

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
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W13

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

August Meeting of the California Coastal Commission

MEMORANDUM

Date: August 8, 2012

TO: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director

SUBJECT: Deputy Director's Report

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the **August 8, 2012** Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

NO ITEMS TO REPORT THIS MONTH

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**Memorandum****August 7, 2012**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
 North Central Coast District

Re: *Additional Information for Commission Meeting
 Wednesday August 8, 2012*

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
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W/15a

August 02, 2012

RE: LCP Amendment No. SMC-MAJ-1-11, Midcoast Update Resubmittal

Dear Commissioners:

We are writing to express our support for the California Coastal Commission recommendations for the Big Wave Project.

The San Mateo County resubmittal and request for certification without modifications of an amendment to the LCP land use plan should be denied.

The Big Wave Project is completely out of character for development on the Midcoast. This project will stress all resources on the Coast, including roads, traffic, infrastructure, water, sewer. It will impact not only the immediate site but also all of us who live here on the Coast.

Sincerely,

Signature on File

Eda S Cook

Signature on File

Robert P Cook

171 Turnberry Road
Half Moon Bay, CA 94019

Telephone: 650-726-3356
Fax: 650-726-3358
edacook@aol.com

W16a

RECEIVED

JUL 31 2012

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca. 94105-2219
fax 415-904-5400
Meeting date; August 8, 2012

Re; Big Wave, L.L.C. (A-2-SMC-11-021) Item no: W16a

Dear Commissioners,

I am urging this Commission to please approve the Big Wave Project today. This project has been approved at all San Mateo County levels and needs to move forward. I have lived on the Coastsides my entire life and have never seen a project proposed for the San Mateo County Coastsides that is all about 'people helping people'! This project will benefit so many individuals and their families, not to mention job creation. I can not believe that it has taken so much time, heartfelt energy and wasted money in one of the worst economies I have ever seen in my entire life!

As I have stated in the past, the Owners of Big Wave have accepted all of the conditions put forth. Big Wave should be approved and started as soon as possible. No more appeals! I am unable to attend this hearing or I would be standing in front of the Commission reading this letter.

On a personal note, I have a 36 year old wheelchair bound cousin with cerebral palsy and her Mother (my aunt) has become blind due to degenerative eye disease. My Uncle had to quit his job to become their fulltime caretaker, the community of Big Wave would be an ideal place for their family to have access to. Once again, I am begging this Commission to approve this project. Please do the right thing for so many deserving people.

Sincerely,
Cynthia Giovannoni

Signature on File

Laslo Vespremi
190 Arbor Lane
Moss Beach CA 94038
650-302-0894

July 27, 2012

W/6a

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JUL 31 2012

CALIFORNIA
COASTAL COMMISSION

Coastal Commission Agenda

Permit Number A-2-SMC-11-021

Appeal No. A-2-SMC-11-021 (Big Wave LLC and Scott Holmes, San Mateo Co.)

Applicants: Big Wave, LLC, Jeff Peck

I am **against** granting Coastal Development permit for the Big Wave project.

Recently I drove the 75-mile trip from San Francisco to Santa Cruz on Highway 1 to count the number of office parks along this stretch of coast. **The number is zero (0).** There's a reason for this absence: unlike the bayside which has hundreds of office parks, office parks don't belong to the coast. Thanks to the Coastal Commission this portion of the California Coast has been preserved for visitor serving and open space for in-state and out-of-state visitors. Reversing this policy will establish precedent and open Pandora's Box for inappropriate use of valuable coastal resources.

Big Wave is only 400 yards from the water's edge (only 100 yards if you count the salt marsh immediately bordering the site). It is also 400 yards from world-famous Mavericks and the historical Princeton fishing harbor.

While Jeff Pack, a registered lobbyist may have succeeded to enlist supporters in Sacramento, that still does not make the project right. More distasteful is the tiny sham disabled facility attached to make the project more palatable. Unfortunately this is a tactic used by every commercial developer, including the recent addition of a demolition derby also a 100 yards from Big Wave that gained Supervisor Horsley's support as it contributes an unspecified small portion of its proceeds to charity.

CHARITY (OR THE PRETENSE OF IT) STILL DOES NOT MAKE WRONG RIGHT!! Please **deny** permit to Big Wave!

Laslo Vespremi

Signature on File

Adrienne J. Tissier

Member • Board of Supervisors • San Mateo County

W/16a

RECEIVED

July 26, 2012

AUG 01 2012

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

Honorable Mary K. Shallenberger, Chair
California Coastal Commission
c/o Madeline Cavalieri
District Manager
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

SUBJECT: Appeal No. A-2-SMC-11-021 (Big Wave LLC); Item 16, California Coastal Commission Meeting Agenda for August 8, 2012

Dear Chair Shallenberger:

I write to express my support for the Big Wave project and to request that you deny the appeal for this project. As you may know, after many years of analysis and staff review, the San Mateo County Board of Supervisors unanimously approved the Big Wave project after a hearing on March 29, 2011. The project approval has been appealed to the California Coastal Commission ("Commission") and the appeal is scheduled for hearing at the Commission's meeting of August 8, 2012.

The Project

The Big Wave project, located in the unincorporated Princeton area of San Mateo County, will be, among other things, an economically sustainable development that provides housing and employment opportunities for low-income and other developmentally disabled (DD) adults. The project includes 57 dwelling units for DD adults and their aides in a modern sanitarium complex; ancillary uses, such as a fitness center, a commercial kitchen, a laundry facility, and administrative offices; an office park (with space dedicated to general office use, research and development, light manufacturing, and storage). The project would also create or restore approximately 380,000 square feet of wetlands habitat.

While I understand that Coastal Commission ("Commission") staff has raised a number of concerns about the Big Wave project, and I do not intend to address each one of them, I want to reiterate my support for this very important project and address a few of the points that I expect staff to raise at the upcoming hearing.

Use Permit for Sanitarium

We understand from reviewing correspondence between Coastal Commission (“Commission”) staff and the project applicant, that staff has concerns regarding whether the County properly granted a use permit for the sanitarium component of the project. Without delving too far into the details of this point, I note that the County’s Zoning Regulations allow for sanitarium uses in any zoning district within the Urban Areas of the Coastal Zone when found to be necessary for the public health, safety, convenience, or welfare.

After due consideration of the matter, the San Mateo County Board of Supervisors determined that the proposed sanitarium is, in fact, necessary for the public health, safety, convenience, or welfare, by helping to provide affordable housing options for low income DD individuals. Given that the use permit findings involve the weighing of numerous, diverse factors of local concern, and that this Board is in the best position to interpret the terms and standards of the County’s own regulations, we request that the Commission defer to the Board of Supervisors’ findings regarding this matter.

Tsunami Inundation Zone Criteria Related to the Project

We also understand that Commission staff has expressed a view that approval of the Big Wave project violates section 6326.2 of the San Mateo County Zoning Regulations, which states, among other things, that buildings “used primarily by children or physically or mentally infirm persons” are not permitted in the Tsunami Inundation Hazard Area.

We have been advised that an interpretation of section 6326.2 that would deprive our developmentally disabled residents from living in the Big Wave project area could be unlawful and that federal anti-discrimination laws require that local land use regulations include accommodations for the disabled. In approving the Big Wave project, the Board of Supervisors concluded that the many design and safety features incorporated into it were sufficient to meet the safety concerns embodied in section 6326.2. For example, the building floor elevations for the project will be ten feet above the 500 year tsunami run up level. We therefore again request that you defer to the Board of Supervisors’ findings regarding this matter.

Sewer Service for the Big Wave Project

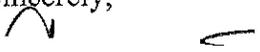
Finally, we are informed that Commission staff may argue that the Big Wave project should not have been approved because it has not yet been established that necessary sewer service will be made available by the Granada Sanitary District (“GSD”). However, while we understand that the Big Wave project proponents continue to work with GSD to arrange for required sewer service, this should not affect the appropriateness of project approval.

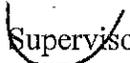
The conditions of approval for the project include a requirement that the property owners prepare a plan indicating proposed sewer connections to the GSD system and they note that nothing in the County's action exempts the property owner from securing all permits required for matters within the GSD's jurisdiction. Thus, before the Big Wave property owners are able to record a Final Map for the project, they will be required to comply with any applicable GSD requirements. However, that these requirements remain to be addressed should not limit the County's power to approve the project, subject to those conditions.

Once again, I want to express my support for the Big Wave project and to request that you deny the appeal of the County's approval of the project. It is an environmentally sustainable development that will bring much needed housing and employment opportunities to DD adults on the San Mateo County Coastside and it is entirely consistent with the Commission's responsibility to protect and enhance coastal resources and to foster environmentally sustainable and prudent uses of these resources.

Thank you for your consideration in this matter.

Sincerely,


Signature on File


Supervisor Adrienne J. Tissier
President, San Mateo County Board of Supervisors

cc: Charles Lester, Executive Director, California Coastal Commission, 45 Fremont Street,
Suite 2000, San Francisco, CA 94105-2219

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259 W. 3RD AVENUE
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W16a

David J. Byers
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Patrick M. K. Richardson
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August 1, 2012

HAND - DELIVERED

Honorable Commissioner Mary K. Shallenberger, Chair
Honorable Commissioner Steve Blank
Honorable Commissioner Dayna Bochco
Honorable Commissioner Dr. William A. Burke
Honorable Commissioner Wendy Mitchell
Honorable Commissioner Jana Zimmer
Honorable Commissioner Martha McClure
Honorable Commissioner Steve Kinsey
Honorable Commissioner Mark W. Stone
Honorable Commissioner Brian Brennan
Honorable Commissioner Richard Bloom
Honorable Commissioner Esther Sanchez
Honorable Commissioner John Laird
Honorable Commissioner Curtis Fossum
Honorable Commissioner Jay Norvell
45 Fremont St.,
Suite 2000
San Francisco, CA 94105

Re: A-2 SMC11-02, Big Wave Project: Affordable Housing and Jobs
For the Developmentally Disabled Community

Dear Commissioners:

This office represents Big Wave LLC ("Big Wave") which has successfully obtained unanimous approval from the County of San Mateo Board of Supervisors for a wellness center and office park on APN 047-311-060 and APN 047-312-040.

MARIN OFFICE
843 DEL GANADO RD., SAN RAFAEL, CA 94903-2309
TEL.: (415) 492-0535; FAX.: (415) 492-0364

SONOMA OFFICE
260 WEST MACARTHUR ST., SONOMA, CA 95476-7426
TEL.: (707) 343-1440

Shallenberger
August 1, 2012
2

Previously, we sent the CCC Staff a thorough, well-reasoned letter and extensive documentation on March 20, 2012 responding to all their concerns and demonstrating Project compliance with both the Coastal Act and the County of San Mateo LCP. That letter is attached as Exhibit A. The extensive documentation submitted with that letter is in the Coastal Commission's file. You have also received a letter on July 21, 2012 from the Big Wave Group showing why this Project is needed and how it has been both environmentally designed and thoroughly reviewed for seven years with over 6,000 pages of administrative record.

Big Wave disputes the positions adopted by CCC Staff regarding the substantial issue and de novo determinations. Since both determinations involved similar issues, we have grouped our responses substantively. Our responses are as follows:

Water Supply, Page 10 CCC Staff Report

The CCC Staff report ignores the availability of water for this Project. First, the applicant presently has a well permitted for residential purposes, the permit having been granted by the County of San Mateo on February 25, 1987. This well has been approved by the County of San Mateo for 35 gpm. The Project's water needs are 13 gpm. In short, the Project has more than adequate water for both domestic and irrigation needs. That was the conclusion reached in the DEIR.

Second, the County of San Mateo approved the Project subject to a public water system connection. There are two available public water systems that can serve the Project. Montara Water and Sanitary District ("MWSD") has already issued a will serve letter to the applicant. Also Coastside County Water District ("CCWD") misnamed in the CCC Staff report as Coastside Community Water District has adequate capacity to serve the Project. The position of the CCC Staff that neither CCWD nor MWSD can expand their service area to serve Big Wave is legally invalid because that determination is made by the Local Agency Formation Commission, LAFCO, pursuant to Government Code §§ 56000 et. seq. Under the Government Code LAFCO is "the sole and exclusive authority" for boundary changes for local agencies. Government Code § 56100(a). The CCC does not have the legal authority to prevent a special district from serving the Project in an effort to preclude development on the site; that would be nothing more than a veiled inverse condemnation. In any event, the applicant can lawfully connect by contract with either with these entities. The applicant fully intends to connect with one of the two available public entities that distribute water in the Coastside. Lacking from the CCC staff report is a quantitative analysis regarding the availability of water to serve the Project. Moreover, the applicant's own water source which will be dedicated to the public entity at the time of connection provides more than adequate supply for the Project.

Water Supply, Page 19 CCC Staff Report

The CCC Staff incorrectly states the claim that the Kleinfelder Report describes a water shortfall in the Airport Aquifer. The Kleinfelder Report clearly states that there's a surplus of 500 acre feet / year. The CCC Staff misrepresents the Project as increasing ground water extraction as the Project reaches full development. The current ground water extraction is approximately 11 acre feet / year and used for existing agriculture. The Project water balance states that as the Project develops the

existing ground water extraction is relatively the same and water used for development is recycled and replaces the water that is extracted for irrigation. Essentially, existing water extraction from the well remains the same. The water balance also demonstrates that the ground water treatment and infiltration system infiltrates approximately 20 acre feet / year into the shallow ground water table that feeds the marsh. The Project has a net increase in ground water stored.

The CCC Staff incorrectly categorizes the well as an agricultural well. The well was approved for residential, agricultural, commercial and industrial uses. There is a fundamental misunderstanding on the part of CCC Staff as to the zoning designation of this Property. This is not a prime agricultural land because under the County's LCP Policy 5.2 all prime agricultural land is zoned as Agricultural in the County's LCP. This land has a general plan designation of Industrial. It is zoned for development not agriculture. The CCC Staff incorrectly identifies the land as PAD where conversion of an agricultural well limits the number of subdivisions in accordance with LCP Policy 5.22. LCP Policy 5.22 does not apply to this Industrial parcel. The CCC Staff states that MWSO cannot provide a service connection under the current Public Works Plan. The Project does not require a connection until it is available. The Project under the Public Works Plan will be managed and within a Public Water District. The Project fully intends to connect to a public water system as soon as a connection is available. In the meantime, the Project has legal rights to utilize water from its well while still being in compliance with LCP.

The CCC Staff states that the MWSO Will Serve letter is not valid because the Project has not completed the design. Big Wave informed the CCC Staff that it will be impossible to obtain a guaranty of service at this time. A Will Serve letter only states that the District is willing to serve and has capacity for the service. Obviously, building plans have to be reviewed, fees have to be paid and design review comments have to be incorporated. The CCC Staff fails to understand these are all standard conditions to the building permit process not the planning process.

Based on this analysis, the Project clearly complies with the LCP.

Wastewater, Page 11 CCC Staff Report

The Granada Sanitary District ("GSD") has been assessing the property owner for wastewater treatment ever since the Sewer Authority Midcoastside ("SAM") expanded its capacity. The SAM plant which is the Public Owned Treatment Works ("POTW") that serves the Project has more than adequate capacity to treat wastewater from this development. GSD does not operate a wastewater treatment plant.

However, the applicant is not proposing that all of the wastewater generated by the Project be treated by the POTW in a traditional manner. Instead, the applicant is proposing a state-of-the-art water recycling system which can be permitted by the Regional Water Quality Control Board and the County of San Mateo Department of Environmental Health.

The purpose of the water recycling plant is specifically designed to reduce the use of water and the generation of wastewater. The system is designed to recycle water for in-building toilet use and

recycle all of the water necessary for irrigation. These design goals protect the shallow ground water in the adjacent wetlands. The water quality of the recycling system will exceed the Title 22 (Title 22, Chapter 4, CCR, Water Recycling) requirements for unrestricted reuse. This quality standard exceeds the water quality of the surface water and shallow ground water in the area. The system is designed to provide the emergencies storage for wastewater for over 48 hour period. This equalization will reduce peak flows to less than 10 gpm. The system is designed to bypass the GSD Sanitary sewer if the water quality does not meet the above Title 22 criteria or if there is no demand for irrigation water. It was demonstrated in the FEIR that GSD has the capacity for this flow in the Stanford sewer line in the Princeton pump station. The water quality will be assured through the Regional Water Quality Control Board. We have an expert biology report ("*100% Basis of Design Report: Riparian & Waters/Wetland Ecosystem Restoration Big Wave Wellness Center and Office Park, San Mateo County, California*") that the use of this water will be beneficial for the site and the adjacent wetlands when irrigated all year long. The conditions of LCP are met because all wastewater treated in the SAM and GSD wastewater systems and the recycled water benefits the surrounding environment.

Wastewater, Page 22 CCC Staff Report

The CCC Staff describes the SAM sewer system and mentions sewer system wet weather flow improvements in progress. They mention the Burnham Strip storage system but fail to mention the Miramar Force main replacement that removes approximately 150 homes from the Portola Pump Station. This frees up approximately twice the daily flow that is generated by the Big Wave Project. The CCC staff also incorrectly states that the Burnham Strip project alleviates wet weather flows at the Montara Pump Station. The CCC staff states that the project daily flow is 26,000 gallons per day. The revised flow recommendation of the GSD District Engineer show that the project flow would be no more than 19,000 gallons per day. We anticipate that the final approved amount at the completion of the GSD review at the building permit stage may be lower. In fact due to the water recycling system the Project engineer believes wastewater will not exceed 1800 gallons per day.

The CCC staff fails to understand that Project includes flow equalization and the peak flow is limited to 13 gpm. As described in the FEIR, the Stanford sewer has a capacity of about 400 gpm and a peak flow of less than 100 gpm. The equalized flow is not a measurable flow in either the Stanford sewer or the Princeton Pump Station. The CCC staff lacks wastewater experience to recognize what is a significant flow and what is insignificant. The GSD District Engineer has stated that the system has adequate capacity for the Project flow.

