOPOGRAPHY
PLAN

C102

4 of 4

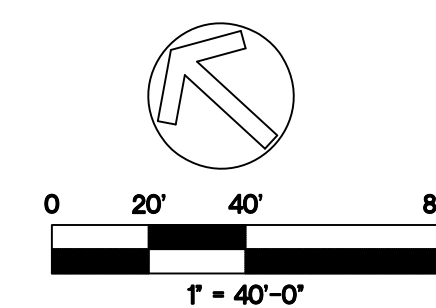
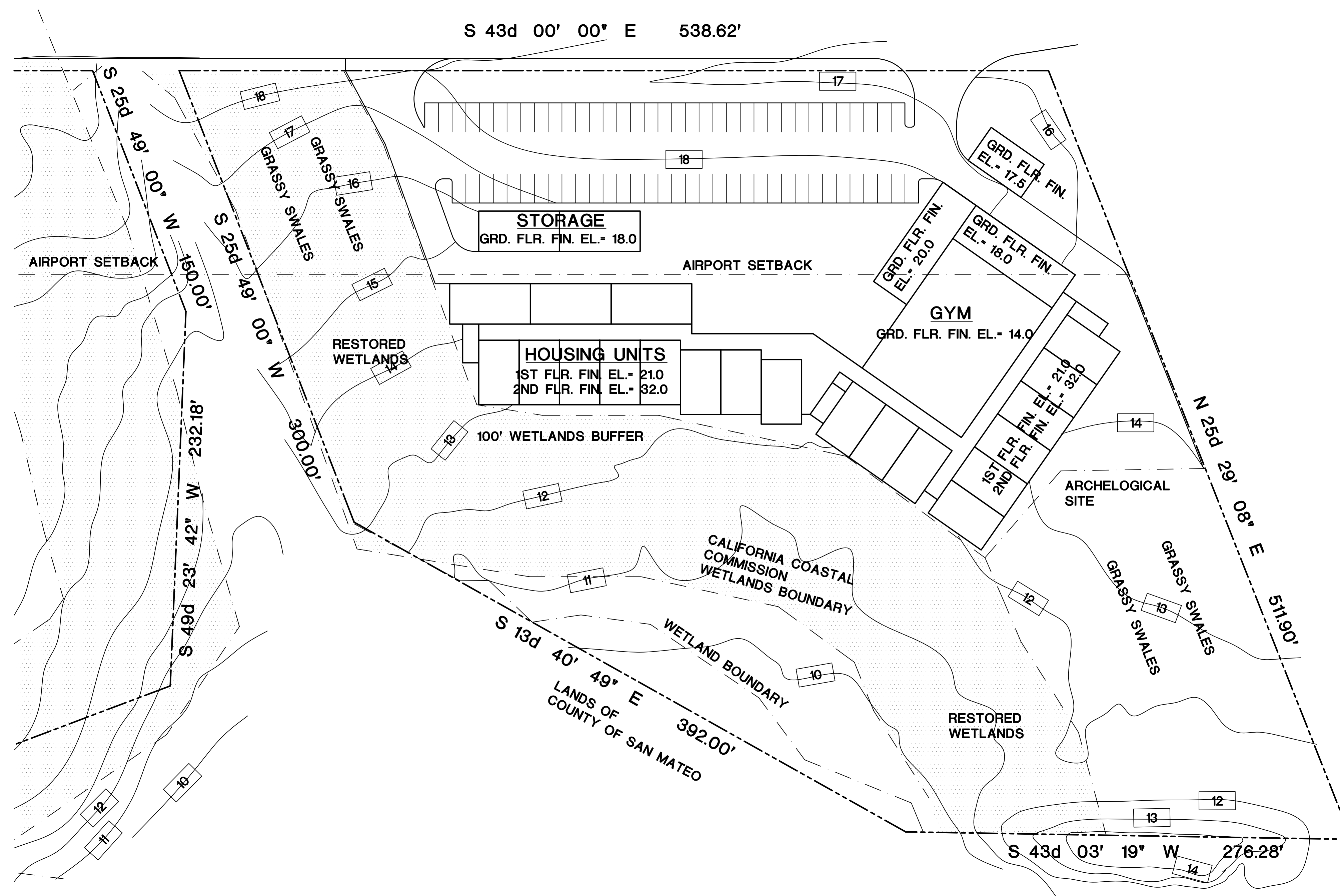
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Exhibit B

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Revised Print P



issue	date	description
2	20 APRIL 2012	AGENCY ISSUE

PROPOSED DEVELOPMENT FOR

BIG WAVE

WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

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OFFICE
PARK

TOPOGRAPHY
PLAN

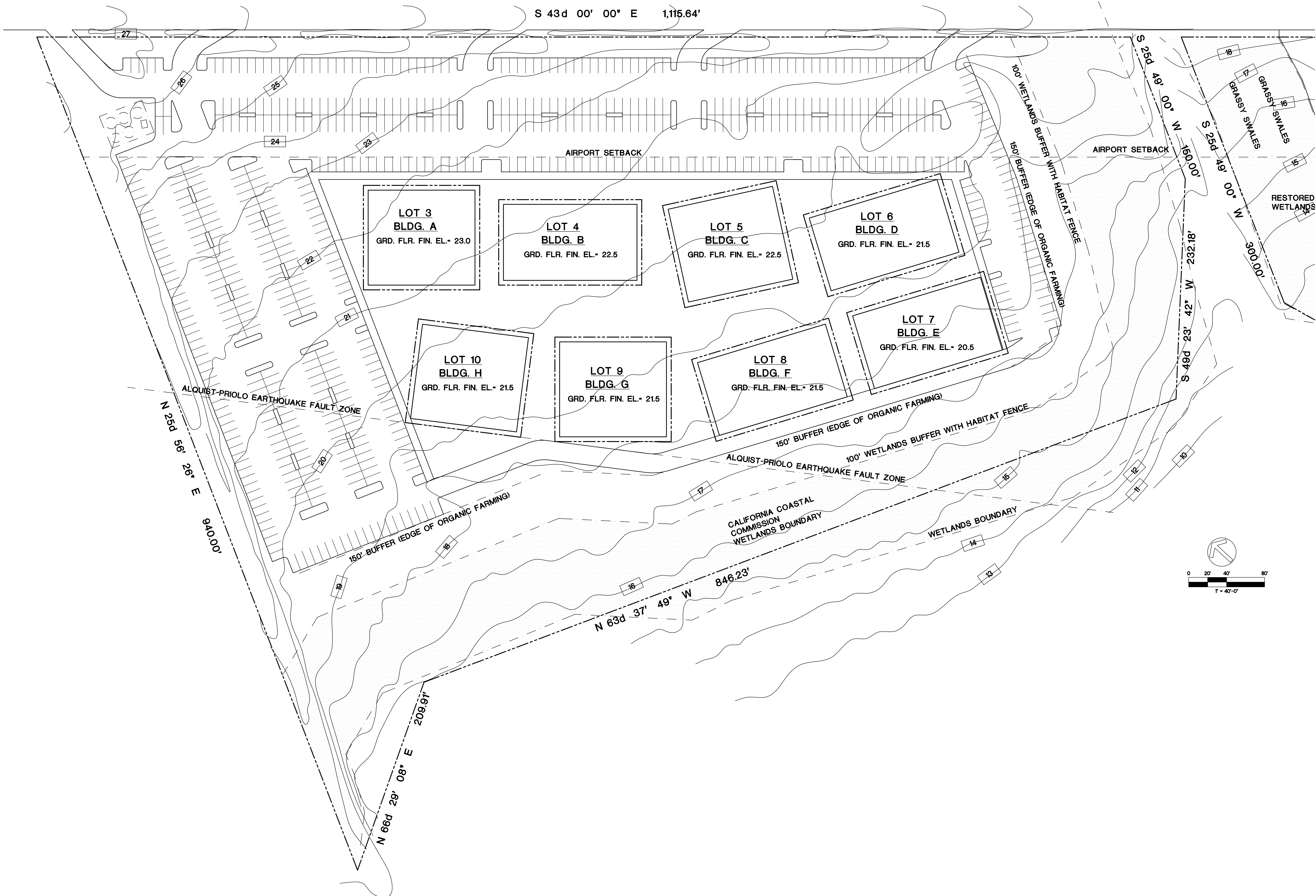
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Page 5 of 9

AIRPORT STREET



issue	date	description
1	10 FEBRUARY 2012	FIRST ISSUE
2	20 APRIL 2012	AGENCY ISSUE

PROPOSED DEVELOPMENT FOR
BIG WAVE
WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