The CCC staff states that the GSD system only has capacity for 1800 gallons per day. This is the amount that the project has been billed for the past 10 years. It is also the maximum amount that the design projects that will ever be discharged. Since the GSD system has adequate capacity, this value is just an estimate for the environmental process and a goal that we can easily achieve.

The CCC staff arbitrarily states that the project would need a storage capacity of 484,000 gallons. This value was calculated utilizing a 20 day arbitrary storage capacity. Title 22 requires 48 hours of storage for the proposed system. The system also provides an additional 24 hours influent

storage and complete process redundancy. Again it should be noted that all of this capacity and redundancy is to limit a flow that is not significant or measurable. Again, the 100% Final Design for the project landscaping states that the application of recycled water on the site provides a beneficial environmental impact all year long. The water recycling system is substantially more reliable than the Burnham Peak Wet Weather Flow system. Water can be discharged into the sanitary sewer system based on the transmitted flows readings in the system and used for irrigation or stored during the daily peak flows. CCC staff does not have the in-house expertise to evaluate the system. The Project requires a Regional Water Quality Control Board Permit. We have submitted plans to the Regional Board and the County Health Department and they are of the opinion that there are no hurdles to it being permitted. The CCC staff should defer to the agencies with the expertise and authority to review this system.

The CCC staff states that the Project water recycling system is a complex system and the conceptual design does not address major design issues such as the 20 day storage and concludes that the connecting and permitting of the system will involve alterations that will affected the visual appearance of storage tanks and other treatment facilities. This statement clearly indicates a lack of process understanding. Big Wave has submitted a construction ready design to the Regional Board and Coastal Commission. It is not a complex system. The system is manufactured by Kubota and there are more than 1000 systems like it in operation. It was chosen because of its simplicity. The system is also completely buried in the Courtyard with storage tanks buried under the buildings. The system has no visual impacts.

The CCC staff further states that since the water recycling system cannot be relied on, the Project does not comply with the LCP. This is a broad statement with neither basis in technical fact nor legal reasoning.

The Project is designed to minimize wet weather flows to less than significant. The Project recycles water to reduce wastewater and water demand. The project is not an onsite treatment system. Project wastewater will be discharged into the GSD system. The project clearly complies with the LCP.

If the CCC Staff is using the premise that it can prevent the site from being developed through restricting available utility service that is nothing more than a clear example of inverse condemnation. When used against the developmentally disabled community it is actionable under federal and state law.

Traffic and Public Access, Page 12 CCC Staff Report

The Big Wave Project will do much to address the jobs / housing imbalance on the Coastsides. At present, many Coastsides residents must commute to either San Francisco or the bayside communities of the Peninsula for job opportunities. When the Big Wave Project is completed, Coastsides residents will be able to shorten their commute by arriving in an office park close to their homes. This conclusion has been demonstrated in three separate traffic reports authored by Hexagon Transportation Consulting, Inc., a leading expert in Bay Area traffic. Based on the economic study

provided in the FEIR, the office park was specifically designed to meet an existing demand. For example, one of the largest office employers in the Half Moon Bay Area was forced to move to San Mateo to find office space.

CCC Staff incorrectly concluded that the County did not adequately analyze the impacts of parking in public access. The FEIR specifically analyzes this and the total parking spaces required is 517 spaces for the office park according to the County Parking Ordinance. In addition, 103 spaces will provide for the coastal access parking bringing total required parking spaces of 630. The present project actually provides for 640 spaces at the Office Park. The Wellness Center requires 35 parking spaces for guests and its employees. Seven additional parking spaces are required for coastal access parking bringing total spaces required to 42. The present Project actually provides for 50 spaces at the Wellness Center.

The statement in the staff report that the Project “would add and approximately 2,123 peak – hour vehicle trips to the road” is incorrect. The final traffic report states that approximately 1,775 will be generated. Of this approximately 55 trips will be peak hour trips. The traffic consultant concluded that this is a less significant impact at all significant intersection near the site. It should be noted that the Project generates traffic in the opposite direction of the normal peak flows. For this reason, the final traffic report concluded the traffic congestion for Highway 1 and 92 were reduced by approximately 7% at peak development.

Traffic and Public Access, Page 24 CCC Staff Report

The CCC staff is confusing Total Trips per day with Peak hourly traffic trips. The project is based on providing local employment for office and light industrial workers. San Mateo County required three traffic reports to determine if the completed project would have a significant impact of traffic congestion. San Mateo County has in-house traffic expertise and also realized it is difficult to predict the impacts a project that has phased construction. The County understood that the Wellness Center is primarily comprised of non-driving developmentally adults and would have a minimal impact on traffic congestion. It also realized from the Traffic Reports that the only intersection impacted is the intersection at Cypress and Highway 1. The traffic reports clearly state that this intersection exceeds its capacity with or without the Project. In plain language, this means the Cypress intersection requires a traffic signal even if the project is not constructed. To cover all of the bases, the County conditions require a traffic mitigation of \$150,000 that the County Traffic Consultant stated would mitigate the traffic impact to less than significant. The County has also required in their conditions of approval a New Traffic Study for every two building that are permitted in the project phasing. The traffic report is required to investigate all intersections and highway segments that could be impacted by the project. The report will consider the cumulative impacts. The project building permits would not issue if any traffic impacts are not mitigated.

The CCC staff is concerned that the Caltrans concerns were not addressed. Caltrans requested summer traffic counts because traffic is higher in the summer. The County Traffic Engineer determined that the peak traffic loads are based on the commute morning and return traffic and the time of year is not relevant. Recreational traffic peaks tend to be on weekends during the sunny weather in

the fall and spring. Caltrans also expresses concern that the traffic mitigations have not been coordinated with Caltrans. Again, this is not possible until the project has received a Coastal Permit and the project is approved. As mentioned above, the County has addressed this issue by requiring the cash payment based on the signal replacement upfront. This is a County project funded by Big Wave. The County will coordinate the mitigation at Cypress when and if the traffic evaluation requires it.

Again, the County has the expertise to implement the traffic mitigations in the permit process and they have been more than diligent in defining enforceable mitigations. The CCC staff should either require changes in the County Mitigations if they so desire but without staff traffic expertise, they should defer to the County.

The Traffic Reports states that at peak development, traffic congestion is reduced on Highway 1 and 92. The County mitigations are conservative and require the upfront payment for potential traffic impacts. The detailed traffic reports requiring verification and the implementation of the listed mitigations if required are a thorough method of insuring the project complies with projections and the LUP and LCP.

Public Services Conclusion

It is reasonable to conclude that the public services are adequate to serve the Project. The road services when mitigated will have less significant impact. The traffic report indicates Project mitigation may not be required until the third and fourth buildings are constructed. No expansion of the GSD, SAM or MSWD systems are required. The Project complies with the LCP.

Hazards Page, 13 CCC Staff Report

- *Tsunami*

The CCC Staff is incorrect by implying that the Wellness Center Housing is not allowed in the area identified as the Tsunami Inundation Area. The San Mateo County Office of Emergency Service has prepared Tsunami Inundation Map for emergency plan. This map specifically states that it is not to be used for zoning and other regulatory purposes but it is supposed to be used for evacuation plan only. Big Wave has developed a thorough evacuation plan for both the Wellness Center and Office Park that has been approved by the County Office of Emergency Service. The plan includes an active link to the County of Tsunami Evacuation System. The County Ordinance 6326.2 allows for the construction of housing that is shown to be outside of the Inundation zone as calculated by licensed engineers specializing in Tsunami design. Big Wave provided a report by Geosoils Inc. that demonstrated that all of the Project structure outside the 500 year inundation zone. Furthermore, the 1st floor elevation is approximately 10 feet above the 500 year Tsunami level. This 1st floor elevation allows for the maximum Tsunami to occur during the maximum flooding at maximum sea level rise.

- *Seismic Safety*

Three different geotechnical reports concluded that leap of action differential settlement; sand boils are less insignificant for the proposed foundation design. The CCC Staff Geologist has expressed additional concern for the potential of fault rupture occurring beneath the structure and had requested additional geotechnical analysis. Additional information was provided to the CCC Geologist that located the San Gregorio fault farther to the west and was identified by the State Geologist. This identification and location of the fault was documented in two separate soil reports that include trenching for location of the fault. The reports confirm this location near the Fitzgerald near the parking lot and near the Pillar Ridge Mobile Home Park. This provides detailed documentation that the location of the last movement of the San Gregorio fault is over 700 feet away from the Project and additional soil testing is not required by the Alquist-Priolo Legislation. It should be noted that measurable movement of the San Gregorio fault is extremely rare with the last rupture occurring between 600 and 1,400 AD.

The Project is consistent with the LCP Policies.

Scott Holmes, Project Engineer in addition to other comments contained in this letter specifically offers the following response on this issue.

"Tsunami Inundation, Page 31 CCC Staff Report

It should be noted that we met with the CCC Staff in November 2011 for a very brief meeting and we were promised the information provided in the staff report back in November of 2011. As late as July this information was not available. It now shows up in the staff report and is the basis for the conclusion that the Project not in compliance with the LCP. This is not a reasonable form of evaluation but it is the normal for this entire Coastal Commission review process.

Exhibit 10 is the map titled "Tsunami Inundation Map for Emergency Planning, Montara Mountain Quadrangle, and June 15, 2009. This is the CalEma and the County Map. The CCC Staff states incorrectly states that the applicant "made a number of points to dismiss the application of this map to the project". The applicant recognizes the importance of this map and it is the basis of the applicant's emergency evacuation plan. However, the applicant questions the CCC Staff use of the map in direct conflict with the statements on the map. The map states that it is not accurate and not a legal document that is to be used for regulatory purposes. A testament to this is that the elevations for edge of the tsunami inundation dropped approximately 10 feet from the previous version (this major change reflects its level of precision). The Map is clearly valuable for its intended use as stated in its Title, "Inundation Map for Emergency for Emergency Planning". The map clearly is consistent with the County Hazard Ordinance 6326.2 but not consistent with the CCC Staff position to use it for regulatory purposes in the establishment of building requirement.

The County Ordinance uses the map as the basis for requiring emergency evacuation plans and for requiring additional engineering site specific evaluations to determine the reasonable inundation level. The County Ordinance for residential structures in the Tsunami Hazard evacuation zone

requires in section 6326.2 (1) for residential structures, 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 inundations in connection with the parcel or lot upon which the proposed development is to be located.” This was completed by a competent Licensed Engineer with extensive ocean engineering expertise and a research background as an employee of the Scripts Marine Laboratory. His firm (GeoSoils, Inc.) reviewed the findings in his report after the Tohoku Tsunami (9.0 mw earthquake) and expressed satisfaction in their conclusions.

The CCC Staff included the same historical search as the applicant and we agree that the Princeton Harbor area is subject to a Tsunami Hazard. This is the point of the design. We disagree with some of the data provided. The 1964 Alaska Earthquake (9.2 mw), generated only a measure rise and a series of drain and refilling actions in the Pillar Point Marina. Boats were damaged but no land based structures.

The CCC Staff lists wave run-up values that are included in the staff report but are only located next to the subduction zones that were the source of the earthquakes that generated the tsunamis. This again is in direct conflict with the data that has generated the Tsunami Inundation Map for Emergency Planning. The map states there are no subduction zones in the California area that will generate a tsunami in Half Moon Bay. The Cascadia Subduction Zone will generate a wave with significant impacts to the Oregon and Washington coast but is not included in the events impacting the project area. The events impacting the project area include the Central and Eastern Aleutian subduction zone and the Asian Content subductions zones. The subduction zones in Northern South America have not generated Tsunamis that are significant in the project area. It should be noted that all of the maximum events listed as the basis of evaluation have occurred in recent history and have not generated run-up values that approach even a third of the elevation listed as the maximum run-up value of 10 meters. The only Tsunami that has generated land damage in Princeton was the 1946 Alaskan Tsunami with a maximum run-up of 2.6 meters that did not reach the project site). This can be simply translated as the maximum statistical value shown on the map does not consider recurrence rates. This fact is stated on the map. The map states that to generate this value, the impacts of the events must be combined. The statistical probability for this to occur is extremely rare (also stated on the map). To establish building elevations we generated run-up calculations on a very rare occurrence (once every 500 years). This represents 10 generations of residents and roughly five (5) times the reasonable age of the structure. The CCC Staff does not appear to be satisfied with this recurrence level. We feel a 5000 year level is unreasonable and a 100,000 year interval is also unreasonable.

Again, we agree with the CCC Staff that the Princeton Area is subject to Tsunami Hazard and based on our historical research we added a considerable safety factor to the Engineers Calculations for maximum run-up for the 500 year event. Our first floor is 10 feet above the 500 year run-up year value. This is 5 meters above the high still water elevation (January 27, 1983). This represents a first floor level that is roughly twice the height off the largest historical run-up (1946 Earthquake). It is three feet above the combined maximum value of the 100 year flood, maximum sea level rise. The proposed structure will be designed using standards for buildings that successfully survived the wave impacts of the Tohoku Tsunami. We have also designed the site to protect the buildings from Tsunami debris flows that exceed the 500 year event.

The CCC Staff states that "Given the proposed design that is before the Commission, at the maximum probable tsunami from the CalEma modeling and mapping effort, the proposed project cannot meet the criteria for approval." Again, the maximum value is the elevation that is calculated without a recurrence interval. The CalEma maximum value is about elevation 30 feet. This is the elevation for evacuation. Our evacuation plan allows for vertical elevation to the second floor or the horizontal evacuation by walking about 1700 feet to higher ground. The CCC Staff is confusing the Evacuation level (maximum possible) with the Engineers Calculated maximum run up level for the 500 year event. The Engineer has calculated that the run level at the site is 2 meters above the highest still water elevation (this accounts for friction loss in the run-up. The design adds another 3 meters of safety factor. Using the Engineers values, the Project complies with the ordinance and the LCP. The CCC Staff is challenging the competency of our engineer. This is a serious accusation and I am uncertain from the comments that I have received to date from the CCC that they have the ability to do this.

The CCC Staff has stated that they are not satisfied with a reasonable 200 year historical evaluation by the applicant and a calculated 500 year run-up (by a licensed expert). The CCC Staff is not satisfied with the 100% design safety factor. They never discussed or reviewed the details of the design with the designer. The CCC Staff essentially states that they do not have the ability to evaluate the project without requesting that the Project prepares a non-site specific \$1 million research paper that analyzes the Princeton area and develops the safe building ordinance for the area. This is unreasonable and not the responsibility of a single private property owner.

From an evaluation of the Licensed Expert with the applied 100% safety factor, it is clear that the project meets the criteria for the LCP and the County Ordinance."

Geologic Stability, Page 29 CCC Staff Report

The CCC Staff is confused with the recommendation in the DEIR that states that the soil condition with the proposed Project foundation of drilled piers or with the additional studies of other foundation forms will be investigated. The Project description selects a guaranteed successful foundation system that did not require additional studies that require feasibility studies. Once the Project is approved and the buildings are located, CPT test are required to determine the number of piers, the depth of the piers based on the structural engineers requirements. There is no question on the feasibility of this foundation technique to address the differential settlement including liquefaction, sandboil and sicklick densification.

The CCC Staff stated that the applicant has refused to provide the final geotechnical report. This is incorrect. The applicant agreed in writing to provide the geotechnical report when it normally occurs when the requirements are needed by the structural designer. Big Wave provided a scope for the final geotechnical report and requested comments for the CCC Staff geologist. The CCC Staff geologist expressed additional concern about fault rupture. We provided information verifying that the fault rupture zone is further to the west than shown on the Project drawings. The CCC Staff geologist did not respond. Big Wave will provide a traditional geotechnical report that is required before the issuance of a building permit. It is unreasonable for the CCC Staff to require final design during the

planning process with no guarantee that the Project will be approved. This is an expensive investigation that requires detailed location of approved structures.

The response provided in this CCC Staff report is a first detailed description of what the CCC Staff is actually requesting. The CCC Staff states the contrary to the letter received to the applicant on March 20, 2012. The fault has not actually located in the actual site. This statement is contrary to the final geotechnical report that will be provided by local geotechnical engineer that is attempted to locate the fault with trenching adjacent to the site in the mobile home park.

Given this additional information, Big Wave is willing to work with the CCC Staff geologist to prepare scope for the final report and executed when required by the commission. It should be noted that the study is site specific and is required to determine fault displacement has occurred under the building footprints. Given the strong information that locates the point of last movement over 700 feet from the site, it is unlikely that recent displacement will be identified. If identified, the building code requires that the buildings be moved 50 feet from the point of displacement. We have that kind of flexibility at the site without causing any significant impacts. Since the investigation is building sites specific, we request that the Coastal Commission approves the location and size of the building prior to the geotechnical report.

Biological Resources, Page 13 CCC Staff Report

The Project is consistent with the LUP Policies for the identification in wetlands, allowable uses in wetlands and requires buffers. The Project proposes no facility improvements will occur within the buffers. The minimum buffers are 100 feet wide with an average buffer of 150 feet. The wetlands are delineated according to the CORPS and CCC Standards by a qualified biologist. This final 100% design report states on page 13 that all 4 evaluation criteria for wetlands function (hydrologic functions, biochemical functions, plant functions and faunal support habitat functions) are improved in simple terms. The report states that the Project has a positive impact on habitat versus an adverse impact as stated in the CCC Staff conclusions.

The CCC Staff incorrectly concludes that the Biological Assessment does not include a map showing the dispersal habitat of the Red Legged Frog and that the impact to trees on the site was not adequately addressed. The Biological Assessment specifically includes a Red Legged Frog dispersal map and identifies that there are no trees on the site. The Project has no impact on the trees off the site. The Final 100% Basis of Design Report states that the terrestrial habitat function is improved by the planting of the trees shown on the planting plan.

The CCC Staff incorrectly identifies that a nursery will be established within the wetland buffer. The landscape drawings provided to the CCC Staff shall that there are no nursery located in the buffer zone.

CCC Staff incorrectly quotes the Kleinfelder Report as having inadequate excess capacity for additional wellness when the report clearly states an average of 500 acre feet / year of water overflows

from the Airport Aquifer. The Project well would pump approximately 10 acre feet / year. As demonstrated in Hydrology Analysis in a DEIR, the parking lot infiltration system returns approximately 20 acre feet / year of water in the Aquifer that would normally overflow during the winter. Thus the Project has a positive impact on the capacity of the Aquifer.

The CCC Staff incorrectly states that the County does not require the monitoring that the water quality of the well is specifically require this in the well water treatment system.

The CCC Staff statement that the impacts of recycled water irrigation have not been properly evaluated is incorrect. The Final 100% Basis of Design Report states that high quality recycled fresh water will be beneficial to the habitat. The Regional Water Control Board Permit will ensure that only high quality water will be used for irrigation. The CCC Staff incorrectly states that the water is predisposal and not for irrigation. The Regional Board Permit will ensure that it is only used for irrigation.

Scott Holmes, Project Engineer in addition to other comments contained in this letter specifically offers the following response on this issue.

"Biological Resources, Page 39 CCC Staff Report

The CCC staff states the usage of the well violates the sensitive habitat component of the LCP. The CCC staff fails to mention or include in their evaluation the fact that the well is currently in use and its use will not increase throughout the development because the project is replacing irrigation water with recycled water. They also fail to evaluate the storm water infiltration system that has been shown by independent design review that the project will increase ground water infiltration by over 100% of the extraction. They also fail to state in their evaluation that the project will utilize a District Water connection as soon as it is available. They also fail to recognize the conclusions of the 100% Design report that states that restoration irrigated by recycled water improves the biological function of the site and adjoining marsh in every measurable function. Including the evaluation of these factors that state ground water extraction will not increase, the total ground water supply will increase and the restoration with recycled water will improve the function of the habit, it is reasonable to conclude that the project will comply with the LCP.

The CCC staff again fails to consider that the project will enhance the habitat for the Red Legged Frog. The design biologist has specialized in the restoration of Red Legged Frog Habitat. The Calera Creek habitat identified 3 Red Legged Frogs within a 150 acre site. After habitat restoration of approximately 8 acres (same as the proposed design), the frog population has increased in this habitat to over 3000 Red Legged Frogs. Similar success was accomplished in the San Pedro restoration where 1 RLF was found prior to restoration. The proposed restoration like the previous success story focuses on RLF restoration. As described in the Biological Resource Evaluation, the surrounding habit lacks RLF breeding habitat. The project provides this habitat and predicts success in the restoration of this species. The CCC staff ignores the design, the successful history of their designers, the predictions in the design report and base their conclusion on a lack of compliance with the LCP because they state contrary to the evidence that the project will have a negative impact on the Red Legged Frog. Dr.

Peggy Fiedler and Dr. Lyndon Lee are associates of the CCC Biologist Dr. John Dixon. He is aware of their work and has stated to the CCC planner that he trusts their design.

The CCC designer states that the plans provided by Big Wave show that the Project intends to restore the 100 foot buffer in wetlands (rather than leave it in farm land) and leave an additional 50 feet in farm land on the west side of the stream. On the east side we intended to leave upper elevations outside of the area that is normally wet as a one acre farm area. This area is currently being farmed and farming is allowed in the buffer. The area has an elevation that is about 6 feet above the stream and cannot be made wet without extensive excavation. This is correct. The CCC staff's interpretation that additional fill is required in the buffer and that fire access roads are required in the buffer zone is incorrect and not shown on the drawings. There is no development other than restoration and organic farming within the buffer. The drawings show no grading. Based on the CCC staff person's incorrect interpretation of the drawings, they conclude there will be an adverse impact. A simple conversation and review with the applicant could easily correct these misinterpretations. This has never occurred. There are no new roads, the site drawings show all of the fire access. The site drawings show no development in the buffer zone. There is no violation of Policy 7.19.

The CCC staff again states that the applicant has not demonstrated that the habitat is protected by the buffer. Again this is in light of the Biological Design by experts who know the CCC expert Biologist respects their work. There is no basis for this conclusion and no basis based on this conclusion that the project violates LCP Policy 7.18. Rather there is significant evidence that the Project goes farther than protection and actually proposes functional improvements to the site and the surrounding wetlands.

The CCC staff questions the Planting Plan that has been prepared by known and recognized expert without consulting their own Biologist and his understanding of the work quality of our expert.

The CCC staff recognizes that the planting plan is very ambitious. There is a characteristic of restorations designed by the Dr. Lee and Dr. Fiedler team. The density allows for die off and generates restoration that is more weed resistant. The CCC staff member in attempt to show that the restoration is overly ambitious fails to do the math in his calculation of plant density and states that the trees will be planted every 1 foot when the area calculations (area = length x width) show that the plant density for trees is about every 5 feet. This is typical for densely planted restorations. The trees initially thrive, they get very dense in the first 5 years. The weak die off and the strong survive. After about 10 years the native plants develop and canopy and understory. Both Dr. Lee and Dr. Fiedler have trained the majority of the Corps staff in wetlands monitoring and delineation including the Corps of Engineers staff that performed the 1997 delineation.

CCC staff states that "based on the above reasons, the Commission finds that the proposed project is inconsistent with the habitat policies of the LCP. The above reasons include mistakes and a lack of understanding of the project description. Without these inclusions it can reasonably be assumed that the project is consistent with the LCP."

Agriculture, Page 15 CCC Staff Report

The CCC Staff incorrectly defined the site as Planned Agricultural District. The zoning designation for Planned Agricultural District (PAD) is only applied to land within the rural area of the County. The Project is in the urban area of the County and is zoned M-1 and W. The site is historically farmed for hundreds of years. Farming is allowed in the urban area and in industrial zoning. The CCC Staff is confusing prime agricultural soils with the zoning designation PAD. LCP Policy 5.1, 1.3(b) and 5.22 only apply to PAD zone land.

Visual Resources, Page 44 Staff Report

The CCC Staff report incorrectly states that the approved Project is significantly larger in mass and in scale than the surrounding development. The Wellness Center buildings have lower roof elevations than the adjacent commercial buildings. The Office Park two story buildings have a roof elevation comparable to the roof elevations of the adjacent mobile home and propane tank. The roof elevation of the 3 story office building has a similar roof elevation to the recreation center. The Project has significantly lower density than the surrounding developments. The Project building footprint density is about 15%. This density of the surrounding buildings is over 50% of lot coverage.

The Project is not visible to the harbor and the DEIR has concluded that the impacts of the Project are less than significant. The CCC Staff incorrectly states that that Project will be visible after the 6,000 trees will be planted as shown in the visual presentation provided to the CCC Staff the Project is shielded from all views. The CCC Staff concern about the tree survival is unwarranted. The trees selection was made by an expert botanist with extensive experience in San Mateo County Coastal Wetland Restoration. It should also be noted that a large number of trees being planted is designed to promote regrowth and accommodate mortality. The Geotechnical cross-sections indicate excellent water retention in the surface clays with underlying water bearing sands and gravels.

The CCC Staff also incorrectly claims that the changes in the Project design as required by the County conditions. The County conditions were specifically required to reduce the Project impacts. The main changes are listed below:

- The size and scope of the Wellness Center was reduced by approximately 25% to remove all buildings from the archeological zone. The County EIR Consultant did not identify the archeological zone until after the Project was completed. This change required a relocation of the water recycling plant from the archeological zone. This change allowed all the sewers to flow by gravity in board casings under the stream that separates the parcels.
- The Wellness Center buildings were reconfigured to comply with recommendations for the reduction of airport noise. The County required that all residential units faced to the west and be separated from the airport with recreational and commercial buildings. This change required that the Wellness Center buildings be reduced from 3 stories to 2 stories. This resulted in significant reduction in building height for the Wellness Center.
- The proposed commercial building on the Wellness Center located next to Airport Street was eliminated to reduce its visual impacts from the airport street.

- All grading outside the developed building and parking lot envelope was eliminated.
- Maintenance building on the outside next to the Airport Street was relocated to be adjacent to the commercial building next to the Wellness Center to reduce the visual impacts from Airport Street.
- The four (4) Office Park buildings were broken into smaller buildings to reduce the building mass. The front 4 office buildings were reduced to 2 stories to minimize the visual impact from Airport Street. The overall height of the office buildings was reduced by an average of 14 feet to reduce a visual impact.
- Approximately 6,000 additional native trees were added to the perimeter of the site to shield the views of the buildings from all locations.

These changes ensure that the visual impacts are significantly less than those evaluated in the DEIR. The CCC Staff incorrectly states that insufficient information was supplied to evaluate the visual impacts with the Project revised to meet the County conditions. Big Wave supplied the CCC Staff 3 full sized set of drawings (each set consists of 19 sheets) that essentially provide construction details. The sheets provide 3 dimensional views with critical dimensions and scalable locations that allow all sections of the building to be identified. The sheets also demonstrated all the changes required from the original drawings. Along with these drawings, visual representations in scaled AutoCAD are shown in high resolution photographs from the 3 most prominent viewpoints of the site. The first is from the unobstructed closest point on Highway 1. The second from the regional viewpoint and the third is from the Airport Street looking south. These visual representations showed existing conditions prior to construction and the final conditions with full construction with no landscaping. The visual appearance of the site even without landscaping is considerably less than the visual impacts described in the DEIR due to the changes listed above. It should be noted that the visual impacts described in the DEIR were less than significant. Also additional presentations showing the Project views with facing and landscaping are included. These demonstrate that the Project is no longer visible at about 10 years of landscaping growth.

The CCC Staff also incorrectly described Building A on the Wellness Center site has been 3 stories, 36 feet tall and 300 feet long and just 30 feet from the Airport Street. Building A is 2 stories, 200 feet long and 100 feet from Airport Street.

The CCC Staff is concerned that the original photo simulations used computer generated images and are misleading. Photo simulations provided in the Coastal Commission include the actual AutoCAD drawings inserted into a scaled Google Earth that is photoshopped into a high resolution photograph at the exact scale of the Google Earth image. The pictures are accurate and were verified with the 35 foot portable storey pole connected to the tractor.

The CCC Staff states that the Project is visible from trails Pillar Ridge, Pillar Point Harbor and Pillar Point Marsh. CCC Staff also claims that buildings of both the Wellness Center would project above the ridge line from Airport Street and State Route 1. As shown in the visuals provided in the CCC Staff, the buildings have minimal visual impact even without landscaping. The highest elevation of the Office Park building is approximately elevation of 60 feet (39 feet above the ground level). The elevation of the ridge line behind the buildings ranges from elevations 100 feet to 124 feet. This means

Shallenberger
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that the ridge is roughly 4 times higher than the buildings. It is clear that it doesn't block the ridge line from Highway 1. It may block the ridge line from Airport Street because the buildings are constructed in Airport Street. Airport Street is not considered a scenic corridor. It should be noted that the closer you are to the structure, the higher percentage of the building will be blocked. Based on this analysis, it is clear that this Project is consistent with LCP Policies 8.5, 8.7 and 8.13.

Substantial Issue Determination Conclusion

Accounting for the CCC Staff misunderstandings of the Project description and providing a straight forward assessment of the impacts, it is clear that the Project does not create a substantial issue for compliance with the LCP.

Lot Legality, Page 46 CCC Staff Report

CCC Staff misinterprets Public Resources Code § 30106 and accuses the County of San Mateo of creating a land division without compliance with the Coastal Act. This office previously provided more than sufficient information to the CCC Staff that the subdivision is exempt from the requirement of a CDP. CCC Staff develops an unfounded legal opinion and creates a misrepresentation regarding the status of the parcels. The County of San Mateo created all of the parcels in connection with the purchase of the Pillar Point Marsh property. We have previously sent the contracts for sale to the CCC Staff which clearly demonstrates this fact. There is no basis for the position of CCC Staff that "Here, lines were drawn to create *additional* parcels unrelated to, and not a result of, the acquisition." The CCC Staff analysis suggests that only the parcels owned by the government agency are exempted by Public Resources Code 30106. Actually this statute is quite clear that such a "land division" which created the applicant's parcels is exempted from the definition of development in the Coastal Act. The County of San Mateo did not violate the law as alleged by the CCC Staff.

Locating New Development – Land Use, Page 48 CCC Staff Report

The site has a general plan designation of Industrial. As a matter of fact, the Office Park is on property zoned M-1, light industrial, which permits the most dense development in the entire San Mateo County Coastal Zone. The property is bordered on the south with high density industrial development and on the north, by a high density manufactured housing site. This is infill development. It is not PAD zoned land nor is the projected development locations on the site zoned RM. This Project will provide necessary housing for the developmentally disabled adult community and office space for Coastside businesses. That is the intention of the zoning.

We received a 56 paged Staff Report last Friday, July 27, 2012 and immediately began working on this response. Due to the press of time, there may be typographical errors in this letter for which we apologize.

Shallenberger
August 1, 2012
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Discrimination and Reasonable Accommodation Claims Page 50 CCC Staff Report

In the letter from this office dated March 20, 2012 and the relevant attachments, we argued that the County's interpretation of the use-permit process allowed the granting of the use permit for the Wellness Center. It appears CCC Staff now recognizes that is a lawful determination.

Also in that letter dated March 20, 2012, we argued that certain Ordinances cannot be interpreted to allow some people to live in an area but prevent the developmentally disabled the same opportunities. It appears in the CCC Staff now recognizes that such Ordinances cannot be used to discriminate against the developmentally disabled community.

Conclusion

The County of San Mateo Board of Supervisors unanimously approved this Project after a six year review process. The County of San Mateo recognized the need to build housing for the developmentally disabled community and create office space to promote job growth and restore health to the local economy. One would hope that CCC Staff would have reviewed this Project with an open mind. Instead, it has relied exclusively on inaccuracies and misinterpretations promulgated by Project opponents. The positions outlined in the CCC Staff Report do not demonstrate independent review of the Project but rather unanalyzed adoption of Project opponent written documentation. It is sad that CCC has even raised legal issues that are patently nonsense in an effort to create regulatory hurdles to prevent the developmentally disabled community from housing opportunities possessed by other Californians.

That is unfortunate. The developmentally disabled adult community deserves better. As a result of a Public Records request initiated by this office, it has been determined that the CCC has never approved an affordable housing project for the developmentally disabled adult community. (Letter from CCC to David J. Byers, dated September 14, 2011.

CCC Staff has been unwilling to spend time with the applicant to discuss these technical issues about this important Project. Instead, CCC Staff has relied on Project opponent positions as if those individuals alone possessed the truth. Big Wave request that the CCC instruct staff to meet with the applicant to address every issue and see if the developmentally disabled adult community can actually enjoy the same benefits of our wonderful California Coast enjoyed by other residents of the Coastside.

Shallenberger
August 1, 2012
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Sincerely,
BYERS / RICHARDSON

Signature on File

DAVID J. BYERS, ESQ.

cc: *Jerry Hill, Assemblymember, State of California*
Adrienne J. Tissier, President, Board of Supervisors
Charles Lester, Executive Director, CCC
Nicholas Dreher, Coastal Planner, CCC

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David J. Byers

OF COUNSEL
Patrick M. K. Richardson

March 20, 2012

Madeline Cavalieri
Coastal Planner
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: A-2-SMC11-02, Big Wave Project: Affordable Housing and Jobs for the
Developmentally Disabled Community

Dear Ms. Cavalieri:

This office represents Big Wave LLC ("Big Wave") which has successfully obtained unanimous approval from the County of San Mateo Board of Supervisors for a wellness center and office park on APN 047-311-060 and APN 047-312-040.

The California Coastal Commission ("CCC") staff has long opposed the development of this affordable housing project for members of the developmentally disabled community going back to 2006. I have kept an accurate file detailing CCC staff's animus towards this project. I do not know of the basis for this effort to prevent the approval of a housing project that would benefit these members of our community. I do not plan on allowing the CCC staff to prevent the development of this necessary housing by erecting unnecessary regulatory hurdles to destroy the economic viability of the project. I have reviewed your letter of November 2, 2011. This letter responds to your concerns. To the extent CCC staff is requesting information not designed to properly review the project but merely calculated to unduly burden the applicant, the information will not be submitted. If CCC uses such a tactic to prevent a hearing on the appeal, I will file an action under Section 1085 of the Code of Civil Procedure to mandate a hearing. My client has spent \$589,753.71 on EIR review and other studies for this project. This number does not include internal soft development costs. The administrative record numbers has thousands of pages. To the extent CCC staff requests necessary information to review this project my client intends to provide it.

MARIN OFFICE
843 DEL GANADO RD., SAN RAFAEL, CA 94903-2309
TEL.: (415) 492-0535; FAX.: (415) 492-0364

EXHIBIT A

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1. Additional Information Request

A. Legal Lot Requirement

Under Public Resources Code § 30106 a subdivision requires a coastal development permit "... except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use ...". The County of San Mateo entered into three Real Property Acquisition Agreements on March 10, 1998 to purchase the Pillar Point Marsh area for the public. See attached Exhibit A. Subsequently the County of San Mateo itself applied for Certificates of Compliance for APN 047-311-060 and APN 047-312-040. The County of San Mateo issued and recorded unconditional Type A Certificates of Compliance for these two parcels on July 6, 2000. See attached Exhibit B. Your database "yields no CDPs" for these parcels as Public Resources Code § 30106 clearly excludes such a land division from the requirement of a CDP. If the CCC staff takes the position that the County of San Mateo violated the California Coastal Act by the process it employed to obtain title to this valuable resource for the public please notify the County of San Mateo immediately.

The County of San Mateo then caused to be recorded a Record of Survey at Vol. 19, Pg.15 at the County Recorder's Office. See attached Exhibit C. Given the clear language of Public Resources Code § 30106 and the issuance of Type A Certificates of Compliance consistent with that law, the parcels are legal. Big Wave will not provide additional information regarding (1), (2), or (3) as the above establishes the legality of these parcels.