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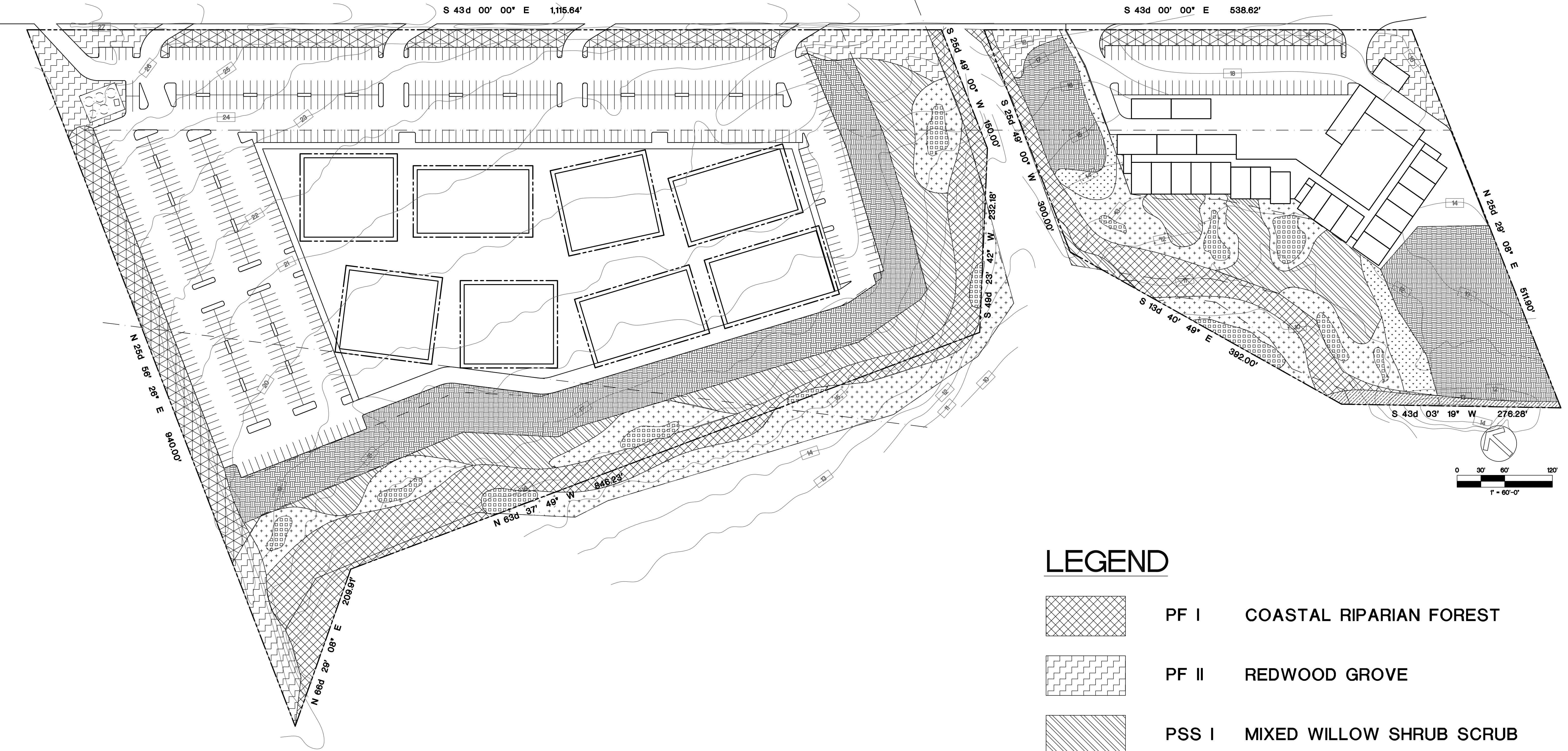
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WELLNESS CNTR.
OFFICE PARK

PROPOSED
LANDSCAPE
PLANTING
PLAN

L101

AIRPORT STREET



LEGEND

- PF I COASTAL RIPARIAN FOREST
- PF II REDWOOD GROVE
- PSS I MIXED WILLOW SHRUB SCRUB
- PSS II WILLOW WATTLE
- PE I SEDGE MEADOW
- PE II RUSH MEADOW
- UP I UPLAND FOREST
- UP II WILDFLOWER GARDEN
- UP III ORGANIC GARDEN

BIOLOGIST:
ESA K. CRUMB
and
PEGGY FIEDLER, PhD.

issue date description

2 20 APRIL 2012 AGENCY ISSUE

PROPOSED DEVELOPMENT FOR

BIG WAVE

WELLNESS CENTER AND OFFICE PARK

WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

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WELLNESS CNTR.
OFFICE PARK

LANDSCAPE
PLANTING
TABULATIONS

L201

7 of 9

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Revised Project Plans
Page 7 of 9

Upland I - Upland Forest (UPI)					
Species	Density (# per acre)	On Center Spacing (ft)	Area (sq ft)	Area (acres)	Unit Total
Trees					
<i>Acer macrophyllum</i>	70	25	34624	0.79	56
<i>Aesculus californica</i>	10	65	34624	0.79	8
<i>Alnus rubra</i>	70	25	34624	0.79	56
Scrubs and Vines					
<i>Rhamnus californica</i>	10	65	34624	0.79	8
<i>Ribes sanguineum</i> var. <i>glutinosum</i>	10	65 ft clumped	34624	0.79	8
<i>Rosa californica</i>	70	25	34624		
<i>Symphoricarpos mollis</i>	70	25	34624	0.79	56
<i>Bromus carinatus</i>	1210	16	34624	0.79	962
<i>Elymus glaucus</i>	109	20	34624		
<i>Iris douglasiana</i>	70	25 ft clumped	34624	0.79	56
Ferns and Fern Allies					
<i>Polystichum munitum</i>	48	30	34624	0.79	38

Palustrine Scrub-Shrub I - Mixed Willow Scrub-Shrub (PSSI)					
Species	Density (# per acre)	On Center Spacing (ft)	Area (sq ft)	Area (acres)	Total
Shrubs and Vines					
<i>Salix lasiolepis</i>	436	10 ft clumped	51134	1.17	512
<i>Salix stichensis</i>	436	10 ft clumped	51134	1.17	512
<i>Artemisia douglasiana</i>	194	15	51134	1.17	228
<i>Clematis lasiantha</i>	70	25	51134	1.17	82
<i>Lonicera involucrata</i> var. <i>ledebourii</i>	222	14	51134	1.17	261
<i>Marah fabaceus</i>	56	28	51134	1.17	66
<i>Ribes sanguineum</i> var. <i>glutinosum</i>	70	25	51134	1.17	82
<i>Sambucus racemosa</i> var. <i>racemosa</i>	48	30	51134	1.17	56
Graminoids					
<i>Iris douglasiana</i>	34	38 ft. clumped	51134	1.17	40
<i>Juncus patens</i>	48	30	51134	1.17	56
<i>Leymus triticoides</i>	9	70	51134	1.17	11
Forbs					
<i>Aster chilensis</i>	34	38 ft. clumped	51134	1.17	40
<i>Oenanthse sarmentosa</i>	48	30	51134	1.17	56
<i>Heracleum lanatum</i>	48	30	51134	1.17	56
<i>Scrophularia californica</i>	70	25	51134	1.17	82
Ferns and Fern Allies					
<i>Polystichum munitum</i>	48	30	51134	1.17	56

Palustrine Scrub-Shrub II - Willow Waddle (PSSII)					
Species	(# per acre)	Spacing (ft)	Area (sq ft)	Area (acres)	Total
Trees & Shrubs					
<i>Salix lucida</i> ssp. <i>lasiandra</i>	681	8 ft clumped	3454	0.08	54
Shrubs and Vines					
<i>Salix lasiolepis</i>	681	8' oc	3454	0.08	54
<i>Marah fabaceus</i>	56	28	3454		
<i>Oemleria cerasiformis</i>	76	24' clumped	3454	0.08	6
Graminoids					
<i>Bromus carinatus</i>	10	65	3454	0.08	1
Forbs					
<i>Heracleum lanatum</i>	48	30	3454	0.08	4
<i>Scrophularia californica</i>	109	20	3454	0.08	9

Palustrine Forest I - Coastal Riparian Forest (PFI)					
Species	Density (# per acre)	On Center Spacing (ft)	Area (sq ft)	Area (acres)	Total
Trees					
<i>Alnus rubra</i>	436	10 ft clumped	72359	1.66	724
<i>Salix lucida</i> ssp. <i>lasiandra</i>	681	8 ft clumped	72359	1.66	1131
Shrubs and Vines					
<i>Cornus sericea</i> ssp. <i>sericea</i>	681	8	72359	1.66	1131
<i>Lonicera hispidula</i> var. <i>ledebourii</i>	10	65	72359	1.66	17
<i>Marah fabaceus</i>	5	90	72359	1.66	8
<i>Ribes sanguineum</i> var. <i>glutinosum</i>	9	70 ft clumped	72359	1.66	15
<i>Salix lasiolepis</i>	303	12 ft clumped	72359	1.66	503
<i>Salix stichensis</i>	303	12 ft clumped	72359	1.66	503
<i>Sambucus racemosa</i> var. <i>racemosa</i>	7	80	72359	1.66	12
Graminoids					
<i>Carex obnupta</i>	222	14	72359	1.66	369
<i>Juncus effusus</i>	194	15	72359	1.66	322
<i>Scirpus microcarpus</i>	436	10 ft clumped	72359	1.66	724
Herbs					
<i>Aralia californica</i>	10	65	72359	1.66	17
<i>Aster chilensis</i>	24	43 ft clumped	72359	1.66	40
<i>Euthamia occidentalis</i>	10	65	72359	1.66	17
<i>Oenanthse sarmentosa</i>	436	10	72359	1.66	724
<i>Scrophularia californica</i>	48	30	72359	1.66	80
<i>Stachys ajugoides</i> var. <i>ajugoides</i>	76	24	72359	1.66	126
Forbs, Ferns, and Fern Allies					
<i>Polystichum munitum</i>	10	65	72359	1.66	17