With regards to your other requests: 4) the size or use of the property has not changed, 5) APN 047-312-040 has been donated to the Big Wave Group, an I.R.C. § 501(c)(3) nonprofit corporation which will operate the Wellness Center and which was named as a defendant in pending litigation by the Committee for Green Foothills which is trying to stop the building of affordable housing for the developmentally disabled. This will ensure that the developmentally disabled community will have standing in that court action. Finally, (6) I have no title reports. My client pays the taxes and has owned both parcels.

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

B. Zoning, ADA, Rehabilitation Act, and Housing Act

Absent from your letter is any acknowledgement of the import of Public Resources Code § 30007 which mandates compliance with state and federal housing law and Public Resources Code § 30604(f) which "encourage[s] housing opportunities for persons of low and moderate income."

All of the information you requested is contained in the voluminous staff report submitted to the County Board of Supervisors prior to its unanimously approving the project.

Before you request information from an applicant you should review the project file. In this case the project file is extensive and would answer most of your inquiries.

1). Sanitarium: The elected members of the Board of Supervisors who under law are charged with the interpretation of their legislative enactments have unanimously determined that the Wellness Center meets the definition of a Sanitarium. Support for that position is in the attached Exhibit D from the County of San Mateo Staff Report and FEIR. Typically special facilities of the nature of the Wellness Center are not accorded zoning on a particular parcel during a general plan adoption process. Rather the use permit process allows the development of such critical uses when their need and viability are established. Without such an interpretation, affordable housing for the developmentally disabled community could not be built anywhere in the local coastal zone. CCC staff's position would prevent the development of this essential use anywhere on the San Mateo coastside. An interpretation such as that would violate both the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq and the California Fair Employment and Housing Act, Government Code §§ 12900 et seq. CCC staff does not apparently recognize the legislative mandate of these acts.

2). Use Permit findings. The elected members of the Board of Supervisors possess a wide ranging charge to promote the public health, safety and welfare of the residents of the County of San Mateo. They listened to the substantial evidence that building housing and creating jobs for a disadvantaged segment of our community is consistent with their charge. Support for that position is in the attached Exhibit E from the County of San Mateo Staff Report and FEIR. Additionally, significant public testimony available on tape demonstrates that building affordable housing for the developmentally disabled community promotes the general welfare. I cannot understand any basis for CCC staff who are not entrusted with such legislative authority to determine that building such housing does not meet the general welfare findings necessary for a Use Permit. CCC staff do not possess the legal authority to override the determination of elected official in finding that building affordable housing for the developmentally disabled community benefits the general welfare.

I have discovered through the California Public Records Act that the CCC has *never* approved a housing development of this nature. Given the antipathy towards this project and the failure of the CCC to approve any development of this nature, I can only conclude a discriminatory animus toward the developmentally disabled.

3). LCP Section 6326.2(a), ADA. The County Counsel of the County of San Mateo has determined that the clear mandate of the federal and state laws designed to prevent discrimination against the developmentally disabled precludes a local ordinance which would allow housing for some persons but exclude the developmentally disabled. See the attached Exhibit E. Opponents of providing housing for the developmentally disabled have seized on this tsunami issue as a good tactic to prevent the development of the project. Again I must remind you that both federal and state law preclude this form of discrimination.

4). You have provided no citation to the Rehabilitation Act. What statute are you citing?

5). Government Code Section 12955(l) precludes a lawful ordinance that prevents the developmentally disabled from residing in housing permitted others.

It is very disturbing that there appears to be a calculated effort on the part of CCC staff to prevent the development of housing for the developmentally disabled. Your questions demonstrate that you have not yet reviewed the voluminous information reviewed by the County of San Mateo Board of Supervisors prior to its approval of the project.

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

2. Previous Information Request

A. Project Description

As I stated my client intends to honor legitimate requests for additional information. Under a separate mailing is a full sized set of plans for the project as approved by the County. We have labeled the plans in a manner so that they can be reduced to 8.5" x 11".

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

B. Utilities

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. The County EIR Peer Reviewer, Questa Engineers, provided comments in the DEIR. Those comments were responded to by the County in the FEIR. After the completion of the FEIR, Big Wave consulted with the Granada Sanitary District ("GSD") Engineer and incorporated his comments in Exhibit F. The calculated flows are those that meet the recommendations of the GSD District Engineer. The County average water demand is 67 gallons per person per day. 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%.

As shown in the FEIR, the existing well has adequate capacity for the site, GSD and Sewer Authority Midcoastside ("SAM") have adequate capacity for the proposed water recycling system and have more than adequate capacity to recycle all of the water generated by the project. The irrigation system has adequate need and capacity to recycle all of the water on the site. Montara Water and Sanitary District ("MSWD"), GSD and Coasts County Water District ("CCWD") have adequate capacity to serve the project.

After reviewing our hydraulic data, CCC Geologist, Mark Johnson, indicated that he felt there were no hydrology issues associated with our wetlands and landscape irrigation based on the very low level of application rates. The maximum daily application rate is 0.04 inches per day (similar to a fog).

You have asked for a "biologist/hydrologist" report. Attached as Exhibit G is the "Final Basis of Design Report for Riparian and Waters/Wetlands Ecosystem Restoration" written by the design biologist Esa Crumb and wetlands biologist Dr. Peggy Fielder. This report includes a review by a wetlands irrigation expert and hydrologist. The primary focus of this biologist/hydrologist report will be the appropriateness of the application of recycled water for irrigation and the appropriate native plant selection. The report has been reviewed by an irrigation engineer and irrigation rates have been shown for annual irrigation.

Big Wave is submitting a request for water service approval from both CCWD and MWSD. The service request is based on annexation and managing the water systems on the site. Water systems include water recycling and disposal of excess recycled water and waste products associated with water recycling. We will forward copies of actions taken by the relevant Boards. Prior to obtaining a will-serve letter, the property would have to be annexed by the Local Agency Formation Commission ("LAFCO") to the jurisdiction of CCWD or MWSD. Project opponents believe the project can be stopped by preventing the responsible utility districts from serving the project. The CCC staff apparently believes that it and not LAFCO determines service district bodies of special districts. However Government Code § 56100 gives that authority exclusively to LAFCO. Moreover, Government Code § 56001 clearly enunciates a desire to accommodate "housing for persons and families of all income" in making such decisions.

Big Wave will obtain sewer service from GSD. 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. 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.

The tactic of not issuing a CDP for this project by preventing connection to a utility system in violation of the clear legislative intent of the Cortese-Knox Act will not be allowed.

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

C. Aesthetics

The final architectural drawings based on the County Approvals have been provided in three dimensions using a format compatible with Google Earth. This is contained in the separate mailings of full size plans. These are exact scaled drawings. Story poles would be an unnecessary expense and quite frankly, given the nature of this development, do not adequately convey its size. This is not a single family house. The visual representations do a far more accurate job in presenting the appearance of the project. We will not be erecting story poles. They were done in the past and were determined to not be very helpful for the decision makers. They are dangerous to erect given the number of structures. The landscape has been integrated into the plan in accordance with the phased development of the project. Additional fast growing trees have been included in the landscape plan to reduce the visual impacts of the project from Highway 1, Airport Street and Pillar Ridge. The landscape plan is based on the planting of site appropriate native trees. As shown in the visual presentation, views of the project from prominent viewpoints are essentially blocked. The simulations are not based on story poles and are scaled to heights of known site features (i.e. telephone poles and adjoining buildings). It should be noted that the project has not changed from what was approved by the County. The drawings and visual representations are based on the County approval. It should be noted that visual landscaping for the whole project is provided in the first Phase of the construction of the Wellness Center. The second phase of the Wellness Center will occur within three years and will reflect some level of landscape growth. The first phase of the Business Park will also show some level of growth. The visual representation will show development initially, at 5 years and at 10 years of growth and ultimate development.

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

D. Biological Resources

The attached Exhibit G includes the irrigation plan, the final monitoring requirements and the completed design for wetlands restoration and uplands landscaping. Exhibit G, Page 13, Section G states "The proposed riparian/wetland ecosystem restoration plan is expected to result in the increase in ecosystem functioning as considered by four types of wetlands functions: (1) hydrologic, (2) biogeochemical, (3) plant community, (4) faunal/support and habitat functions."

There already is an authoritative document addressing the biological resource issues .i.e., the February 12, 2009 WSP Biological Resources of the Proposed Big Wave Wellness Center and Office Park Project Site, San Mateo County, California (attached to the FEIR). The 2003 Biological Resources by WRA was prepared for a different project and is referenced by the WSP report and was included by CAJA (the County EIR consultant) for additional information in the DEIR appendix.

You requested a site map. That information is already present in Appendix 3 of the FEIR, the February 12, 2009 WSP Biological Resources Report, which shows all documented sitings of special status species relative to the Big Wave Site. The map shows three sitings of Red Legged Frog (*Rana Aurora draytonii*) within three miles of the site and none on the site or adjacent to the site in the last 10 years. There have been no sitings of the Western Pond Turtle within five miles of the site. The wetlands delineation map in the report "An Analysis of the Geographic Extent of Water of the United States, Including Wetlands on the Big Wave Property" March 9, 2009, located in the appendix to the FEIR, shows the existing site wetlands that can support special status species. The Biological Assessment lists a moderate potential for the presence of the Western Pond Turtle because the drainage ditch provides potential habitat. The Biological Assessment lists as moderate potential habitat for the red legged frog because of its foraging presence within 3 miles of the site and foraging potential within the adjacent Marsh. As mentioned in Appendix C of the February 12, 2009 report, the Red Legged frog requires deep water habitat for 11-20 weeks for breeding. This type of habitat does not exist on the site or adjacent to the site. The Biological Assessment describes improved habitat for all special status species associated with the landscape and restoration plan as described in the attached Final Basis of Design Report.

It should be noted that the final grading plan in the separate mailing shows no grading outside of the developed area with the exception of organic farming and minor topography associated with the wetlands restoration. There will be no grading within the 100 foot buffer other than the installations of micro depressions associated with the Restoration Plan. The buffer for the Office Park has been increased to 150 feet as per the suggestion of the CCC Biologist John Dixon. The first 100 feet will be habitat restoration. The last 50 feet (adjacent to the developed area) will be organic farming separated by grassy swales designed to eliminate erosion in the restored wetlands and eliminate parking lot sediment transfer at flows that exceed a 10 year storm interval (less than a 10% chance of occurrence in any given year).

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

E. Sea Level Rise/Hazards

You have identified five areas of concern.

First, is in regards with the 100 year flood evaluation. As discussed in our January 25, 2012 meeting with Leslie Ewing, CCC staff Ocean Expert, CCC staff has concluded that there are no hydrology concerns with the analyses with the 100 year flood calculations and that the West Point Ave. berm elevation (9.0 feet) NGVD determines the 100 year flood elevation and that the berm separates the fresh water marsh and the salt water marsh at an elevation that prevents the projected sea level rise from impacting the 100 year flood elevation.

Second, is in regards to the Army Corps of Engineers rule of thumb. Big Wave is not employing a rule of thumb but rather has performed a site specific analyses which is a site specific analyses performed by a State Licensed Engineer.

Third, is in regards to the comment about the "federal structures" i.e. the breakwater and West Point Street and is not correct. These are existing features and the project protection from wind waves and tsunami waves is not reliant on these structures. The proposed project does not require new or modification of existing shoreline protection.

Fourth, is in regards to sea level rise. The site specific analysis is based on the state projects for a 75 year rise of approximately 30 inches. The first floor elevations are based on the projected sea level rise of 60 inches.

Fifth and finally all elevations are based on the County Shoreline Vertical Datum based on NVGD. The site elevations are those shown referenced to the vertical benchmark located near the intersection of Airport Street and Stanford Ave.

CCC staff already has sufficient information on this issue however this letter includes a additional wave analysis attached as Exhibit H. In the Big Wave September 14, 2011 submittal, Scott Holmes provided cross sections that illustrate the combined high tide and sea level rise based on the "Tsunami Runup and Force Analysis for the Big Wave Wellness Center" prepared by GeoSoils, Inc., October 4, 2010. The GeoSoils, Inc. report demonstrates that a 6.5 foot Tsunami induced wave from the south with a 30 second period will run-up to an elevation of approximately 11.0 feet NGVD on the Big Wave Site. This wave will run-up on the property at a depth of approximately 1 foot and fall slightly below the elevation of the base of the structure and fall over 10 feet below the first floor elevation of the structure. The report states that it is unlikely that the Tsunami Bore would reach the site because of its distance from the shoreline and the dense foliage between the site and the shoreline. However, if the bore reached the structure, the force of the broken wave surge would be 280 lbs/foot, This analysis is based on the Tsunami event occurring during the 100 year floor at the projected 75 year sea level rise. The conclusions of the GeoSoils Report also predict that this wave analysis represents the proposed behavior of the 500 year tsunami (9.0 mw Earthquake located on the Aleutian Chain subduction zone). The GeoSoils analysis is based on maximum run-up by a calculated tsunami bore that over-caps the breakwater by 2.5 feet and generates a pulsing wave within the inner harbor. This site specific wave analysis is the one required by the County Zoning Ordinance 6326.2 and the LCP. The report is signed by a licensed Civil Engineer with a specialty in Coastal Engineering and his conclusions are legal and binding in the State of California for the determination of run-up and impact force. His conclusions have not been questioned by any licensed engineer. The project structures are designed to have a first floor 10 feet above the 500 year tsunami inundation level (site specific calculation) with a structural design that will resist forces over 10 times that calculated by the wave impact. The project is located within the required evacuation zone. The maximum tsunami project will be generated at a location approximately 5 hours distant. There

are no local sources for the generation of large tsunami events. The project as stated by the County OES has developed a state of the art evacuation plan to allow for the safe evacuation of all residents and employees based on early warnings from NOAA staff at West Coast Alaska Tsunami Warning Center (WCATWC, over 50 continuous monitoring buoys), the National Weather Service California Early Warning System (CalWAS and the California Law Enforcement Teletype System (CLETS). The project would continuously monitor the emergency alert system (EAS) and the Telephone Emergency Notification System (TENS). The residents and employees at the project will have regular (biannual) evacuation drills. Evacuations will be to higher ground by foot (20 minute walk) and will be provisioned for a 24 hours stay. If by some extremely rare locally generated tsunami occurs, the residents and employees will be trained to evacuate vertically into a structure that is designed for tsunami impact and to remain sound during the maximum earthquake event. Building codes are based on the 100 year event (the event they feel has a low probability of occurring during the lifetime of the structure and its residents). Big Wave is designed for the unlikely 500 year event with an additional 10 foot elevation safety factor. This extremely conservative design coupled with the state of the art evacuation plan based on a very reliable early warning system guarantees the protection of human life and safety.

CCC staff appears to be basing their concerns on the potential for very extreme and rare occurrences and appears to be ignoring the additional safety factor of the evacuation procedures in compliance with the County Department for the Operation of Emergency Services. The CCC staff is basing their concern for wave run-up analysis, not on calculations by a licensed engineer but rather elevations provided on an evacuation map entitled "Tsunami Inundation Map for Emergency Planning" (2009 Tsunami Map"). That is an inappropriate use of that map.

- The CCC staff does not have the legal authority to challenge the findings of the GeoSoils report prepared by a State Licensed Engineer that calculates the 500 year wave run-up and impact force for the specific Big Wave site as required by County Zoning Ordinance, the LCP and as suggested in the 2009 Tsunami Map.
- The 2009 Tsunami Map specifically states in its legend "the accuracy of the inundation line shown on these is subject to the limitations in the accuracy of completeness of available terrain and tsunami source information, and the current understanding of tsunami generation and propagation phenomena as expressed in models." This map is a general model showing the same inundation level (el. 35 feet for the actual terrain and the features in Princeton area). The legend in the 2009 Tsunami map also states: "This map does not represent inundation from a single scenario event. It was created by combining inundation results for an ensemble of source of events affecting a given region (Table 1). For this reason, all of the inundation region in a particular area will not likely be inundated in a single tsunami event." Table 1 on the 2009 Tsunami Map lists the events in the model that generate the maximum Tsunami as being a 8.9 mw earthquake in the Central Aleutian Subduction Zone 1, and an 9.2 mw earthquake in Aleutian Central Subduction Zone 3. The 1964 Alaska Earthquake 9.2 mw, and the Marinas Subduction Zone earthquake 8.6 generated no measurable run-up in Princeton. The 500 year run-up

from the worst case Central Aleutians Earthquake generates a run-up elevation to elevation 11 NGVD. The 1946 earthquake without the presence of the breakwater generated a run-up to elevation 11 feet NGVD. As stated on the map, it requires the combining of more than one source occurring simultaneously to generate the run-up as described in the 2009 Evacuation Map. Since the map states that one large event is extremely unlikely, combining events simultaneously is extremely unlikely. The probability of two events occurring simultaneously is less than one every 4000 years.

- The legend of the map further states “The inundation line represents the maximum has been compiled with best currently available scientific information. The inundation line represents the maximum considered tsunami run-up from a number of extreme, yet realistic tsunami sources. Tsunamis are rare events due to a lack of known occurrences in the historical record; this map includes no information about the probability of any tsunami affecting any area with a specific period of time.” Again, the evaluation of risk does not include the calculation of how often the event occurs. The GeoSoils Report calculates this risk and its recurrence interval of every 500 years.
- Since the map shows only the highest potential level based on events occurring simultaneously, the map is appropriate for evacuation (as stated in the title) but not accurate enough to determine risk for construction as stated in the legend of the 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 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.*”
- Big Wave has based its evacuation procedures based on the 2009 tsunami map and has legally calculated the run-up for construction and wave impact in the basis of design of the structure. Furthermore, Big Wave has added a 10 foot elevation safety factor and loading factor.
- The CCC staff is using this evacuation map with no estimate for the potential hazard to regulate the required elevation of the Big Wave Project. The CCC staff is ignoring the specific legally calculated elevations. It is unclear to me how the CCC staff would recommend to deny a permit to Regulatory Body (the Coastal Commission) with the authorization to issue permits based on a map that states it should not be used for regulatory purposes.