Palustrine Forest - Redwood Grove (PFI)					
Species	Density (# per acre)	On Center Spacing (ft)	Area (sq ft)	Area (acres)	Total
Trees					
<i>Sequoia sempervirens</i>	109	20	26825	0.62	67
<i>Alnus rubra</i>	70	25	26825	0.62	43
Shrubs and Vines					
<i>Lonicera involucrata</i> var. <i>ledebourii</i>	99	21	26825	0.62	61
<i>Rubus parviflorus</i>	10	65	26825	0.62	6
<i>Ribes sanguineum</i> var. <i>glutinosum</i>	10	65 ft clumped	26825	0.62	6
<i>Vaccinium ovatum</i>	99	21	26825	0.62	61
<i>Symphoricarpos mollis</i>	70	25	26825	0.62	43
Graminoids					
<i>Trillium ovatum</i>	681	8	26825	0.62	419
<i>Trillium chloropetalum</i>	303	12	26825	0.62	187
<i>Scolopos bigelovii</i>	303	12	26825	0.62	187
<i>Iris douglasiana</i>	109	20 ft clumped	26825	0.62	67
Forbs					
<i>Mainathemum dilatatum</i>	303	12' oc	26825	0.62	187
<i>Oxalis pilosa</i>	681	8	26825	0.62	419
<i>Tiarella trifoliata</i>	109	20	26825	0.62	67
<i>Claytonia parviflora</i>	303	12' oc	26825	0.62	187
Ferns and Fern Allies					
<i>Polypodium scolieri</i>	303	12' oc	26825	0.62	187
<i>Woodwardia fimbriata</i>	303	12 ft clumped	26825	0.62	187
<i>Polystichum munitum</i>	48	30	26825	0.62	30

Palustrine Emergent I - Sedge Meadow (PEI)					
Species	Density (# per acre)	On Center Spacing (ft)	Area (sq ft)	Area (acres)	Total
Graminoids					
<i>Carex obnupta</i>	1551	5.3	13588	0.31	484
<i>Juncus balticus</i>	681	8	13588	0.31	212
<i>Juncus effusus</i> var. <i>pacificus</i>	681	8	13588	0.31	212
<i>Scirpus microcarpus</i>	1210	6	13588	0.31	377
Forbs					
<i>Helenium puberulum</i>	170	16	13588	0.14	24
<i>Oenanthse sarmentosa</i>	109	20	13588	0.14	15
<i>Sparganium eurycarpum</i> ssp. <i>eurycarpum</i>	109	20	13588	0.14	15

Palustrine Emergent II - Rush Meadow (PEII)					
Polygons #3, 5, 8, 34, 42					
Species	Density (# per acre)	On Center Spacing (ft)	Area (sq ft)	Area (acres)	Total
Graminoids					
<i>Juncus balticus</i>	889	7	69172	1.59	1412
<i>Juncus effusus</i> var. <i>pacificus</i>	889	7	69172	1.59	1412
<i>Juncus patens</i>	1210	6	69172	1.59	1921
<i>Scirpus microcarpus</i>	889	7	69172	1.59	1412
Forbs					
<i>Helenium puberulum</i>	170	16	69172	1.59	270
<i>Oenanthse sarmentosa</i>	109	20	69172	1.59	173
<i>Potentilla anserina</i> var. <i>pacifica</i>	109	20	69172	1.59	173
<i>Mentha arvensis</i>	70	25	69172	1.59	111
<i>Stachys ajugoides</i> var. <i>ajugoides</i>	170	16	69172	1.59	270

Coastal Prarie Upland II - Wildflower Garden (UPII)					
Species	Density (# per acre)	On Center Spacing (ft)	Area (sq ft)	Area (acres)	Total
Seed Mix					
<i>Bromus carinatus</i>	2723	4' oc	9761	0.22	610
<i>Danthonia danthonioides</i>	2723	4' oc	9761	0.22	610
<i>Danthonia californica</i>	2723	4' oc	9761	0.22	610
<i>Eschscholtzia californica</i>	2723	4' oc	9761	0.22	610
<i>Elymus glaucus</i>	1210	6' clumped	9761	0.22	271
<i>Nassella pulchra</i>	202	12' clumped	9761	0.22	45
<i>Vulpia macrostachys</i>	1210	6' oc	9761	0.22	271
<i>Lupinus succulentus</i>			9761		
Herbs/Forbs					
<i>Helianthus annuus</i>	303	12' oc	9761	0.22	68
<i>Helenium bolanderi</i>	1210	6' clumped	9761	0.22	271
<i>Helenium puberulum</i>	661	8' oc	9761	0.22	148