Also based on the discussion is the attached Exhibit H, the Additional Wave Analysis which is a short summary of information that indicates that the 6.5 foot wave from the south (calculated in the GeoSoils report) exceeds the largest potential southerly wave that could strike the south face of the Breakwater. Exhibit G also includes wave and energy plot by NOAA for the 2011 Japan Earthquake (9.0 mw). The maximum wave produced 3 to 4 hours perpendicular

from the source is 100 to 160 centimeters or less than 2 meters. This is similar to the level wave produced by a 9.0 mw earthquake in the Central Aleutian subduction zone impacting the shoreline near the project site. This is less than the wave height used in the GeoSoils report. The period of the wave recorded ranged from 20 minutes to 30 minutes on the West Coast. The GeoSoils report calculated the maximum run-up and force. The level of flooding may be higher due to drainage character of the harbor inside of the breakwater. The long period of the wave will allow drainage from the entrance of the harbor and over the top of the berm to occur between period cycles as shown in the attached calculation. However repeated wave cycles may tend to cause flood up to elevation 14 NGVD as shown in the attached calculations. This concern is addressed by raising the first floor to elevation 21 NGVD.

We have provided a site specific analysis that is based on the historical and theoretical data and calculations for a 500 year Tsunami. We have also included this event to occur simultaneously with the 100 year flood event based on a 30 to 60 inch 75 year project sea level rise. On top of these events we have set the first floor ten feet above this calculated elevation. CCC staff cannot contradict the findings of the site specific engineering analyses based on their interpretation of the 2009 Tsunami map which a self-described evacuation map based on general data for the entire west coast.

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

F. Geology, Hydrology and Soils

Based on the meeting of January 25, 2012, the CCC staff has concluded that the hydrology issues have been resolved.

CCC has requested a supplemental geotechnical report. Big Wave has already provided two geotechnical reports by BAGG, Inc., additional detailed cross sections of the subsurface boring reports and the County has provided a detailed peer review analyses. We have provided the scope for this supplemental report Exhibit I (Scope for Final Geotechnical Report). This report will be performed during the building permit phase after the project has been

As concluded in the January 25, 2012 meeting with CCC staff, the issues associated with seismically induced settlement as addressed with the foundation design have been resolved to the satisfaction of the CCC staff. The only remaining issue is the potential for fault rupture on the site due to the site's proximity to the San Gregorio fault. It should be noted that the FEIR identified the potential for fault rupture as less than significant due to the fact that all structures are outside the Alquist-Priolo fault zone. The Alquist-Priolo Special Studies Fault Zone in the project region was developed by the State Geologist. The State Geologist has legally defined the zone where additional studies are required as described by the CCC staff. The proposed buildings are not within this zone, and the special studies that the CCC staff is requesting are not

legally required. The State Geologist maps show the fault at the eastern face of the Pillar Ridge Bluff. The location of the fault and its recent movements are accurately mapped in this region. The fault trace is exposed in the bluff face at Seal Beach approximately 2 miles north of the project. The fault location is accurately located to the south of the project by the bathymetric surveys shown in the Half Moon Bay Quadrangle. The County of San Mateo's Fitzgerald Marine Reserve Master Plan (Pages 143-145) lists the numerous trenches where the fault has been located including WLA-1 and 2. The trenches indicate that the most recent movements of the fault is farther west than what is shown on the State Geologist Map. This leads to the conclusion in the Master Plan as shown on Figure 16 that the most recent movements of the fault have occurred closer to the western face of the bluff. Based on the conclusion in this study, there is no indication that any recent fault ruptures have occurred on the Big Wave Site.

The Fitzgerald Marine Reserve Master Plan describes the most recent movement of the fault as occurring prior to European civilization and occurring between 1270 and 1775 AD. Research indicates that the second most recent earthquake occurred between 600 and 1400 AD. Thus two earthquakes have occurred within the last 1400 years. Both of these recent movements occurred in a location approximately 500 feet to the west of the estimated location of the fault by the State Geologist and approximately 1000 feet from the site.

Five geotechnical Engineers from BAGG (the project geotechnical engineer) and from Treadwell and Rollo (the County independent Consultant) have reviewed the geological data and borings and have concluded that the potential for past fault rupture on the site is low and have concluded in the DEIR that the impacts from fault rupture is less than significant. Both geotechnical engineering firms have agreed on an additional scope for the final Geotechnical Report (Exhibit I) which would be done at the building permit process as in the typical case. The report is based on additional Cone Penetration Tests (CPC). That will accurately locate the contact between the Marine Deposits and the Purisima Formation.

The CCC staff request for trenching (in an area that may require 60 foot deep trenches) is not legally required and their CCC concern about potential fault rupture does not appear to be warranted by the existing State Geologists maps and the existing geological reports describing the fault in this region.

However to address the CCC staff concern, we have attached cross sections (Exhibit J) showing the contact between the Purisima Loam and the marine sediments. This contact line indicates no fault rupture within the last 5000 years. We have increased the number of CPC tests from 6 to 16 to illustrate that the contact between the Marine Deposits and the Purisima Formation (60 to 90 feet below the site surface) does not show any fault rupture between 5000 years and 100,000 years. The Final Geotechnical Report is always done during the Building permit phase and not during the planning (Coastal Permit Phase). It is totally unreasonable to expect the Project to perform this \$200,000 study when it is not even clear if the project will be approved by the Commission. There is no technical indication that fault rupture on the site is a concern, and that the additional studies are not required by the Alquist- Priolo legislation.

If Final Geotechnical Report (as required in the Building Permit Process) locates a fault rupture within 50 feet of any of the proposed buildings those buildings cannot be constructed according to the 2007 code as enforced by the County.

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

G. Traffic and Public Access

You have requested another traffic report designed to discuss peak recreational use to discuss beach and shoreline. The project does not contribute to traffic during the peak recreational use period.

The project traffic evaluation was prepared by the County Traffic Consultant, Hexagon, one of the foremost traffic consultants in the bay area. The traffic reports investigated the local traffic and the segmented portions of the highway. The Traffic Consultant is a State Licensed professional and has identified the peak traffic generated by the project to occur during working hours. This is because the Office Park project generates business traffic 5 days a week and not on weekends. The Wellness center is comprised of non-driving residents and has little or no impact on traffic. The summer time, weekend peak may be the greatest recreational traffic generated but the project does not generate traffic during this peak period and does not impact this peak traffic period. The traffic counts were compiled at a time that the traffic engineer estimated would be impacted by the project.

Since the project is designed to reduce the number of cars that commute over the hill, the August 26, 2009 traffic report states that peak AM traffic leaving on Highway 92 will be reduced by 60 trips and peak PM traffic returning into Half Moon Bay will be reduced by 53 trips. Based on this report, the project reduces traffic in the highway segment from Capistrano to Highway 92. Since there are no natural or commercial barriers in any segments between Capistrano to Highway 92, it was the licensed traffic consultant's professional opinion that all segments between Capistrano and Highway 92 are improved by the construction of the project.

The June 24, 2009 traffic report states on page 38 that cumulative traffic volumes "with or without project conditions, the peak hour signal warrant is met at the intersection of Highway 1 at Cypress Ave. With this improvement, the Highway 1/Cypress Ave. intersection would operate at LOS A during both the AM and PM peak hours. This means that in the traffic consultant's technical conclusion the light will be required without the construction of the project. This means that the construction of the light is not an impact caused by the Big Wave project. The analyses by the Licensed Traffic Consultant show that the project impacts to the segments above Cypress are less than significant when mitigated with the traffic signal and that the signal will improve the flow of traffic with and without the project. The project mitigations approved by the County require traffic reports for the construction of 40,000 square feet of office

buildings and that all traffic improvements necessary to insure impacts are less than significant will be implemented prior to the issuance of the building permit. The County has also required that Big Wave provide traffic mitigation funds equal to or exceeding the cost of signaling the intersection at Highway 1 and Cypress prior to the issuance of building permits for any office park construction.

If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

H. Airport Land Use Compatibility

This request by the Coastal Commission staff is for an expensive single event noise study that will delay the project for 1 year and will provide information contrary to the recommendations of the Caltrans CALUP Planning Handbook (the basis for the preparation of the CALUP) needs to be clarified. Regulatory decisions (by the Coastal Commission) made on single event contours (in this case the Dream Machine Event) would radically change the zoning requirements for the entire El Granada, Moss Beach Area. The State recommendations in the Planning Handbook, specifically recommend compliance with CEQA before these types of impacts are made by regulatory bodies.

Compatibility of the Airport Land Use Compatibility was not part of the appeal of the Coastal Permit. Requesting the addition of noise contours that are different than the noise contours in the approved land use plan will confuse the Commission. The County Board of Supervisors is the legal authority with the experience and expertise for the determination of compliance with the approved CALUP.

It is not reasonable to expect the Coastal Commission to make a regulatory decision that is based on noise contours that do not comply with the CALUP and are based on annual event that violates the existing County Airport Noise ordinances.

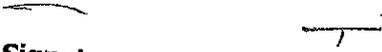
If CCC staff refuses to schedule a hearing on this matter because of any alleged deficiency in my response please notify me specifically in writing.

Conclusion

There is a clear legislative mandate at the federal and state levels to develop housing for the developmentally disabled community. Instead of pursuing that mandate CCC staff seems to be erecting numerous costly and unnecessary barriers under the guise of "proper review." I am not unfamiliar with the strategies of the CCC since in my last lawsuit its decisions were rebuked by the court on two occasions. *Sterling v. California Coastal Commission*, San Mateo Superior Court No. 482448. Moreover, government discrimination against the less fortunate has a sad and long history in our country. If CCC staff truly wants information to evaluate this project the applicant has already provided it through the County planning process. My client stands willing to explain the complicated analyses on all engineering issues. Upon receipt of this letter please contact me. I need to know if the CCC staff will review this project in light of the statutory mandates or desires to thwart this project under the guise of review. My reputation is that of a "straight shooter" and I would appreciate some honesty in response.

Sincerely,

LAW OFFICES OF DAVID J. BYERS


Signature on File

DAVID J. BYERS, ESQ.

cc: *Jerry Hill, Assemblymember, State of California*
Adrienne J. Tissier, President, Board of Supervisors (w/o enclosures)
Jim Eggemeyer, Planning Director (w/o enclosures)
Camille Leung, Planner
John Beiers, County Counsel (w/o enclosures)
John D. Nibbelin, Chief Deputy County Counsel
Client

W. 16a

August 02, 2012

RE: LCP Amendment No. SMC-MAJ-1-11, Midcoast Update Resubmittal

Dear Commissioners:

We are writing to express our support for the California Coastal Commission recommendations for the Big Wave Project.

The San Mateo County resubmittal and request for certification without modifications of an amendment to the LCP land use plan should be denied.

The Big Wave Project is completely out of character for development on the Midcoast. This project will stress all resources on the Coast, including roads, traffic, infrastructure, water, sewer. It will impact not only the immediate site but also all of us who live here on the Coast.

Sincerely,

Signature on File

Signature on File

Eda S Cook

Robert P Cook

**171 Turnberry Road
Half Moon Bay, CA 94019**

**Telephone: 650-726-3356
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edacook@aol.com**

Dreher, Nicholas@Coastal

W16a

From: Jack Sutton [martin000ec@gmail.com]
Sent: Friday, August 03, 2012 9:42 AM
To: Dreher, Nicholas@Coastal
Subject: August 8, 2012, Item W16a - Big Wave
To: California Coastal Commission
From: Jack Sutton 150 Barranca Lane, Moss Beach, CA 94038
Subject: August 8, 2012, Item W16a - Big Wave

I'm a resident of the Pillar Ridge Mobile Home Park adjacent to the proposed Big Wave project. I've reviewed the Coastal Commission staff report rejecting the project. The report was very detailed and well written and I commend the staff for identifying the complex issues that the Big Wave project failed to address adequately.

In particular, my concerns as a resident of the impacted area is the negative effect of the traffic flow, the long term effect on the Pillar Point Marsh and the visual impact that such a massive complex would have on the existing coastal views.

The staff report has addressed these issues in detail and I am in complete agreement with their analysis. I ask the Coastal Commission to up hold these findings and reject this project.

Thank you very much,

Jack Sutton

W16a

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney
Nicole G. Di Camillo

WITTWER & PARKIN, LLP
147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4065
FACSIMILE: (831) 429-4067
E-MAIL: office@wittwerparkin.com

OF COUNSEL
Gary A. Patton

August 2, 2012

Via E-mail and U.S. Mail

California Coastal Commission
c/o Nicholas Dreher
45 Fremont, Suite 2000
San Francisco, CA 94105- 2219
ndreher@coastal.ca.gov

RE: **Appeal Number A-2-SMC-11-021; Big Wave
Wednesday, August 8, 2012; Item No: W16a**

Dear Members of the Commission:

This office represents the Granada Sanitary District (GSD) in this appeal to the Commission of San Mateo County's approval of a Coastal Development Permit (CDP) for the Big Wave Project. GSD fully supports staff's finding of substantial issue and recommendation for denial of the CDP at this time on the primary basis that the Applicant has failed to provide adequate information for GSD to assess potential impacts related to the collection, transmission, treatment and disposal of Project-generated wastewater.

The Project EIR is inconsistent as to whether and to what extent a private wastewater system will be employed and to what extent the project will rely on GSD's sewer system for project-generated wastewater collection, transmission, treatment and disposal. 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. Nor is it clear whether such private onsite wastewater system is even feasible (it does not appear so given Title 22 requirements pointed out in the staff report). Thus, as the Commission's Staff Report correctly points out, additional information is needed. As GSD has repeatedly assured the Applicant throughout the proceedings, (and hereby assures the Commission) "[t]he District is prepared to provide sewer service as needed to the project, provided the proper engineering studies and capacity analyses are completed, and the subsequent impacts prove mitigable."

We would also like to submit the following clarifications to the Staff Report:

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1. The Staff Report incorrectly states that "the applicant has obtained a sewer connection from GSD for 1,800 gallons per day." In fact, the applicant has not obtained a sewer connection from GSD, nor has the required application even been filed for a sewer connection. Instead, the applicant has been paying the baseline assessments (but not the assessments required for actual development) as part of the GSD Assessment District for 8 Equivalent Residential Units (ERUs). This amounts to approximately 1800 gallons of wastewater per day.
2. The Staff Report also indicates that "the SF RWQCB and State Dept of Health must authorize (by permit or order) the proposed wastewater treatment system." The Applicant would also be required to obtain a permit from GSD for the proposed private wastewater treatment system (see enclosed confirmation letter to RWQCB).

Thank you for your consideration of these comments.

Very truly yours,
WITTWER & PARKIN, LLP

(**Signature on File**)

K
Jonathan Wittwer

Encl. GSD confirmation letter to RWQCB 12-9-09

Cc: GSD Board of Directors
Chuck Duffy, District Manager

W16a

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

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OF COUNSEL
Gary A. Patton

December 9, 2009

Blair D. Allen, P.E.
Water Resources Control Engineer
Watershed Management Division
California Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612
Phone 510.622.2305
Fax 510.622.2460
E-mail ballen@waterboards.ca.gov

RE: Permitting for Private Wastewater Disposal Systems

Dear Mr. Allen:

This letter shall serve to confirm our telephone conversation on Tuesday, November 17, 2009 in which you indicated that the Regional Water Quality Control Board agrees that the Granada Sanitary District ("GSD") may exercise permit authority under its private wastewater disposal system regulations in addition to the County of San Mateo's exercising its permit authority under County regulations.

WITTWER & PARKIN, LLP

Signature on File

By:

Jonathan Wittwer
General Counsel
Granada Sanitary District

W/6a

Item W.16.a

August 3, 2012

Chair Mary Shallenberger and
Members of the Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Appeal No. A-2-SMC-11-021 (Big Wave)

Dear Chair Shallenberger and Members of the Commission,

Please base your decision regarding the Big Wave CDP on the law, rather than on how many elected officials the proponents were able to round up to pressure you to disregard the law and approve it. This is not a popularity contest and there is simply no way that this project as proposed is in compliance with the LCP. The Coastal Act cannot survive having these decisions be political. Your staff's analysis and report is excellent as usual, even though this time they were unable to obtain complete information from the applicant.

I respectfully request that you follow your staff's recommendation to deny the CDP for the "Big Wave" project.

Sincerely,

/s/

Leonard Woren

Former Midcoast Community Council member (elected)

W16a

August 3, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Item W.16.a

Re: Appeal No. A-2-SMC-11-021 (Big Wave)

Commissioners:

On behalf of the Pillar Ridge Homeowners Association, one of the five Appellant organizations of the Big Wave Project, I write in full support of the Staff Recommendation for Denial. The issues have been covered well in the Staff Report and by Committee for Green Foothills.

In addition, I would like to draw your attention to the visuals at the following link, which help illustrate the site constraints and visual impacts of the project.

<http://www.pillaridge.com/2012-08-08LKtoCCC.pdf>

Sincerely,

Lisa Ketcham, President
Pillar Ridge Homeowners Association
172 Culebra Ln.
Moss Beach, CA 94038

W16a

W16a - Big Wave Wellness Center and Office Park

William & Beihua Kehoe
891 Kelmore St.
Moss Beach, CA 94038
August 2, 2012

Chair Shallenberger, Commissioners and Staff
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105 - 2219

Subject: **W16a** - proposed project A-2-SMC-11-021, Big Wave Wellness Center and Office Park

Dear Commissioners and Staff:

As a long-time admirer of the outstanding work that your organization has done for the people of the State of California, my wife and I want to thank you for your hard work and the difficult but courageous decisions that you had to make in this appeal. We support the staff's recommendation that the Commission deny a CDP for the proposed project A-2-SMC-11-021 by the applicant, Big Wave Group, LLC.