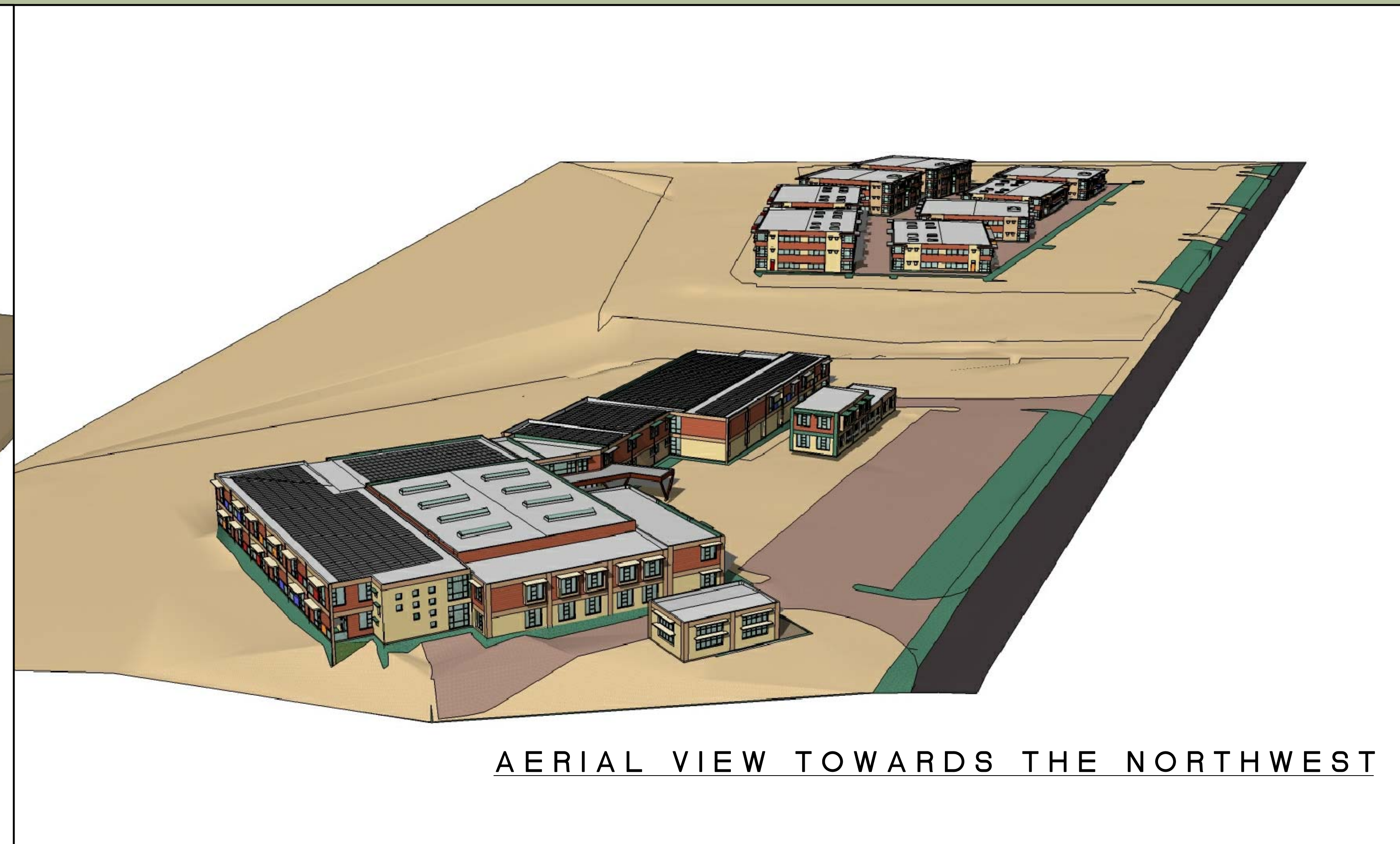
WELLNESS CENTER OCEAN SIDE ELEVATION



WELLNESS CENTER AIRPORT STREET ELEVATION



AERIAL VIEW TOWARDS THE EAST



AERIAL VIEW TOWARDS THE NORTHWEST

GEORGE MEU
ASSOCIATES
ARCHITECTURE
PLANNING

499 EMBARCADERO
OAKLAND
CALIFORNIA
94606
PHONE 510 434 9888

issue	date	description
2	20 APRIL 2012	AGENCY ISSUE

PROPOSED DEVELOPMENT FOR

BIG WAVE

WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

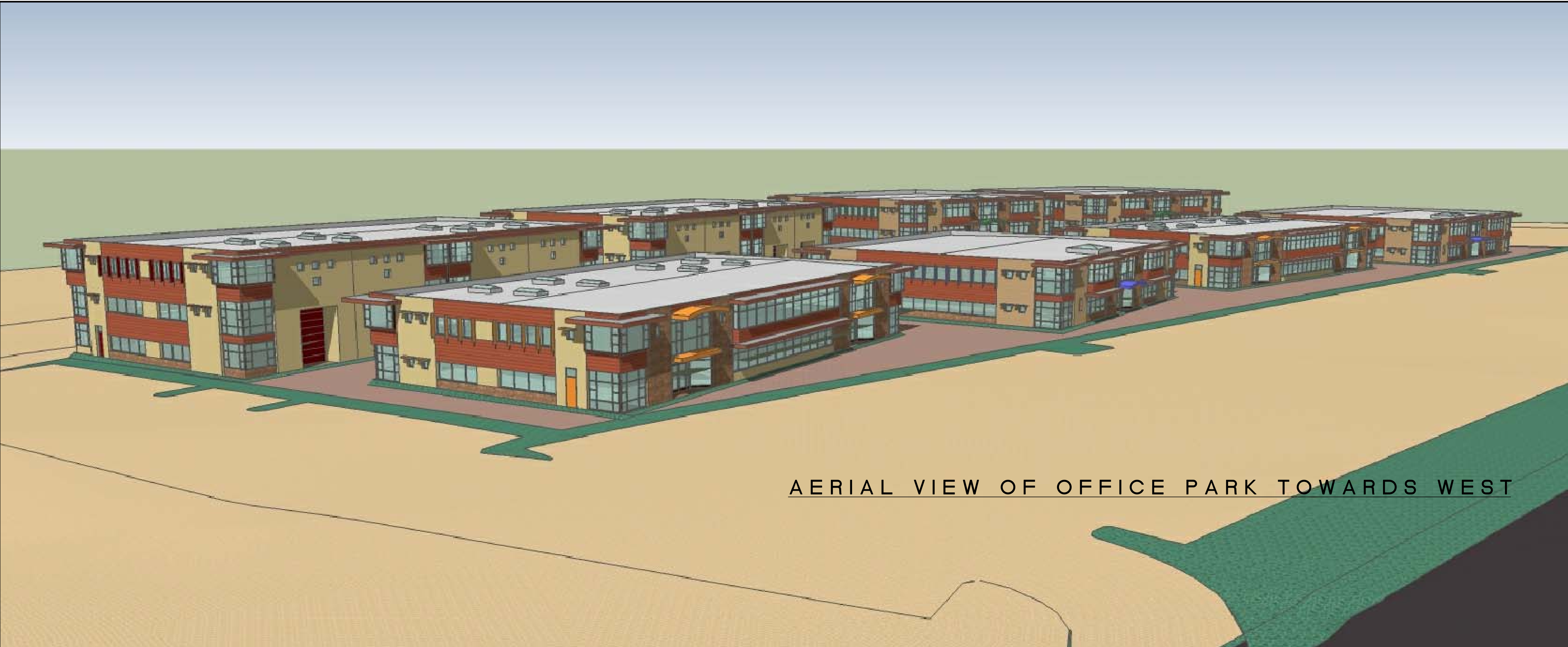
WELLNESS
CENTER

PROPOSED
EXTERIOR
ELEVATIONS

A201

8 of 8
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architect and the same may not be duplicated, used or
disclosed without the written consent of the architect



AERIAL VIEW OF OFFICE PARK TOWARDS WEST



OFFICE PARK VIEW FROM AIRPORT STREET



OFFICE PARK OCEAN SIDE ELEVATION

GEORGE MEU
ASSOCIATES
ARCHITECTURE
PLANNING

499 EMBARCADERO
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CALIFORNIA
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2	20 APRIL 2012	AGENCY ISSUE

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BIG WAVE

WELLNESS CENTER AND OFFICE PARK
WEST SIDE OF AIRPORT STREET NORTH OF STANFORD AVENUE
PRINCETON BY THE SEA, SAN MATEO COUNTY, CALIFORNIA

OMA	LOM	1212 BOWWYE
drawn by	checked by	job number

OFFICE
PARK

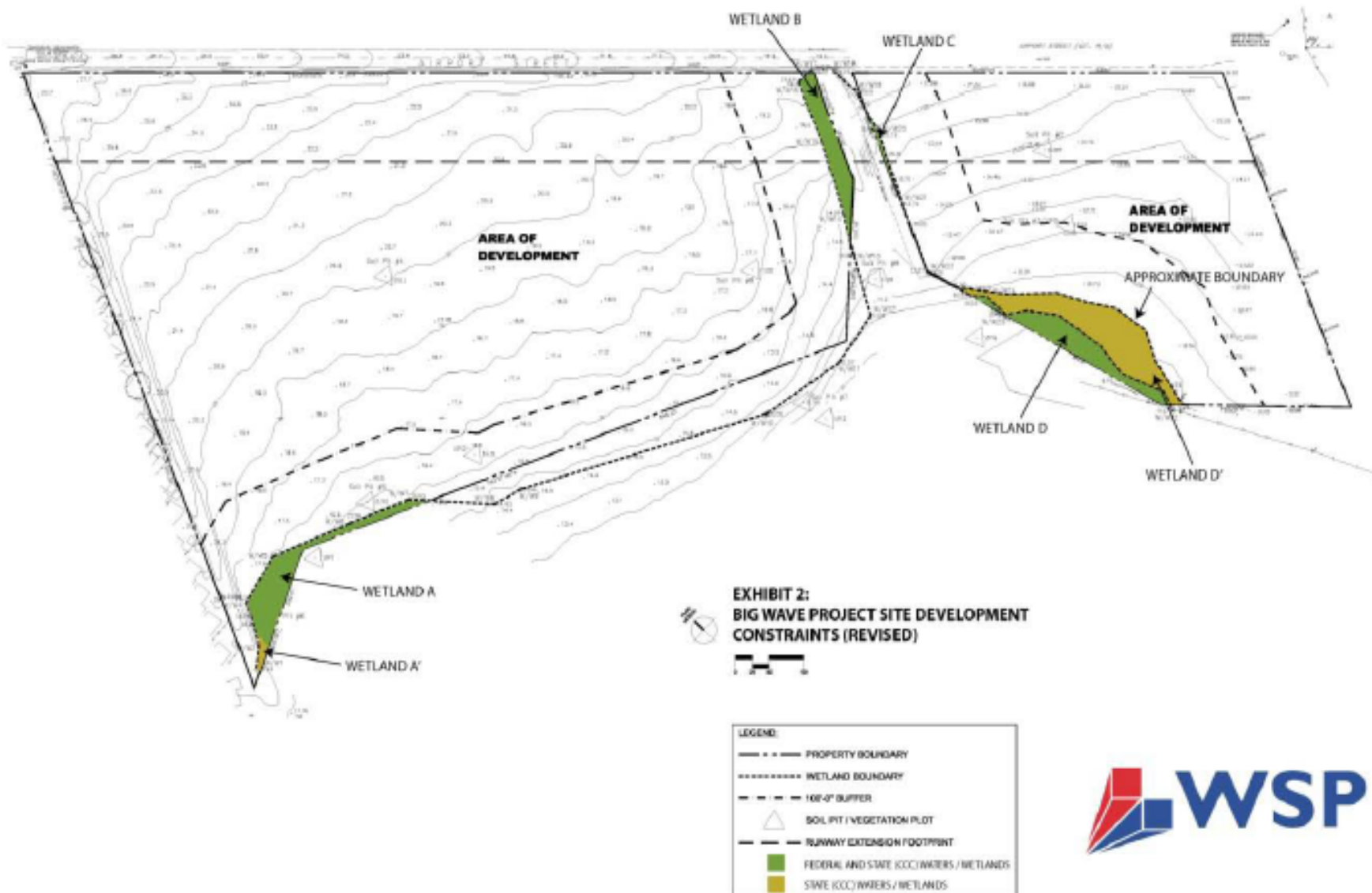
PROPOSED
EXTERIOR
ELEVATIONS

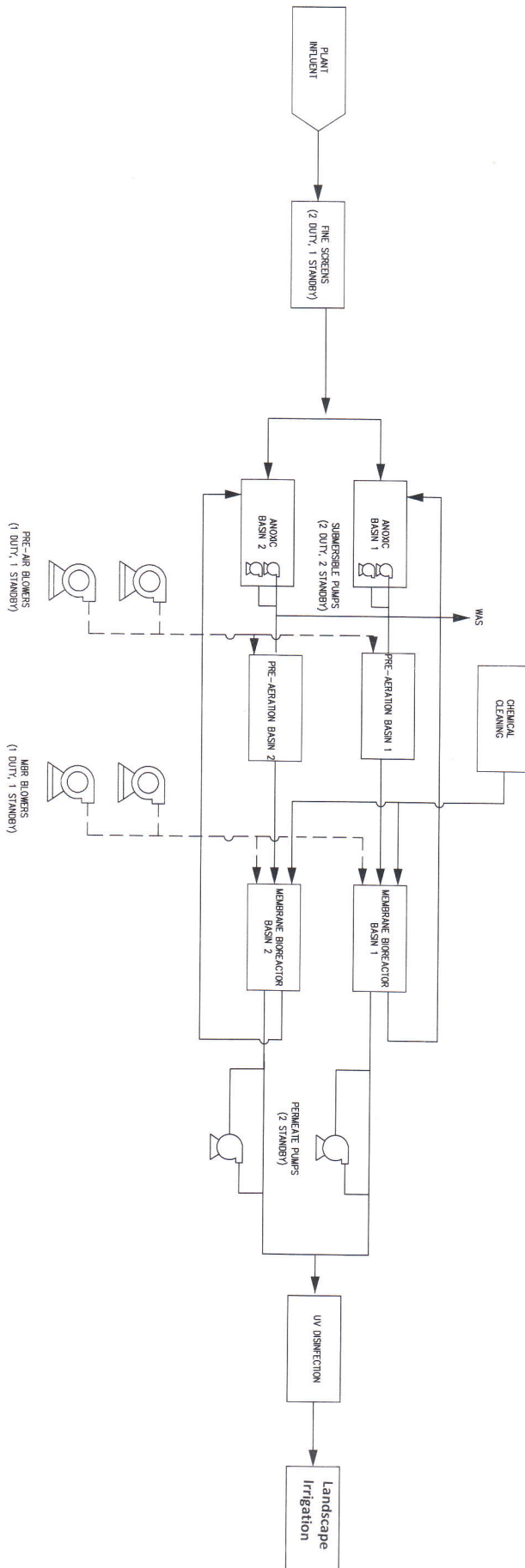
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9 of 9
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constitute the original and unpublished work of the
architect and the same may not be duplicated, used or
disclosed without the written consent of the architect

Figure 3. Geographic Extent of Waters of the U.S. Including Wetlands




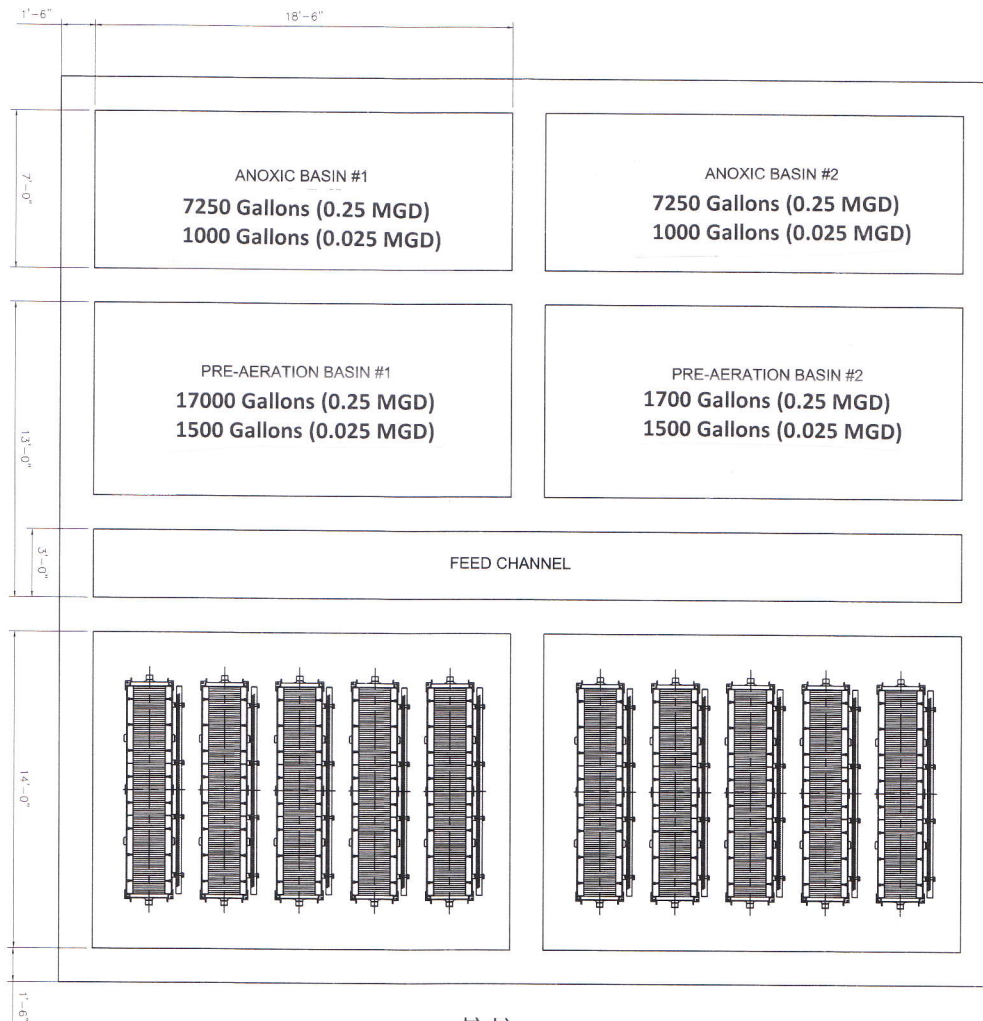


Estimated Cost:

0.025 MGD = \$300,000

0.25 MGD = \$1,000,000

<div> Enviroquip A Division of Illinois Water Technologies</div>										<div><div>A. COMPANY</div><div>COMPANY</div></div>		<div><div>B. COMPANY</div><div>COMPANY</div></div>	
<div>THIS PLAN AND THE SPECIFICATIONS TO WHICH IT IS REFERRED ARE THE PROPERTY OF ILLINOIS WATER TECHNOLOGIES, INC. (IWT). IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF IWT. IWT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR SPECIFICATIONS. IWT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN OR SPECIFICATIONS.</div>										<div><div>DRAWING SCALE</div><div>NOTES</div></div>		<div><div>DATE</div><div>BY</div></div>	
<div>HALF MOON BAY WWP HALF MOON BAY, CA</div>										<div><div>JOB NUMBER</div><div>DATE</div></div>		<div><div>DATE</div><div>BY</div></div>	
<div>PROCESS FLOW DIAGRAM 0.25 MGD MFE (BUILD OUT)</div>										<div><div>SHEET</div><div>OF</div></div>		<div><div>DATE</div><div>BY</div></div>	
<div><div>FILE</div><div>NAME</div></div>										<div><div>DATE</div><div>BY</div></div>		<div><div>DATE</div><div>BY</div></div>	
<div><div>REVISION</div><div>EN</div><div>BY</div><div>DATE</div></div>										<div><div>DATE</div><div>BY</div></div>		<div><div>DATE</div><div>BY</div></div>	
<div><div>INITIAL RELEASE</div><div>EN</div><div>BY</div><div>DATE</div></div>										<div><div>DATE</div><div>BY</div></div>		<div><div>DATE</div><div>BY</div></div>	



NOTE:

- 1) 0.25 MGD: Two Trains in operation with 5 ES-200 SMU in operation
- 2) 0.025 MGD: Two Trains in operation with 1 ES-200 SMU in operation
- 3) 0.0125 MGD: One Train in operation with 1 ES-200 SMU in operation

MBR BASINS #1 & 2

17000 Gallons (0.25 MGD)
1500 Gallons (0.025 MGD)

Enviroquip <small>a Division of Timco Water Technologies</small>		A. STACY <small>COMPANY</small>		B. <small>DATE</small>	
<small>DATE</small> 08/14/2009		<small>DATE</small> 08/14/2009		<small>DATE</small> 08/14/2009	
<small>BY</small> EN		<small>BY</small> EN		<small>BY</small> EN	
<small>DATE</small> 08/14/2009		<small>DATE</small> 08/14/2009		<small>DATE</small> 08/14/2009	
<small>REVISION</small> INITIAL RELEASE		<small>REVISION</small> INITIAL RELEASE		<small>REVISION</small> INITIAL RELEASE	
<small>PROJECT</small> HALF MOON BAY WWTTP		<small>PROJECT</small> HALF MOON BAY WWTTP		<small>PROJECT</small> HALF MOON BAY WWTTP	
<small>SHEET</small> MBR BASIN LAYOUT		<small>SHEET</small> MBR BASIN LAYOUT		<small>SHEET</small> MBR BASIN LAYOUT	
<small>FILE</small> 0.25 MGD (BUILD OUT)		<small>FILE</small> 0.25 MGD (BUILD OUT)		<small>FILE</small> 0.25 MGD (BUILD OUT)	
<small>NAME</small> A		<small>NAME</small> A		<small>NAME</small> A	

**LAW OFFICES OF
DAVID E. SCHRICKER**
A PROFESSIONAL CORPORATION
20370 Town Center Lane, Suite 100
CUPERTINO, CALIFORNIA 95014

TELEPHONE (408) 517-9923
FAX (408) 252-5906
E-MAIL: dschricker@schrickerlaw.com
schrickerlaw@aol.com
www.schrickerlaw.com

April 15, 2011

California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

Re: Appeal from Coastal Permit Decision of San Mateo County - "Big Wave"
Development (S. M. County Permit Nos. PLN 2005-00481, 482)

Dear Messrs./Mesdames:

Enclosed, please find the above-referenced appeal from the coastal permit decision of the Board of Supervisors of the County of San Mateo submitted on behalf of the Montara Water and Sanitary District. Also enclosed, please find a copy of the first page of the appeal and a self-addressed stamped envelope. Kindly indicate your receipt of the appeal on the first page copy and return the copy to the undersigned in the envelope provided.