We fully concur with the staff's recommendations and urge the Commission to find that the appeals raise a substantial issue of conformance of the approved project with San Mateo County's LCP. We agree with the follow issues enumerated by staff and explained in the report as to why they are inconsistent with the County's LCP:

- ignores serious public services constraints, (water & sewer issues mentioned in the report);
- would not remedy potential tsunami and fault hazards, (Seal Cove Faults, recent sea level rise predictions by County agencies and San Mateo County Harbor District need to build a sea wall on Perch Beach);
- contains inadequate setbacks to protect biological resources on and adjacent to the site, (given past unpermitted filling and diking of wetlands to enable more of the property to be developed); and
- would obstruct and otherwise adversely affect important coastal views and would not blend visually with the surrounding area. (project buildings would be larger in mass and scale than surrounding development and would obstruct views of ridgelines and adversely impact significant open space areas)

Besides, the sewer and water services, tsunami and earthquake fault, sensitive wetlands and habitat and coastal view shed items mentioned above, we also feel the need to mention traffic, zoning and parcel legality:

- **Traffic** - the project's daily effect upon Highways 1 and 92, which are already at Service Level E will severely impact public access to coastal destinations like Princeton Harbor and Fitzgerald Marine Reserve;
- **Zoning** - the proposed wellness center housing is not an allowable use in the Waterfront industrial zoning district, and could be used as a precedent for any future housing project or other non-conforming uses in the Coastal Zone.
- **Parcel Legality** - The underlying parcels were created without benefit of a CDP, after San Mateo County acquired a portion of a larger parcel for addition to the Pillar Point Marsh. Again, inconsistent execution of the law erodes the public's confidence in the process.

In summary, the Big Wave project is clearly proposed for the wrong location at this time. The wellness center concerns us the most because of the hazards it presents to its disabled residents, who would be living within a tsunami inundation area, adjacent to an active fault line, future sea level rise, and dangerously close to the Half Moon Bay Airport runway. And being in a waterfront and industrial zone, it is not near any common services needed by these residents who don't drive, lack adequate sidewalks and safe crossings, and will have very limited public transportation services which are constantly at risk of being reduced.

Likewise, the Big Wave's proposed 225,000 square feet Office Park would double the amount of available office space on the coastside which is already underutilized and begging for tenants. The owners claim the project will provide jobs for the "highest educated population in San Mateo County, professionals who are forced to commute over the hill", but they have no commitments from any such entity. The lack of a good transportation infrastructure, limited qualified population for companies to select the needed skill sets for their business, and fewer supportive businesses to supply the need foundation for success, will only lead to another failed project like the Harbor Mall in Princeton which sits like a beached whale in the middle of our beautiful coastal view.

In closing, my wife and I thank you for your time and consideration. We are especially thankful that the Committee For Green Foothills, Surfrider Foundation – San Mateo County and Loma Prieta Chapters, Sierra Club, Pillar Ridge Homeowners Association, San Mateo County League For Coastside Protection, Granada Sanitary and District, Commissioners Steve Blank and Mary Shallenberger took the time and provided the resources to appeal the County's CDP approval which we would not have been able to do ourselves.

Sincerely,

s/William F. Kehoe
s/Beihua D. Kehoe

William & Beihua Kehoe
891 Kelmor St.
Moss Beach, CA 94038

W/6a

Agenda Item # W.16.a.

Attention: Nick Dreher
California Coastal Commission

Subject: Comment from a Citizen regarding the Big Wave Project, Moss Beach

Zoning: The proposed wellness center housing is not an allowable use in the Waterfront Industrial Zoning district. The County determined that this housing is a "sanitarium" and granted a zoning variance. I strongly object to the advisability of allowing the Facility, A "sanitarium or Wellness Center" which is intended to house some of our most vulnerable, physically or otherwise impaired members of the community, in very close proximity to the hazards inherent in a Tsunami Inundation Zone less than one quarter mile from the water, and a Zoning District that includes buildings that house dangerous or toxic chemicals associated with Marine maintenance etc. In the event of an incident requiring emergency response, this simply puts extra burdens on First Responders, and could hamper response times if the need to evacuate immobile adults in darkness or otherwise adverse conditions were to take their attentions away from the emergency at hand.

Case in point, an event which has occurred as recently as June 16, 2012 since the initial approval by the County:

Drunken crash sparks Princeton fire, injures 3



Photo courtesy of Bob Martinez

A drunk-driving accident on Saturday morning ignited a two-alarm fire at a Princeton warehouse.

Posted: Monday, June 18, 2012 10:33 am | Updated: 10:42 am, Mon Jun 18, 2012.

By Mark Noack [mark@hmbreview.com] | [6 comments](#)

"Three people were sent to the hospital on Saturday morning after a drunk driver reportedly collided into a series of objects and started a warehouse fire along Airport Road.

Pacifica resident Matthew Burnham, 39, is being charged with felony drunk driving for allegedly causing serious injuries to his passengers and more than \$200,000 in property damage. He remains in the hospital in serious condition.

California Highway Patrol officials say the accident started around 1:45 a.m. after Burnham and two Coastsiders left a Princeton bar in his 2011 Cadillac CTS.

Turning north to drive along Airport Road, Burnham was reportedly driving at a fast speed when he veered to the side of the street and crashed into a boat parked along the road. He continued driving and collided again into a van parked near Stanford Avenue. The impact pushed the van into a commercial warehouse and started a fire.

Flammable materials packed inside the warehouse were quickly ignited. The blaze continued to grow even after it triggered the building's automatic sprinkler system.

Coastside firefighters arrived within minutes and requested aid from other regional fire departments to help battle the blaze. A total of 55 firefighters from across the Peninsula spent about 90 minutes to extinguish the fire.

The three people in the car were taken by ambulance to Stanford Medical Center. Burnham suffered multiple fractured ribs and a broken sternum in the crash.

CHP officials say Burnham was drunk at the time of the accident, but they could not provide any specifics. They are continuing to investigate the incident.

A 21-year-old passenger from Half Moon Bay suffered a ruptured spleen and remains in serious condition in the hospital. A second passenger, a 21-year-old from Montara, suffered an eye injury. He was released from the hospital on Saturday."

This accident demonstrates the poor judgement of San Mateo County in granting a variance to the Big Wave Developer and allowing them to potentially place this sort of facility in an area near warehouses containing flammable chemicals. Facilities in a W (Waterfront) Zoning area are permitted to have toxic chemicals.

It is my belief that this is a clear example why there should not be a Developmentally Disabled Community "Sanitorium" built in close proximity to properties designated as W Land use. The Developer should consider locating these individuals out of harms way, from toxic chemical fires or from the path of a Tsunami. The google satellite map shows the Stanford Ave. / Airport Street intersection where this accident occurred and how close it would have been to the Big Wave project. <http://goo.gl/maps/rDz39>

I also would like to reiterate that the March 2011 Tsunami in Japan has raised our awareness of that possibility here on our shores. This project is located again, in harms way, and is not designed with the guidelines of such a catastrophe in mind. **The Staff has done an admirable job in preparing the analysis. Please deny this project.**

Sincerely,

Carlisle Ann Young
180 San Lucas Avenue
Moss Beach, CA 94038

W16a



Golden Gate Regional Center

Serving people with developmental disabilities since 1966

August 3, 2012
California Coastal Commission
Northern Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

AUG 3 2012

CALIFORNIA
COASTAL COMMISSION

Re: Permit Number A-2-SMC-11-021

I am writing in support of The Big Wave Project. I have worked with individuals with developmental disabilities for 21 years, much of that time working in San Mateo County. Affordable and accessible housing for adults with developmental disabilities is extremely scarce on the coast side of San Mateo County. My experience is that most individuals when moving from their family home have to move to other parts of San Mateo County and very often out of the county altogether to secure housing. This is very disruptive for the individual and their family, especially if they have grown up in the coast side areas. I believe with the design of this project, it will provide opportunities for these individuals to integrate into the larger community. I believe this development will provide both an opportunity for permanent homes for these individuals as well as opportunities for employment and recreational activities.

With the State of California in fiscal crisis there is less and less in the way of public funds to assist in the development of this type of project. The families that make up the Big Wave Project represent a privately funded effort to make this dream a reality. They have spent a sizeable amount of their own resources to create a place to live and work and recreate in accordance with the needs of their relatives whom they know best.

I do hope that officials charged with the responsibility of making decisions for the county and other jurisdictions will do the right thing in helping these adults with disabilities and their families create opportunities that will serve them and provide the support they need to live healthy, productive lives

David Beuerman

Signature on File

David Beuerman
Manager Regional Center Services, San Mateo
Golden Gate Regional Center
3130 La Selva Street, Suite 202
San Mateo CA, 94403
650-524-4510

C.o. www.coastal.ca.gov
Fax number 415-904-5400



W16a

August 3, 2012

Item # W.16.a

Chair Mary Shallenberger and
Members of the Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Appeal No. A-2-SMC-11-021 (Big Wave)

Dear Chair Shallenberger and Members of the Commission,

On behalf of Committee for Green Foothills, one of the five Appellant organizations of the above-referenced project, I write in strong support of the Staff Recommendation for Denial.

As approved by San Mateo County, the proposed project does not comply with LCP policies regarding: locating and planning new development, public works, hazards, sensitive habitats and biological resources, visual and agricultural resources, and public access and recreation, as well as Coastal Act Public Access requirements.

Impermissible private utilities: The LCP requires new development within the urban Midcoast area to be served by **adequate public water and sewer utilities**, in order to maximize the efficiencies of the public water and sewer systems, and avoid unnecessary and costly duplication. Instead of connecting to the Montara Water and Sanitary District (for water service) and Granada Sanitary District (for sewer service), the project proposes to duplicate these systems through conversion of an on-site agricultural well to domestic use and install its own private water and wastewater treatment and disposal systems. The duplication of public services within the urban area is not only contrary to the LCP and County Subdivision Regulations, but it is wasteful and places an unfair burden upon the ratepayers of the water and sewer districts.

Inadequacy of on-site sewage treatment and disposal: The project site is underlain by an impermeable clay layer, which prevents on-site disposal of the treated wastewater for landscape irrigation particularly during the winter rainy season. The Staff Report states that in order to meet the State Water Code requirement of a minimum 20-day on-site storage of treated wastewater for emergencies and winter storms; the project would require 484,000 gallons; the proposed 40,000-gallon on-site storage is wholly inadequate by a factor of 10. The appropriate public agency for sewage treatment is Granada Sanitary District (GSD). The applicant has not provided the GSD with necessary information to determine whether its sewage transmission line and pumping station have sufficient capacity to handle emergencies and/or wet weather flows generated by the project.

Impermissible deferral of geotechnical studies: Necessary detailed subsurface geotechnical studies to evaluate geologic hazards have been deferred by the County until the building permit stage. The site is adjacent to the active Seal Cove/San Gregorio fault. Site specific investigations are needed prior to issuance of the CDP to determine whether any fault traces cross the site, and what specific geotechnical measures are necessary to address earthquake hazards including very violent shaking, liquefaction and liquefaction induced ground failures including lateral spreading,

lurch cracking, sand boils, total and differential settlement and other seismic hazards. Mitigation measures for these hazards may create additional impacts and/or require revisions to the project.

Project does not comply with LCP Sensitive Habitats Policies: The project site encompasses suitable habitat for the California red-legged frog (CRLF) and San Francisco garter snake (SFGS). The USFWS (letter of 1/11/11 from Chris Nagano) advised: "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 Big Wave project..."

Project would violate LCP Visual Resource Policies: The project's massive, bulky buildings up to 46 feet high are out of scale with the surrounding development and would obstruct scenic views of Pillar Point Bluff, Pillar Point Marsh, and Rancho Corral de Tierra (newly acquired by the Golden Gate National Recreation Area). Proposed landscaping of thousands of trees to screen the 46 foot high buildings is problematic, given the site's poor drainage and subsurface impermeable clay layer, and moreover, would further block scenic views.

Traffic analysis did not use the correct LCP standard: The project's additional 2,123 vehicle trips per day were not analyzed for impacts on roadway capacity, including to Highways 1 and 92. The study only analyzed winter traffic conditions, which did not take into account visitor use and peak recreation periods. Highway 1 in this area is already at Level of Service (LOS) "E", which exceeds the LCP LOS "D". Access to the project site is through two bottleneck intersections, which also must serve as visitor access to the Princeton area, Maverick's Surf Break, Pillar Point Marsh, Pillar Point Bluff, and the Fitzgerald Marine Reserve. There is insufficient information to adequately analyze the project's impacts on road capacity and conformity with the public access requirements of the LCP and Coastal Act.

The Wellness Center is fundamentally an incompatible land use in the Waterfront district where indoor and outdoor storage of all but the most hazardous chemicals is allowed. Additional hazards from flooding, tsunami/seiche events, violent shaking/ liquefaction/differential settlement/sand boils resulting from earthquakes along the adjacent Seal Cove/San Gregorio Fault, and hazards to residents from airport operations make this site particularly unsafe and unsuitable for DD adults.

CGF strongly supports building of affordable housing – in the right location. Over the years, CGF has never opposed an affordable housing project. Big Wave's housing, however, is remote from existing services, has difficult access, and would expose a vulnerable population to unacceptable risks from natural and man-made hazards. The proposed Big Wave housing and Office Park, no matter how appealing, does not override the LCP. Unless the Project is substantially revised, it cannot be approved.

For all the above reasons, CGF respectfully urges your Commission to deny the project.

Sincerely,

Signature on File

Lennie Roberts, San Mateo County Legislative Advocate

Dreher, Nicholas@Coastal

W16a

From: merlamont@comcast.net
Sent: Friday, August 03, 2012 11:29 AM
To: Dreher, Nicholas@Coastal
Subject: Agenda Item W.16.a. 8 August 2012

Mr. Dreher,

You are the California Coastal Commission, pledged to protect, conserve, restore, and enhance our coastline, our beautiful, fragile and vulnerable coastline. This resource belongs not only to California but to our country; it belongs to every citizen not fortunate to live near the ocean and should be ferociously guarded for posterity.

Please do the right thing and deny this Big Wave Project and really protect our beautiful coast from such development. Additionally, we do not need to further deplete the water table, strain the aging utilities nor add traffic burden already experienced on the roads to this coastal area. Thousands of visitors come daily to experience the beauty of the coastside, the thrill of the ocean, the unique open space. Please protect that for everyone.

Thank you,

Merideth Lamont,

El Granada, California

CAROLE GROOM
SUPERVISOR, SECOND DISTRICT
COUNTY OF SAN MATEO

W16a

August 3, 2012

RE: Agenda Item W16.a

Honorable Mary K. Shallenberger, Chair & Commissioners
California Coastal Commission
c/o North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

AUG 06 2012

CALIFORNIA
COASTAL COMMISSION

Charles Lester, Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Appeal No. A-2-SMC-11-021 (Big Wave, LLC), Item W16.a, California Coastal Commission Meeting Agenda for August 8, 2012

Dear Chair Shallenberger, Members of the Commission, and Mr. Lester:

I write to you in support of the Big Wave Wellness Center and Office Park development. The appeal of this project is scheduled for your review on August 8, 2012. My specific interest in this project stems from my background in the health services industry as well as my current involvement in services planning for the developmentally disabled community. Prior to my role as a Supervisor, I served as Vice President at Mills Peninsula Health Services. Currently, I serve as liaison to the Commission on Disabilities for the Board of Supervisors and as a Board member of Community Gate Path, a non-profit organization that fosters hope, dignity and independence among children and adults with disabilities.

The Big Wave Wellness Center and Office Park will provide much needed affordable housing and employment opportunities for developmentally disabled adults in San Mateo County. The development project presents a unique opportunity for developmentally disabled adults of our community to live independently and obtain skills training and gainful employment. Presently, such opportunities in the County for these important members of our community are all too limited. I especially wish to encourage privately-funded efforts to supplement services and opportunities provided through State and local governments.

Thank you for your diligent consideration of the benefits of the Big Wave Project.

Sincerely,

Signature on File
Supervisor Carole Groom

cc: Nicholas Dreher



Hall of Justice & Records
400 County Center
Redwood City, CA 94063

Telephone: (650) 363-4568
Fax: (650) 366-6762
Email: cgroom@co.sanmateo.ca.us

55

W/6a

FAX: 415-904-5400

Attention: Nicholas Dreher

Page 1 of 2

California Coastal Commission

RECEIVED

45 Fremont St., Suite 2001

AUG 03 2012

San Francisco, CA 94105

August 3, 2012

CALIFORNIA
COASTAL COMMISSION Item # W.16a
NORTH CENTRAL COAST

Re: Appeal No. A-2-SMC-11-021 (Big Wave)

Dear Commissioners:

As early as December 3, 2008 I wrote an Op Ed piece for the HALF MOON BAY REVIEW to express my concerns as a parent of an adult developmentally disabled daughter about the Big Wave development. These concerns can be summarized by an often stated business principle: "it's the location, location, location"! I suggested that although the concept of combining a large residential housing development with an "Office Park" development is a unique alternative to the preferred housing model for the developmentally disabled persons, the Big Wave Development would be in the wrong location.

In addition to the environmental concerns stated by numerous organizations and community members about the location of the Big Wave Development, my concerns are based on being a parent and professional with experience in the field of developmental disabilities.

The Big Wave Development as proposed seems to have ignored the question of location! The preferred housing model for the developmentally disabled is to integrate this population in small group homes located in residential neighborhoods in the community, not to isolate them as proposed by the Big Wave Development. A guiding goal (which is part of the Lanterman Act) is to provide developmentally disabled persons with the "least restrictive" environment. The Big Wave is isolated from existing commercial areas and public services; and lacks adequate public transportation, creating more restriction. The developers have obviously thought about the isolation from community services because they have proposed separate recreational facilities in a gated-community.