Thank you for your attention to this matter.

Very truly yours,



David E Schricker, Attorney

DES:hs

Encl.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400
TDD (415) 597-5885



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Montara Water and Sanitary District c/o David E. Schricker, Attorney

Mailing Address: 20370 Town Center Lane, Suite 100

City: Cupertino

Zip Code: 95014

Phone: 408-517-9923

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Mateo

2. Brief description of development being appealed:

Development of 19.5 ± acres, including 0.74 acres of wetlands in the vicinity of Pillar Point Marsh, as an office complex, commercial public storage facility, residential/employment/recreational facility for 50 developmentally disabled adults and 20 aides and associated on-site water and sewerage utilities, commonly referred to as the "Big Wave" development.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Westerly of Airport Street, northerly of Stanford Ave., vicinity of Half Moon Bay Airport, unincorporated area of Princeton, County of San Mateo

APN 047-311-060 and APN 047-312-040

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO. _____

DATE FILED: _____

DISTRICT: _____

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

VOICE (415) 904-5260 FAX (415) 904-5400

TDD (415) 597-5885

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

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TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: March 29, 2011

7. Local government's file number (if any): PLN2005-00481 and PLN2005-00482

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Big Wave LLC
Attn.: Jeff Peck
P.O. Box 1901
El Granada, CA 94018

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Please refer to list of copy addressees on "Final Notice of Local Decision" from San Mateo County Planning and Building Department dated April 1, 2011 to the applicant and to the administrative record.

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The development does not conform to the standards set forth in the certified San Mateo County Local Coastal Program (LCP) because it:


1. Contradicts the certified LCP Land Use Map for water utility service which designates the development site for service by the former Citizens' Utility Company of California (CUCC) water system, which system is now owned by appellant, Montara Water and Sanitary District (MWSD), by purporting to require water service from Coastside County Water District (CCWD).
2. Contradicts the certified LCP Land Use Map for water utility service by alternatively providing that such service shall be provided on-site by conversion of an agricultural well, notwithstanding that the development site is located within MWSD's service area as designated by the LCP Land Use Map.
3. Violates LCP Policy 1.18 by failing to maximize the efficiency of public facilities by relying upon conversion of an on-site agricultural well for domestic water service or, alternatively providing for service from CCWD, as described above.
4. Violates LCP Policy 1.19 by purporting to allow infill without properly providing for water service as described above and sewer service by providing for on-site treatment facilities.
5. Violates LCP Policy 2.10 by providing for issuance of building permits for non-priority uses combined with an alleged priority use contrary to the Policies of Locating and Planning New Development Component without maximizing the efficiency of public facilities, services and utilities (Policy 1.18a) as described above, and allows growth where coastal resources will be endangered contrary to Policy 1.18c with regard to its impact upon Pillar Point Marsh.
6. Violates LCP Policy 2.14a by failing to confine urban level services for water and sewerage as designated by the LCP on March 25, 1986, by purporting to provide such services on-site or, alternatively, contrary to MWSD's water service area as described above, and failing to account for sewage overflows that affect Sewer Authority Midcoastside (SAM), of which MWSD is a member agency.
7. Violates LCP Policy 2.15 by allowing expansion of CCWD's territory inconsistent with the LCP.
8. Violates LCP policy 2.32 by allowing new or increased well production that fails to account for a safe yield with regard to the impact of the on-site agricultural well conversion on the airport aquifer.
9. Violates LCP Policy 2.33 by failing to provide for compliance with management of Pillar Point Marsh safe yield and extraction requirements under Policy 7.20 (cross-referenced in Policy 2.33).
10. Violates LCP policy 2.36 by failing to make adequate findings regarding the increased water supply caused by the project.
11. Violates LCP policy 2.37 by purporting to allow expansion of water facilities without regard to district boundaries and service areas as described in the foregoing items.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Montara Water and Sanitary District
By: David E. Schricker, Attorney



Signature of Appellant(s) or Authorized Agent


Date: 4/15/11

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize David E. Schricker, Attorney
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Montara Water and Sanitary District
By: Paul Perkovic, Member, Board of
Directors, by direction



Signature of Appellant(s)

Date: 14-APRIL-2011



GRANADA SANITARY DISTRICT
OF SAN MATEO COUNTY

Board of Directors

Ron Fenech, President

Leonard Woren, Vice President

Matthew Clark, Secretary

Gael Erickson, Treasurer

Ric Lohman, Board Member

April 27, 2012

Ms. Madeline Cavalieri
Coastal Planner
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Big Wave Project, Commission Appeal No. A-2-SMC-11-021

Dear Ms. Cavalieri,

California Coastal Commission staff has inquired with District staff regarding several statements in the letter dated March 20, 2012 from Dave Byers of Big Wave to the Coastal Commission as it pertains to wastewater issues. These statements, and the District's responses, are outlined below:

1. Statement from Big Wave's letter:

"You have requested additional information regarding "water balance calculations" and potential water and sewer providers. The attached Exhibit F, the updated Calculation of Water Demand was obtained from standard published flow data provided in the text books, "Water and Waste Water Engineering", Fair, Guyer and Okun, 1968, "Water Resources and Environmental Engineering", Metcalf and Eddy Inc., "Hydraulic and Useful Information", Chicago Pump. In addition to furnishing you with the engineering authorities, it should be recognized that these calculations were reviewed in the planning process."

District response:

Exhibit F appears to be a redacted version of the water balance submitted in the DEIR. Contrary to the author's assertions, the "Updated Calculation of Water Demand" was not reviewed during the planning process as the author later admits that changes were made to the Balance sheet "After completion of the EIR".

Further, the County's Mitigations Measures and CEQA Findings of Fact both explicitly state that the development must be redesigned: (1) to fix the admittedly incorrect wastewater budget analysis; and (2) to provide for necessary expansion of the sewer system capacity to accommodate the addition of the expected maximum sewage flow of 26,000 gallons per day (gpd). Simply changing the numbers on the Balanced Water System does not comply with these measures.

Moreover, the County's approval of the Big Wave Project is the subject of a current lawsuit between GSD, the County and Big Wave. That suit alleges, in part, that the failure to provide an accurate wastewater budget analysis during the administrative review violates the California Environmental Quality Act.

2. Statement from Big Wave's letter:

"The calculated flows are those that meet the recommendations of the GSD District Engineer."

District response:

This is not an accurate statement. On July 16, 2012, Big Wave's project manager, Scott Holmes, sent an E-mail to the District's Engineer purporting to summarize a discussion between the two. On July 19, 2011, GSD's Engineer responded as follows (non-pertinent parts of the email omitted):

I have nevertheless been authorized to respond briefly to your email. As to the specific statements in your email, in light of the Cross-Complaint, I will not be responding to them point-by-point (either to agree or disagree). However, GSD has never received any application from the Big Wave Project, nor have we performed a complete engineering analysis which the District would normally do once such application is filed (and fees paid). I am also aware that the County Board of Supervisors required as a mitigation measure that Big Wave revise its project plans and water budget analysis to correct the inconsistencies in the water recycling assumptions and calculations.

The bottom line is that GSD will need to plan to be able to handle all wastewater generated by the Big Wave Project in case of an emergency caused by such things as operational difficulties, inability to reuse or store effluent onsite during wet weather, or undersized facilities.

GSD has still not received any application from Big Wave and therefore has not performed the required engineering analysis.

GSD has not received any application from Big Wave and therefore the required engineering analysis has not been provided.

Additionally, Mr. Holmes E-mail of July 16, 2011 appears to contradict the figures stated in the "Balanced Water System" (Exhibit F) in that the E-mail reflects his understanding that "that 100 gpd per person for the Wellness Center is more appropriate than 50 gpd" while the Balanced Water System continues to use 50 gpd.

3. Statement from Big Wave's letter:

"After the completion of the FEIR, Big Wave consulted with the Granada Sanitary District ("GSD") Engineer and incorporated his comments in Exhibit F."

District response: See response to #2 above.

4. Statement from Big Wave's letter:

"The County average water demand is 67 gallons per person per day."

District response:

GSD cannot confirm the accuracy of this statement. The EIR does not appear to provide a County- established average of per person usage.

5. Statement from Big Wave's letter:

"The District Engineer for GSD recommended 100 gallons per person per day and felt that the 25 gallons per person per day based on industry standards was adequate for office consumption. The GSD engineer was comfortable with recycling percentage of 50%."

District response:

See response to #2, above.

6. Statement from Big Wave's letter:

"Big Wave will obtain sewer service from GSD."

District response:

See response to #2, above. GSD has not received an application from Big Wave and therefore the required engineering analysis has not been provided to adequately assess the project's impact on the GSD system and the amount of ERU's that will be allocated to the project. If Big Wave were to demonstrate that:

- (a) It can file a complete application for the required permits from GSD;
- (b) it can comply with the requirements of the District Ordinances;
- (c) it will provide an adequate Final EIR; and
- (d) it can comply to the District's satisfaction with the County's Mitigation Measures and CEQA Findings of Fact requiring Big Wave to redesign its development: (1) to fix the admittedly incorrect wastewater budget analysis; and (2) to provide for necessary expansion of the sewer system transmission capacity to accommodate the addition of the expected maximum sewage flow of 26,000 gallons per day (gpd),

then the District will proceed in good faith to process any such application by Big Wave to obtain sewer service from GSD. To date Big Wave has filed no application with GSD and has not demonstrated that it can comply with the above requirements.

7. Statement from Big Wave's letter:

"Big Wave has been assessed for capacity for the GSD system and has paid the assessments on the property. The amount assessed is adequate for the capacity as described in the FEIR."

District response:

This statement is misleading and disingenuous. The property which Big Wave now owns has been historically assessed for 8 ERU's from the Assessment District, which was the amount estimated to be needed for the property based on the zoning at the time the Assessment District was formed 1994. The

assessment bonds and associated documents approved by GSD voters in 1994 establishes the legal standards for determining the number of Assessments (both Contingent and Noncontingent) required when an undeveloped property such as Big Wave's is ultimately approved for development. The actual ERU's assessed will be determined at the time a specific project application is processed by the District. The sewer plant expansion was sized and the bond amount was set based on the assumption that all new development would pay for the bonds and connect to the system, and the District therefore cannot legally allow any project to pay less than their fair share of the plant. All projects must pay for their full assessed capacity determined after development approval.

Big Wave has previously taken the position that GSD is legally obligated to provide a sewer connection permit to serve what Big Wave itself has estimated will be the generation of an average of 26,000 gallons per day of wastewater, without charging for more than the 8 ERU's assessed previously. The District rejects this argument completely. The proposed Project obviously contemplates a level of sewer service substantially in excess of 8 ERU's. Moreover, the District Code requires new development to obtain a Sewer Connection Permit and acquire Contingent and Noncontingent Assessments based on the number of ERUs assessed for the Project in accordance with the District Code. The generation of 26,000 gallons per day of wastewater is roughly the equivalent of 117 ERUs. The Big Wave Project requires that GSD's sewer system (and SAM's Intertie Pipeline System as well) be designed and prepared to handle the total amount of wastewater generated by the Big Wave Project.

8. Statement from Big Wave's letter:

Big Wave has met with the GSD engineer and has been assured that there is adequate system capacity for all treated water even without onsite recycling.

District response:

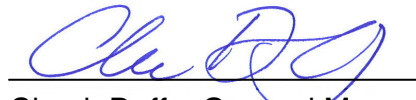
See response to #2, above. Again, GSD has not received an application from Big Wave and has therefore has not performed the required engineering analysis to fully assess the project's impact on the GSD system. Furthermore, while GSD's has adequate *treatment capacity* at the SAM treatment plant, a 2006 EPA report concludes that there is not adequate *transmission capacity* in the SAM Intertie system. Specifically, SAM's existing sanitary sewer overflow (SSO) problems are identified in the EPA's NPDES Compliance Evaluation Report prepared on August 18, 2006. The EPA Report cites the Clean Water Act and the National Marine Sanctuaries Act and describes a prior warning letter to SAM from NOAA for a violation of the National Marine Sanctuaries Act and a prior RWQCB Penalty Order, both based on SSOs.

The EPA Report further finds that while SAM and its member agencies are taking appropriate steps to address the collection capacity insufficiency, "[t]he SAM Sewer System does not have sufficient capacity to convey peak flows during the winter rains." The EPA Report further states that "the largest spills, however,

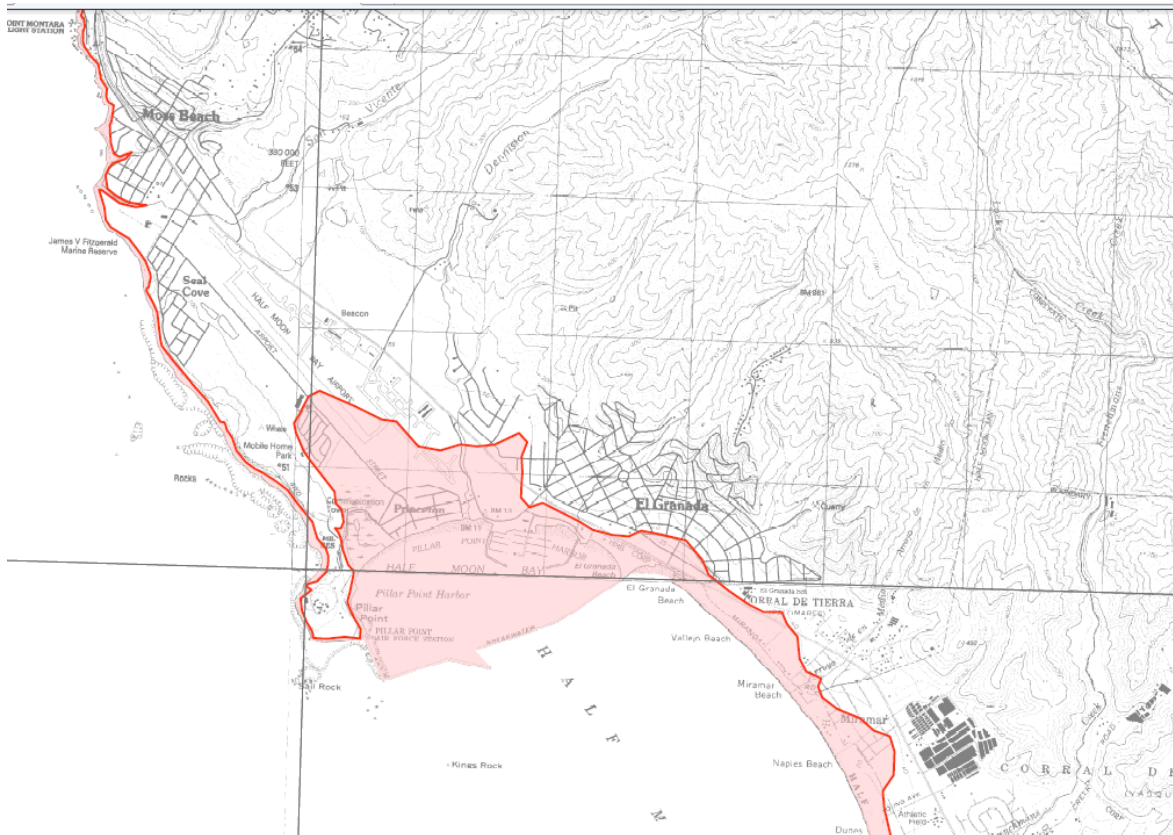
have occurred when the excess wet weather flow hits bottlenecks in the SAM IPS [Intertie Pipeline System] at the Montara and Portola Pump Stations.” Despite responsible actions and proactive infrastructure improvements by SAM and its member agencies to prevent wet weather overflows (as acknowledged in the EPA Report), the problem has not yet been solved. The findings in the EPA Report require recognition that the impact of the insufficiency of the wastewater collection system to Midcoastside residents and property owners could still be very substantial and warrants very serious consideration by the Coastal Commission in making decisions regarding the Big Wave Project. The residential units proposed by the Big Wave Project are not included the “buildout capacity” established by the current LCP. An increase in buildout capacity beyond that established in the LCP will clearly increase the risk of future Sanitary Sewage Overflows because Measure A adopted by the voters in 1986 precludes construction of infrastructure capacity to exceed that needed to serve the existing buildout capacity.

Sincerely,

Granada Sanitary District



Chuck Duffy, General Manager



TSUNAMI INUNDATION MAP FOR EMERGENCY PLANNING

State of California ~ County of San Mateo

HALF MOON BAY QUADRANGLE
MONTARA MOUNTAIN QUADRANGLE

June 15, 2009

SCALE 1:24,000



Table 1: Tsunami sources modeled for the San Mateo County coastline.

Sources (M = moment magnitude used in modeled event)	Areas of Inundation Map Coverage and Sources Used	
	San Francisco Bay	Pescadero
Local Sources	Point Reyes Thrust Fault	X
	Hodges Creek-Havassy Faults	X
	San Gregorio Fault	X
	Cascadia Subduction Zone (MS 9)	X
	Central Aleutians Subduction Zone #1 (MS 9)	X
Distant Sources	Central Aleutians Subduction Zone #2 (MS 9)	X
	Central Aleutians Subduction Zone #3 (MS 9)	X
	Chile North Subduction Zone (MS 4)	X
	1951 Chile Earthquake (MS 9)	X
	1954 Alaska Earthquake (MS 9)	X
	1964 Alaska Earthquake (MS 9)	X
	Kuril Islands Subduction Zone #1 (MS 8)	X
	Kuril Islands Subduction Zone #2 (MS 8)	X
	Kuril Islands Subduction Zone #3 (MS 8)	X
	Kuril Islands Subduction Zone #4 (MS 8)	X
	Marshall Islands Subduction Zone (MS 8)	X

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MAP EXPLANATION

- Tsunami Inundation Line
- Tsunami Inundation Area

PURPOSE OF THIS MAP

This tsunami inundation map was prepared to assist cities and counties in identifying their tsunami hazard. It is intended for local jurisdictional, coastal evacuation planning uses only. This map, and the information presented herein, is not a legal document and does not meet disclosure requirements for real estate transactions nor for any other regulatory purpose.