The Big Wave Development proposes an Office Park which would provide opportunities for employment of residents of the Wellness Center. The employment of developmentally disabled persons is my area of expertise in career development, transition from school to work, and job development and placement. The Big Wave developers seem to have overlooked the need for this population to explore different jobs, because they have likes and dislikes which may or may not fit the employment requirements of the tenants or owners of the Office Park businesses. You can't force potential employers to employ Big Wave residents; hence, there is a weakness in the business plan specific to the entire development. As I have previously stated in my Op Ed, "one size does not fit all"!

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Page 2

Again, as a parent of the developmentally disabled adult daughter, I understand the needs and fears of other parents, but recognize the many risks which the Big Wave Development would face if the Coastal Commission were to issue a Coastal Development Permit. Unfortunately, the same concerns apply if a CDP is issued: failure of the business model for employment means that Big Wave residents and their families are needlessly placed at risk when alternative employment programs (e.g. HOPE, Kairos) already exist in San Mateo County.

Please deny issuing a Coastal Development Permit for the Big Wave Development.

Sincerely,

- Signature on File



Merrill Bobele

P.O. Box 2486

El Granada, CA 94018

650-726-6429

57

W16a

On August 6 2012 from 9:-9:30 I, Jana Zimmer, had an ex parte with Lennie Roberts.
Content below, signed form to be submitted.

This housing project is tied to a much larger office park project, a 20 year development agreement. Biggest problem is sewer and water private. One of the appellants is Granada sewer and Montara water, whose appeal is late. Discussed her letter and repeated facts, e.g. need 480,000 storage and only have 40,000. Massive buildings in the office park

They used incorrect traffic standards and there are important visitor serving destinations.

Square footage of housing project is about 90,000. Office park is 225,000. Would double office space in the area. How many units in the housing? Not sure because they moved the buildings to avoid airport overlay, arch burial site, 100 feet from wetlands. About 57 units, 70 people. Some will have caregivers, will need transportation, are not part of the community.

What if we separated the housing? What would the impacts to septic and water be?

County cannot restrict the height or density of office park per the development agreement

Too many unresolved issues, especially the geotechnical studies.



W16a

LOMA PRIETA CHAPTER
San Mateo _ Santa Clara _ San Benito Counties
3921 E Bayshore Rd. Suite #204
Palo Alto, CA 94303
loma.prieta.chapter@sierraclub.org

Chair Mary Shallenberger
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

FAX (415) 904-5400

Re: Appeal No. A-2-SMC-11-021 (Big Wave), Draft Agenda August 8, 2012

Dear Chair Shallenberger:

The Sierra Club Loma Prieta Chapter supports the Coastal Commission Staff recommendation to deny a CDP for the proposed project based on its extensive analysis regarding the applicants' failure to adhere to numerous requirements of San Mateo County's LCP. Significantly, Staff writes in the Summary of its report:

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 wastewater/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...

Any one of these cited issues, and the list is not comprehensive, ought to be enough to stop the Commission from approving the application until more work is done; compounded, they show the infeasibility of executing this particular project in this chosen place: it is simply the wrong place to attempt to put developmentally disabled people and, prospectively, the largest office park on the Coastside.

Mr. Peck's letter dated July 21, 2012, attached to the Staff Report summarizes the Big Wave Group's reasons and arguments for the Commission's approval of this project, but you should note that not a single sentence or phrase addresses the issues raised regarding the LCP shortfalls in their project. His arguments fail to address the issues at hand, which are legal ones that need to be recognized and addressed. The details in the Staff report show that most of the major issues were either sidestepped or ignored, the biological and geological issues being paramount instances. Indeed, we probably would not be this far down the road with this project had the applicants attempted to deal with the main issues front and center because they are likely insurmountable in the aggregate.

Respectfully,

Signature on File

Ken King
Co-Chair
Sierra Club Loma Prieta Chapter ~ Coastal Issues Committee

August 6, 2012

Nick Dreher, Madeline Cavalieri and
Members of the Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

W16a

Re: Appeal No. A-2-SMC-11-021 (Big Wave) and Agenda Item W16a-8-2012

Dear Chair Shallenberger and Members of the Commission,

In Madeline Cavalieri's August 17, 2011 letter to the applicant she wrote, "As we have discussed, Commission staff believes that aspects of the proposed project, as approved by the county, are *fundamentally inconsistent with the zoning and hazard requirements of the certified LCP.*" [emphasis mine] She went on to recommend that the applicant "...re-envision a project... that conforms to the county's zoning and hazard requirements."

I respectfully request that you follow your staff's recommendation to deny the CDP for the "Big Wave" project. The project may have merit in another location, but placing it in a biologically sensitive area within the coastal zone makes little sense to the residents of the area, the visitors from all corners of the globe serve by this unique location, or indeed, the applicant itself.

Further, even absent all of these constraints, there is no business case to support the project. Nearby Harbor Village, a large commercial mall, was built in Princeton Harbor on the premise that "if you build it, they will come." It now stands mostly vacant, a virtual ghost town of available commercial and retail space with no takers. In all of the years that the applicant has lobbied for Big Wave, not one solitary certified letter of intent has been proffered indicating that any business actually wanted, needed, or would be interested in setting up shop in this location.

As ruinous as a successful Big Wave project would be in this location, a failed one that was perhaps started and never finished, or finished but never occupied, would be a disaster dwarfing even that – and all indications are that Big Wave would be a big ghost town unless and until it was converted into lucrative high-end residential waterfront homes (perhaps the applicant's unspoken intent from the outset).

Once again, please deny the CDP and send a strong message back to the applicant that the LCP does in fact count for something and the value of the California Coastline as a shared resource should not be taken lightly.

Sincerely,

/s/

David Vespremi

Former Midcoast Community Council member

August 6, 2012

Item # W.16.a

Chair Mary Shallenberger and
Members of the Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

W16a

Re: Appeal No. A-2-SMC-11-021 (Big Wave)

Dear Chair Shallenberger and Members of the Commission,

As a thirty year resident of coastal San Mateo County with a strong interest in geology and plate tectonics, I write in strong support of the Staff Recommendation for Denial. As quoted in the recommendation -

"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."

My interest is specific to the geologic hazards that permeate this site, the first and most obvious being the Seal Cove – Hosgri fault – the little known twin to the nearby San Andreas fault. As documented in USGS studies including 'The Northern San Gregorio Fault Zone: Evidence for the Timing of Late Holocene Earthquakes near Seal Cove, California' by Gary D. Simpson, Stephen C. Thompson, 1 J. Stratton Noller, 2 and William R. Lettis, ('Bulletin of the Seismological Society of America', Vol. 87, No. 5, pp. 1158-1170, October 1997) this fault has had repeated events resulting in vertical offsets. The fault is capable of a major earthquake and lies less than 100 yards from the proposed development. Although its' potential for tsunamis is undocumented, the Google map of the offshore component shows a probable scarp indicating potential underwater displacement that would generate a tsunami.

The 2010 Tohoku tsunami caused minimal damage to the San Mateo Coast although the power of the event was sufficient to empty and fill the Pillar Point harbor at eight minute intervals. The last tsunami to cause significant damage occurred on April 1, 1949 as a result of an earthquake in the Aleutian Chain. This event tossed boats ashore and damaged shore side buildings in Princeton.

These recent events pale in comparison to the damage which will result from a major tsunami generated by the Cascadia Fault. This event could be as large as the recent Tohoku tsunami and it will be 4,400 miles closer. On Jan. 26, 1700, the Cascadia fault off Washington, Oregon and California generated a tsunami that destroyed villages in Japan, more than 4000 miles away. There is no recorded history of this event from coastal California although legends of great floods persist in the Pacific Northwest where current studies indicate that the event was a magnitude 9 earthquake followed by a massive tsunami that inundated low lying coastal areas. The study states that there is a 40 percent chance of an earthquake of the intensity of the quake that devastated Japan in March of 2011 occurring during the next 50 years. According to the lead author of the study "The southern margin of Cascadia has a much higher recurrence level for major earthquakes than the northern end and, frankly, it is overdue for a rupture," ... "That doesn't mean that an earthquake couldn't strike first along the northern half, from Newport, Ore., to Vancouver Island. "But major earthquakes tend to strike more frequently along the southern end – every 240 years or so – and it has been longer than that since it last happened," Goldfinger added. "The probability for an earthquake on the southern part of the fault is more than double that of the northern end." (<http://phys.org/news/2012-08-year-cascadia-northwest-earthquake.html#jCp>)

While regulations lag the reality of our recent tsunami experience, I find it difficult to believe that anyone can look at the images of the Japanese tsunami and not extrapolate the consequences to the Big Wave site. The graphic images of the tsunami mass, floating burning buildings and boats into "immovable structures" that were then destroyed, are a clear warning call to avoid the consequences of building the Big Wave project in the tsunami inundation zone.

For these reasons, I urge your Commission to deny the project. Thank you.

Sincerely,

Signature on File

Keith Mangold
660 Palma, El Granada, CA 94018
keithmangold@hotmail.com

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W 16a

From: Susan Jordan [mailto:sjordan@coastaladvocates.com]
Sent: Monday, August 06, 2012 12:04 PM
To: Dreher, Nicholas@Coastal
Cc: sjordan@coastaladvocates.org Jordan
Subject: Financial docs on Big Wave

Hi Nick,

Here are a few documents that relate to the property assessments. The PDFs are from the Assessor Website, the pre 2011 figures and 2012 figures are from a conversation I had with the Assessor's office as the 2012 increases have been calculated but have not been posted yet. The documents have been shared with Commissioner Brennan and may be shared with other Commissioners prior to the meeting.

To sum up:

	Pre-2011 Per Phone Call	2011 Per Website (PDFs below)	2012 Per Phone Call
Office Space Parcel	\$1,695,000	\$370,000	\$750,000
Wellness Parcel	\$ 588,071	\$125,000	\$306,000

The Big Wave LLC requested the reductions and received them on both parcels. The reductions for 2011 represent a 78-79% reduction in land value assessment.

In the same year (2011) that the Wellness parcel was value at \$125,000, the Big Wave LLC donated the Wellness parcel to the Big Wave 501C3 for \$4.77M.

1. 2011 Property Tax bill for Office Space Parcel with land value assessed at \$370K:
2. Property Tax bill(s) for Wellness Center parcel with land value assessed at \$125,000: Note that it is currently in default for non-payment for the second payment as of last week.

**County of San Mateo
Tax Collector/Treasurer**
Wednesday August 01, 2012. 10:16:56 AM PDT

TAX BILL PAID

Secured Property Tax			2011	Note: Penalties only apply to late payments			
Parcel	Tax Rate Area	Assessment Year	Roll Year		Installment 1	Installment 2	Total
047-311-060	87-053	2011	2011	General Tax	1,983.38	1,983.38	\$3,966.76
Owner Address				Total Special Charges	1,216.70	1,216.70	\$2,433.40
*Name private per CA AB2238							
PO BOX 700				Total Taxes	3,200.08	3,200.08	\$6,400.16
BELMONT CA 94002-0700				Penalty + Cost + Fee	0.00	0.00	\$0.00
Property Location (Unincorporated Area)							
				Total Amount	\$3,200.08	\$3,200.08	\$6,400.16
				Due Date	Nov 01, 2011	Feb 01, 2012	
				Late After	Dec 12, 2011	Apr 10, 2012	
				PAID DATE	NOV 30, 2011	APR 10, 2012	
Values				Detail Special Charges		Phone Contact	Amount
Land		370,000		FedCA&NPDES Storm Fee		(650) 599-1417	3.22
Total Values:		370,000		HMB Fire Special Tax		(650) 726-5213	5.00
Exemptions				SMCCCD 2010-2013		(800) 273-5167	34.00
				SMC Mosquito Abate Benefit Assessment		(800) 273-5167	8.62
				Granada Sewer Bond		(800) 969-4382	2,232.56
				Cabrillo USD Meas E		(800) 273-5167	150.00
				Total Special Charges:			2,433.40
				Taxing Agency		Tax Rate	Amount
				GENERAL TAX RATE		1.0000	3,700.00
				CABRILLO UNIFIED BOND		.0522	193.13
				SM JR COLLEGE BD 2002		.0199	73.63
				General Tax Total		1.0721	3,966.76
Net value		\$370,000	Composite Rate		1.0721	Penalty Rate	10.0%
Legal Description 14.88 AC MOL ON SWLY LN OF AIR PORT ST ACREAGE CABRILLO UNIF SCH DIST							
Be aware that during peak periods, it may take up to 10 days to receive and process your payments.							
Your Taxes Have Been Paid. Thank You.							

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**County of San Mateo
Tax Collector/Treasurer**
Wednesday August 01, 2012. 10:27:01 AM PDT

DEFAULTED PARCEL. DO NOT PAY. SEE REDEMPTION FOR PAYMENT AMOUNT.

1st INSTALLMENT PAID

Secured Property Tax			2011	Note: Penalties only apply to late payments			
Parcel	Tax Rate Area	Assessment Year	Roll Year		Installment 1	Installment 2	Total
047-312-040	87-053	2011	2011	General Tax	670.06	670.06	\$1,340.12
Owner Address				Total Special Charges	1,584.31	1,584.31	\$3,168.62
*Name private per CA AB2238				Total Taxes	2,254.37	2,254.37	\$4,508.74
PO BOX 1901				Penalty + Cost + Fee	0.00	265.43	\$265.43
EL GRANADA CA 94018-1901				Total Amount	\$2,254.37	\$2,519.80	\$4,774.17
Property Location (Unincorporated Area)				Due Date	Nov 01, 2011	Feb 01, 2012	
				Late After	Dec 12, 2011	Apr 10, 2012	
				PAID DATE	NOV 30, 2011		
Values				Detail Special Charges			
Land			125,000		Phone Contact	Amount	
Total Values:			125,000	FedCA&NPDES Storm Fee	(650) 599-1417	3.22	
Exemptions				HMB Fire Special Tax	(650) 726-5213	10.00	
				SMCCCD 2010-2013	(800) 273-5167	34.00	
				Granada Sewer Bond	(800) 969-4382	2,971.40	
				Cabrillo USD Meas E	(800) 273-5167	150.00	
				Total Special Charges:		3,168.62	
				Taxing Agency			
					Tax Rate	Amount	
				GENERAL TAX RATE	1.0000	1,250.00	
				CABRILLO UNIFIED BOND	.0522	65.25	
				SM JR COLLEGE BD 2002	.0199	24.87	
				General Tax Total	1.0721	1,340.12	
Net value			\$125,000	Composite Rate	1.0721	Penalty Rate	10.0%
Legal Description	5.12 AC MOL ON SWLY LN OF AIRP ORT ST BND SELY BY BLK 13 PRINCETON BY THE SEA RSM 6/						

Be aware that during peak periods, it may take up to 10 days to receive and process your payments.

Tax bills that remain unpaid as of June 30th are in default and subject to additional penalties and fees.

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**County of San Mateo
Tax Collector/Treasurer**
Wednesday August 01, 2012. 10:31:24 AM PDT

Tax Defaulted Property - Secured			Total to Redeem good through 08/31/2012			
Parcel	Tax Rate Area	Property Location	Owner Address			
047-312-040	87-053		*Name private per CA AB2238			
			PO BOX 1901			
			EL GRANADA CA 94018-1901			
No Active Payment Plans			Payment Instructions			
Roll Year	Total Tax	Delinquent Penalty	Cost	Redemption Penalty	Total Charges	
<u>2011</u>	2,254.37	225.43	40.00	67.63	\$2,587.43	
SUBTOTAL	\$2,254.37	\$225.43	\$40.00	\$67.63	\$2,587.43	
			Interest		0.00	
			Fees		35.00	
			Credit to Principal		0.00	
Last Payment Date			TOTAL TO REDEEM		\$2,622.43	

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W16a

From: NORMA JELLISON [normalj@sonic.net]
Sent: Tuesday, August 07, 2012 12:04 AM
To: Dreher, Nicholas@Coastal
Subject: Appeal No. A-2-SMC-11-021 (Big Wave)

Mr Dreher and Commissioners:

I would like to add my comments in support to the appeal of the Big Wave project (permit reference above).

It is my concern that the proposed project attaches a worthy cause - housing for developmentally disabled adults- within a project that is ill suited for the San Mateo coast.

Earlier in my career, I was a local elected official - council member and mayor - in El Cerrito in Contra Costa County. As a Planning Commissioner prior and during my 8 year tenure as an elected official, I was an advocate for affordable housing, transit oriented housing and social justice for vulnerable and under served populations. That passion for affordable housing and housing opportunities for under served populations has not diminished in the ensuing years since leaving elected office.

Big Wave's housing is isolated from the community. It's remote from existing services. It is not located to support a goal of access for its residents and would not foster independence for people with disabilities. It has difficult access roads and would expose a vulnerable population to unacceptable risks from natural and man-made hazards. The site is in a mapped tsunami inundation zone, next to an active fault (Seal Cove) and is underlain by clay that would magnify the intense shaking in an earthquake. It is adjacent to an airport where take off and landings are often challenged by its adjacency to the ocean with challenging winds and cross currents, another vulnerability issue for any nearby housing.

The site is zoned as Working Waterfront district, which is intended to support the fishing industry. Housing is not allowed. Regardless, the County decided to call this a Sanitarium to get around this restriction.

Perhaps the worst aspect of the project is the Office Park. It would be the largest commercial development built between Pacifica and Santa Cruz.

Big Wave would be the largest commercial project ever built on the San Mateo coast. This project would double the amount of commercial space in the Half Moon Bay area.

225,000 sq. ft. of commercial space In eight buildings up to 46 feet high is not in keeping with the surrounding development or the coastal zone in which it would be located.

The proposed massive 46-foot high buildings would be completely out of scale with neighboring buildings.

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Finally, its 2,123 daily vehicle trips would choke the narrow roads leading to the site and create hazards within the project itself.