The inundation map has been compiled with best currently available scientific information. The inundation line represents the maximum considered tsunami runup from a number of extreme, yet realistic, tsunami sources. Tsunamis are rare events; due to a lack of known occurrences in the historic record, this map provides no information about the probability of any tsunami affecting any area within a specific period of time.

Please refer to the following websites for additional information on the construction and/or intended use of the tsunami inundation map:

State of California Emergency Management Agency, Earthquake and Tsunami Program:
<http://www.oes.ca.gov/Videos/geoservice/Content/IEC%201563176882574/F00355D607OpenDocument>

University of Southern California - Tsunami Research Center:
<http://www.usc.edu/geoplus/tsunami/2005/index.php>

State of California Geological Survey Tsunami Information:
http://www.conservation.ca.gov/geologic_hazards/TsunamiIndex.htm

National Oceanic and Atmospheric Administration Center for Tsunami Research (MOT model):
<http://ndbc.pmel.noaa.gov/mot/background/models.html>

MAP BASE

Topographic base maps prepared by U.S. Geological Survey as part of the 7.5-minute Quadrangle Map Series (originally 1:250,000 scale). Tsunami inundation line boundaries may reflect updated digital orthophotographic and topographic data that can offer significance from contours shown on the base map.

DISCLAIMER

The California Emergency Management Agency (Cal EMA), the University of Southern California (USC), and the California Geological Survey (CGS) make no representation or warranties regarding the accuracy of this inundation map nor the data from which the map was derived. Neither the State of California nor USC shall be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map.

Big Wave Project Scale in Surrounding Princeton



View of Big Wave Project From Ridgeline Radio Tower

Existing View



Phase 1 and 2 (2 years from Permit): First 16 Units, Kitchen, Dining, Living, Theater, Landscape Planting



View of Big Wave Project From Ridgeline Radio Tower

Phase 3 and 4 (5 years from Permit): Second 16 Units, Landscaping Visible



Phase 5 and 6 (8 years from Permit): Athletic Facilities, Storage Buildings (Wellness Center Complete), Landscape ½ Growth, Two Buildings in Business Park



View of Big Wave Project From Ridgeline Radio Tower

**Phase 6 (12 years from Permit): Four Buildings in Business Park,
Full Landscaping**



**Phase 7 (15 to 20 years from Permit): Last Four Buildings of Business Park,
Remaining ½ of Business Park Parking Lot**



View of Big Wave Project From Ridgeline Radio Tower

**Completed Project (15 to 20 years After Permit): All Landscape and
Wetlands Restoration Removed From View**



Existing View Without Project



View of Big Wave Project From Highway 1 and North Capistrano

Existing View



Phase 1 and 2 (2 years from Permit): First 16 Units, Kitchen, Dining, Living, Theater, Landscape Planting



View of Big Wave Project From Highway 1 and North Capistrano

Phase 3 and 4 (5 years from Permit): Second 16 Units, Landscaping Visible



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View of Big Wave Project From Highway 1 and North Capistrano

**Completed Project (15 to 20 years After Permit): All Landscape and
Wetlands Restoration Removed From View**



Existing View Without Project



View of Big Wave Project From Airport Street at Pillar Ridge Looking South

Existing View



Phase 1 and 2 (2 years from Permit): First 16 Units, Kitchen, Dining, Living, Theater, Landscape Planting



View of Big Wave Project From Airport Street at Pillar Ridge Looking South

Phase 3 and 4 (5 years from Permit): Second 16 Units, Landscaping Visible



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View of Big Wave Project From Airport Street at Pillar Ridge Looking South

**Completed Project (15 to 20 years After Permit): All Landscape and
Wetlands Restoration Removed From View**



Existing View Without Project





A live/work community that fosters independence for
adults with developmental disabilities

July 21, 2012

Page 1

Mary Shallenberger
Chair
California Coastal Commission
P.O. Box 354
Clements, CA 95227-354

Re: Appeal No. A-2-SMC-11-021 (Big Wave), Draft Agenda August 8, 2012

Dear Ms. Shallenberger:

We request the Coastal Commissioners reject the appeal of the Big Wave Project and approve the project. Big Wave was specifically planned, designed and will be implemented by parents who have adult children with developmental disabilities. The primary goal of the project is to provide housing, meaningful work and community for adults with developmental disabilities. Big Wave is the only project on the Coastsides to provide this type of opportunity. Few of these types of communities exist anywhere in the State. The State and County have failed to provide adequate housing and employment opportunities for this extremely disadvantaged group.

The Big Wave non profit owns the site that is designed to house very low income residents with disabilities. It owns no other land. Further, it is an ideal location for this type of community. The site is zoned for development. The County has approved the use permit for Big Wave. The site is an infill lot located between a mobile home residential community and the storage and light industrial buildings of Princeton. The site provides for the organic farming necessary to provide jobs and feed the residents at a low cost that will help keep the project affordable. The project includes a business park that is adjacent to the residential community that is specifically designed to provide employment and revenue to the residential community. It will also provide places of employment for existing Coastsides businesses.

The project has been designed to fit the site and the environment. The project has a significantly lower density than the rest of the Princeton Development where it is located (15% building coverage versus over 50% for existing buildings). The building elevations are the same for the residential portion and the existing mobile homes. The proposed business park has similar elevations to the surrounding commercial property. The landscape plan is specifically

BIG WAVE GROUP
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CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST



designed to shield all views from Highway 1 and the majority of the views looking down from the ridgelines. No Coastal views are impacted.

The project is adjacent to highly degraded wetlands. The average buffer from these degraded wetlands exceeds 150 feet. The project includes restoring an additional 8 acres of wetlands. This restoration includes the planting of approximately 10,000 trees and 15,000 shrubs and plants. The Biological Design states that all 5 criteria for wetlands evaluation are functionally increased in the surrounding wetlands by the project (it has a positive biological impact in all areas). Additionally, the project includes allocating approximately 4 acres of the site for long term organic farming.

The business park was specifically designed to reduce traffic on the Coastsides Highways 1 and 92 by providing space for existing businesses on the Coastsides. Unfortunately due to the long period required for permitting, two of the targeted businesses (that would have utilized the entire designed space) will be moving out of the area before the building permits for this project can be issued. Two hundred people will now be forced to make long commutes from their homes because of this loss of local business. Once the business park is fully built, the project reduces traffic and air pollution by eliminating and reversing the commutes of up to 500 working individuals that now have to commute over 50 miles to and from work.

The project is carbon neutral by eliminating commute miles, planting 10,000 trees, providing all of the heat with solar power and the majority of the electrical power by solar and wind (bird screened and friendly turbines). The project will be LEED gold or platinum rated. Big Wave includes a sustainable water system that treats and infiltrates all of its storm water at a level that exceeds the water that will be consumed by the project. One hundred percent of all water is designed to be recycled for building wash-down, toilet flushing, landscaping and organic farming. The project is within the GSD Sanitary District and has received a "will serve" letter from the Montara Water District.

The project has received all San Mateo County planning and grading permits. The project complies with all local, State and Federal requirements, policies and plans (over 180). The project building floor elevations exceed the 500 year potential for tsunami run-up, the 100 year flood and are over 10 feet higher than the highest projected sea level rise. The project is designed to comply with the latest earthquake standards and is outside of the Alquist Priolo earthquake zone.

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Page 3

The project has been reviewed by over 30 independent peer review consultants that have generated over 3000 pages of research (at an enormous cost to the parents and developers) that have concluded that the project as designed has less than a significant environmental impact.

This is an excellent economically and environmentally sustainable project that meets the critical need for those with disabilities and provides office space necessary to sustain the local economy. The project needs Commission approval to proceed.

Sincerely,

Jeffrey Peck, President
Big Wave Group (501 C 3)

CC: Charles Lester, Executive Director, California Coastal Commission
Jerry Hill, Assembly Member, State of California
Rich Gordon, Assembly Member, State of California
Steve Blank, Commissioner
Wendy Mitchell, Commissioner
Martha McClure, Commissioner
Brian Brennan, Commissioner
Dayna Bochco, Commissioner
Steve Kinsley, Commissioner
Richard Bloom, Commissioner
Jana Zimmer, Commissioner
Dr. William Burke, Commissioner
Mark Stone, Vice Chair
Esther Sanchez, commissioner
Jay Norvell, Deputy Secretary, Business, Transportation & Housing agency
John Laird, Secretary, Natural resources Agency
Curtis Fossum, Executive director, Sates Land commission
Senator Leland Yee, California State Senate
Dave Pine, Supervisor, San Mateo County
Carole Groom, Supervisor, San Mateo County
Vice President Don Horsley, San Mateo County
Rose Jacobs Gibson, Supervisor, San Mateo County
President Adrienne J. Tissier, San Mateo County

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