Others will speak more eloquently of the many egregious assaults on the coastal environment associated with this project and how this project does not comply with LCP policies.

I can only implore the Commission not to fall prey to the pleas for housing for an under served and deserving community wrapped in a project that will forever change the character of the San Mateo coast and not at all for the better.

Yes, build affordable housing. Yes, build housing for under served, vulnerable populations. Do so in a well located site with ease of access to community, to services and to amenities that support and make the housing a livable, safe place to thrive.

I trust the Commission will follow the Staff Recommendation, uphold the Appeals of many fine social justice and environmental organizations and deny the project.

Norma Jellison
PO Box 1636
Bodega Bay CA 94923

W/6d

Melinda and Norishige Takeuchi
Box 905
Moss Beach, CA 94038

RECEIVED

AUG 06 2012

CALIFORNIA
COASTAL COMMISSION

Aug.2, 2012

Dear Friends on the California Coastal Commission:

Princeton is one of a dwindling number of picturesque harbor towns in California. It is a precious part of our history. The census of 2000 showed that it had 297 residents. **It is beyond comprehension** that you would even **consider** allowing a developer to destroy this gem by imposing a gargantuan project -- we're talking about something that amounts to 1/10th the square footage of the Empire State Building! -- that would in one stroke transform a beautiful historic area into a replica of faceless Menlo Park. Do you really think that Princeton could retain anything of its character engulfed by that monstrous blight? I grew up on Hwy. 1 in 'rural' Malibu. I know firsthand what the rape of the local landscape means.

As I drive home from my one-hour commute (the price of living in a rural paradise), I delight in the sign "Moss Beach, population 400," a legacy of our pastoral heritage. Although the population has grown, has there been a corresponding upgrade of the infrastructure? There has not. Hwy. 1 remains basically the same two-lane road, although I have seen the number of stoplights quadruple since I moved here. What if there were an emergency, such as a fire, quake, or tsunami that required evacuation? Have you considered the fact that those 737 extra cars bumper to bumper would add more than two miles to the traffic jam of fleeing vehicles? Do we have the requisite increase in police and fire personnel to service this overwhelming upsurge in population numbers? How many of you actually live out here? Have you ever experienced Pumpkin Festival, Dream Machine, or Mavericks traffic jams? Even school kids commuting to and from HMB High can turn Hwy. 1 into a parking lot. A recent sewer line rupture caused frustrating gridlock in El Granada. Do we want to experience this every day?

The Wellness Center is a Trojan Horse. What a savvy/cynical move on the part of the developer to toss a bone to people in distress to enlist their endorsement to turn this unconscionable project into an emotional and moral issue! In principle any sane person would want to support a worthy plan for doing well by doing good. But at the cost of the safety, quality of life, and environmental degradation (sorry, anything that mammoth will affect the environment, no matter what 'experts' say) of the local population? (I might mention that in dry years my well loses pressure alarmingly. Could you

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promise that this huge complex would not drain the water table even farther?)
These are just a few of the gifts lurking inside that Trojan Horse.

The Big Wave would more aptly be dubbed "The Disastrous Tsunami." Surely you are aware of the tremendous responsibility vested in you as stewards of our land and our environment. **Please do not sell us locals out to big money.** We do not want a monster like this in our midst. Princeton by the Sea is a wholly inappropriate place for an office park and wellness center. Just the word "office park" curdles the milk. It is precisely what we moved out here to escape.

PLEASE VOTE NO., *that is, support the appeal to quash.*

Respectfully submitted,

Signature on File

Melinda Takeuchi

Signature on File

Norishige Takeuchi

W/6a

From: Susan Jordan [sjordan@coastaladvocates.com]
Sent: Tuesday, August 07, 2012 12:38 PM
To: Cavalieri, Madeline@Coastal; Dreher, Nicholas@Coastal
Subject: Fwd: Letter from Big Wave LLC and overlap with Big Wave 501C3

Madeline and Nick,

The information below was provided to at least one Commissioner. I am forwarding a copy so you have it for your files.

In addition, I hope that staff will remind the CCC that several letters transpired between staff and the Big Wave and that the latter declined to provide the information requested. This is important for Commissioners to understand especially if they are disparaged by the applicant. One letter, in particular, may be important to mention:

I did not see these letters in the Staff Report or attachments but may have missed them.

Best, Susan

The letter from the Big Wave 501C3 (pages 405-407 in Attachment 4) to the CCC signed by Jeff Peck in support of the Wellness Center AND the Office Park has a number of inaccuracies or undocumented assertions in it - including an assertion that they had two businesses that would have leased the ENTIRE office space but who now will be moving out of the area due to the long permitting requirements.

But the part that I find very misleading for Commissioners is the following: The Big Wave non-profit owns the site that is designed to house very low income residents with disabilities. It owns no further land." The letter is signed by Jeff Peck.

While that sentence is technically correct, it seems to imply a distinct separation between the 501C3 and the LLC. However, the overlaps are important to point out.

Jeff Peck, an original co-owner of both parcels, is a partner in the commercial parcel with the Barbers in the Big Wave LLC. On the Grant Deed for the Wellness parcel, Peck is listed as the "Manager, Big Wave, LLC."

As discussed in my prior email, the LLC donated the parcel to the 501C3 at a value of \$4.77M. Jeff Peck is also the President of the Big Wave 501C3 and one of the members of the three member Big Wave 501C3 board. Jeff Peck is also a builder and he MAY be the builder of the project - though that latter part is not specified anywhere I can see. So it seems to me that there is a great deal of overlap and financial cross interest.

I tried to pull out just the letter to the CCC from Peck and the Big Wave LLC from Exhibit 4 but can't figure out how to isolate it, hence the page numbers above (P.405-407).

The details on Peck's role with the 501C3 can be found here:

1. Big Wave Team: Peck listed as President.
2. Big Wave Board, Peck listed as Member.
3. 2003 Coastside Community Water District Letter where Peck, a co-owner of both parcels, addressed the Board and requested annexation "As a means of obtaining water to serve the potential development of their property" (See P. 4).

Please let me know if I can be of any further assistance.

Best, Susan

PS Because it is kind of hard to find, the Development Agreement can be found on pages 242-266 in Attachment 4 and the Ordinance the BOS crafted to support it can be found on pages 236-239.

Susan Jordan, Director
California Coastal Protection Network
2920 Ventura Drive
Santa Barbara, CA 93105

Ph: 805-637-3037
Email: sjordan@coastaladvocates.com
www.coastaladvocates.com

"Our lives begin to end the day we become silent about things that matter." - Martin Luther King, Jr.

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877



November 2, 2011

Big Wave, LLC
Attn: Scott Holmes
P.O. Box 1901
El Granada, CA 94018

Subject: **Appeal Number A -2-SMC-11-021 (Big Wave Wellness Center and Office Park)**

Dear Mr. Holmes:

Thank you for your response to our August 17, 2011 information request letter, which we received in our office on September 29, 2011. As you know, the project the Commission will be considering has come to the Commission after an appeal of a San Mateo County action. Prior to the appeal, the Commission had not been in the position to request information from you, the applicant, needed to determine if the project can be found consistent with the certified San Mateo County Local Coastal Program (LCP). Therefore, on August 17, 2011, prior to scheduling either the substantial issue portion of the appeal hearing or the de novo portion of the appeal hearing, and as we discussed and you agreed to, Commission staff identified the information that you would need to submit for the Commission to evaluate the consistency of the above-referenced Big Wave project with the certified LCP and the public access and recreation policies of the Coastal Act. For reference, our August 2011 letter is attached.

On September 29, 2011, we received your response to our August 17, 2011 letter. We were disappointed that instead of providing all of the requested information and/or a timetable for providing the information, your letter provided a limited subset of information and a large number of your personal observations, statements, and questions, including many of which were argumentative regarding the information requested and issue-expanding as opposed to issue-narrowing, as far as we could tell. As you have indicated in your response, the Environmental Impact Report (EIR) and the County's administrative record for the project are extensive. Commission staff reviewed the project documents, including the Draft EIR, the Final EIR, and all of the related appendices, as well as the County's staff reports. After conducting this review, Commission staff determined that there would be additional information necessary to fully evaluate the project for consistency with the County's certified LCP and the public access and recreation policies of the Coastal Act. This information is described in our August 2011 letter.

In your response to our letter, you provide a limited portion of the additional information we requested. You also provide comments on the nature of the information requested, including that some of the requests are unreasonable, and you indicate that you intend to delay submitting some of the requested information until after the Commission staff's concerns about the project have been resolved and/or until you receive additional analysis of the project from Commission staff. To clarify, Commission staff believes that an adequate response to all of the information we requested in our August 2011 letter is necessary for the Commission to evaluate the project for

consistency with the County's LCP and the public access and recreation policies of the Coastal Act and to act on the project. Please refer to our August 2011 letter for a description of the requested information and related context, and please refer to the text below (under "Previous Information Request") for response to your September 2011 letter in relation to the requested information.

In addition, our August 2011 letter indicated that our further review of the Big Wave project could result in the need for you, the applicant, to provide additional information necessary for the Commission to evaluate the consistency of the Big Wave project with the certified LCP. Such additional information requests are identified below (under "Additional Information Request").

1. Additional Information Request

A. Legal Lot Requirement

Certified San Mateo County LCP Zoning Regulation Section 6105.0 states that no permit shall be issued for development on any lot which is not a legal lot. The information requested below is necessary to determine whether the lots upon which the project is proposed have been created in accordance with all relevant laws and requisite approvals, including both the Coastal Act and the Subdivision Map Act and the local ordinances enacted pursuant thereto. Please provide the following:

- 1) The historic chain of title for all property, both on and adjacent to the project area, held by the landowner in common contiguous ownership, including Assessor Parcel Numbers (APNs) 047-311-060 and 047-312-040, as well as their predecessor APNs 047-311-030 and 047-312-010.
- 2) Information to establish the lot legality, under the Subdivision Map Act, of all APNs both on and adjacent to the project area, including APNs 047-311-060 and 047-312-040, as well as their predecessor APNs 047-311-030 and 047-312-010. Such information must include copies of Certificates of Compliance and information demonstrating whether the real property in question complies with the provisions of the Subdivision Map Act and the local ordinances enacted pursuant thereto.
- 3) Information to establish the lot legality, under the Coastal Act, of all APNs both on and adjacent to the project area, including APNs 047-311-060 and 047-312-040, as well as their predecessor APNs 047-311-030 and 047-312-010. The proposed project may only be approved on parcels that were created by a subdivision occurring after the effective date of the Coastal Act (or its predecessor statute) if such subdivision was authorized by all necessary coastal development permits (CDPs) from either the County or the Commission. A preliminary review of our CDP database yields no CDPs for land divisions involving APNs 047-311-060 or 047-312-040.

- 4) Information identifying whether the size or use of the property changed in any way since it was purchased by the applicant. If so, please also identify the nature of the change, the circumstances and the relevant date(s).
- 5) Information identifying whether a portion of, or interest in, the property was sold or leased since the time the applicant purchased it, and the relevant date(s), sale price(s), rent(s) assessed, and the nature of the portion or interest sold or leased.
- 6) A copy of any title report, litigation guarantee or similar document that might have been prepared in connection with all or a portion of the property, together with a statement of when the document was prepared and for what purpose (e.g., refinancing, sale, purchase, etc.).

B. Zoning, ADA, Rehabilitation Act, and Fair Housing Act

You have stated that application of Section 6326.2(a) of the County's certified LCP Zoning Regulations (the Tsunami Inundation Area Criteria) to the Big Wave project will violate the Americans with Disabilities Act (ADA), the Rehabilitation Act and the Fair Housing Act. You have made these statements in several documents, including: (a) the *Big Wave Tsunami Force and Run-up Report in Accordance with Zoning Ordinance 6326.2 (8-20-2010)* (Attachment T to the October 27, 2010 Big Wave San Mateo County staff report); (b) the October 15, 2010 letter from James C. Porter to the County (Attachment V to the October 27, 2010 Big Wave San Mateo County staff report); and (c) the June 17, 2010 letter from the Big Wave Group to Jim Porter. Please provide an explanation in support of these statements. Such explanation must include the following information:

- 1) Information explaining how the Wellness Center meets the definition of the term "Sanitarium" as used in San Mateo County LCP Section 6500(d).
- 2) Information explaining how the Wellness Center is necessary for the public health, safety, convenience or welfare as required by LCP Section 6500(d).
- 3) Information explaining why application of LCP Section 6326.2(a) to the proposed project would violate the ADA, including an explanation of any reasonable modifications to the Tsunami Inundation Area Criteria requirements that could be made without fundamentally altering the ordinance's purpose of protecting health and safety.
- 4) Information explaining why application of LCP Section 6326.2(a) to the proposed project would violate the Rehabilitation Act.
- 5) Information explaining why application of LCP Section 6326.2(a) to the proposed project would violate the Fair Housing Act.

2. Previous Information Request

As described above, we provided you a detailed letter at your request regarding the information necessary for the Commission to evaluate the Big Wave project for consistency with relevant LCP and Coastal Act policies. You have responded with a subset of the requested information, along with a series of statements and questions regarding the information requested. We continue to believe that the information we requested is necessary for Commission review of the proposed project, and continue to request the same information. We are not opposed to clarifying the requests if you did not understand what we are asking for, but we do not see the value in debating the merits of the information requested, including in terms of your series of comments and questions to that effect. In addition, you suggest that piece-mealing the information submittal would be more palatable. However, we are not able to defer information requests to a later time in our evaluation of the project because we need to fully understand the project to analyze it for consistency with the relevant policies and to develop recommendations for Commission action.

Thus, please submit all of the information requested as soon as possible, and please provide us a timetable for when you intend to submit the information so that we can most efficiently plan our review time and evaluate appropriate hearing scheduling options. As a means of facilitating your expected response, below, we have summarized the information you provided in response to our August 2011 letter request, described which parts of it are inadequate to respond to our request, and identified which parts of it you have failed to provide. We have organized this response by topic areas, as shown in our August 2011 letter, which should be consulted for more complete detail.

A. Project Description

Thank you for clarifying the proposed changes to the project description. In addition, we requested full-size plans showing the project, but you indicated that you would only provide them after the concerns of Commission staff have been met. We do not understand your response. First, full-size project plans are a fundamental piece of information necessary to allow the review of proposed projects, particularly projects of the scale as the one proposed here, and are a fairly routine information request for CDP applications. The reduced-scale plans provided are at a magnification and scale that make it difficult to understand what is proposed, particularly in terms of the finer details shown on the plans. And second, as described above, we need the information requested to fully understand the project, to analyze it for consistency with the relevant policies, and to develop recommendations for Commission action. In that respect, we cannot defer this information submittal as you suggest, including because the plans are necessary to identify and appropriately address potential project issues.

B. Utilities

Thank you for providing the revised water balance calculations, as well as the proposed irrigation rates and expected infiltration rates. However, the information you provided does not meet our request because it does not clearly document and explain the estimated demand for water. The information must show how the estimates for each expected demand were calculated. Please review our August 2011 letter for more details.

In addition, we requested will-serve letters from relevant utility providers and related applications for service, as well as a report prepared by a biologist/hydrologist explaining the potential impacts of the project's proposed irrigation and recycled water use on adjacent wetlands. On the latter, you did not submit the requested report, and thus will need to submit it as part of your next submittal. On the former, you have stated in recent correspondence that you intend to submit copies of applications and related correspondence from utility providers. Please submit these as part of your next submittal. In addition, given the apparent difficulties (i.e., the need for separate LCP amendments and/or CDP amendments) to be able to allow providers to serve this site, please also provide, from any provider that indicates that they intend to serve this project, written evidence that describes the manner in which they will be able to serve the site, including in terms of how they intend to pursue any required LCP amendments and/or CDP amendments.

C. Aesthetics

Thank you for providing your description of the visual impact of the proposed project. Please note that you state you have attached photographs taken from the viewpoints indicated in the aerial photograph, but those photographs were not attached to the letter we received. Please submit the photographs as part of your next submittal.

More importantly, you have provided cross sections in lieu of the story pole analysis requested. The cross sections are helpful, but they cannot serve as the equivalent of the story pole analysis. Please provide evidence indicating that you are prepared to stake and flag the site, and prepared to provide the visual analysis of that staking (and other visual analysis components, like simulations, etc.) as identified in our August 2011 letter.

In addition, you make a number of observations regarding the effect of landscaping on potential adverse public viewshed impacts associated with the proposed project. We understand that the project design is intended to be landscaped in such a way as to shield public views of the development. However, it is not clear from the materials we have reviewed nor your recently provided description and information how this would occur, what the impacts of the project would be before the landscaping reaches maturity, and what the impacts of the landscaping itself would be to the viewshed. The analysis we are requesting is similar to what was provided in the County's review process, including by utilizing visual simulations and story poles, but because the project was changed substantially from what was initially proposed to what was approved, the analysis must be updated to reflect the current proposed project, with current building layouts, heights and landscaping design. Landscaping should be depicted in at least two stages; specifically, at least at the time of installation, as well as at maturity, and any impacts from landscaping itself should also be clearly described.

D. Biological Resources

With regard to biological resources, we requested a site map showing the proposed project in relation to habitat and necessary buffers for sensitive species. In your response, you refer to the

biological reports of the EIR, as well as information about nearby sitings of sensitive species. Figure 3 of the 2003 Biological Impact Report, prepared by WRA, which is included in the EIR, does show habitat for the California Red-Legged Frog on a map, but it is not shown in relation to the proposed site or the site plan, and it does not include the details requested in our August 2011 letter for this habitat type. Also, the 2008 biological resources report prepared by WSP discusses potential habitat for the Western Pond Turtle located in the adjacent drainage and wetlands, but falls short of making a habitat determination. We are requesting that all wetlands and all habitat for sensitive species (including suitable breeding, aestivation, dispersal, foraging, and upland habitat), and all necessary wetland/habitat buffers, be identified, documented, and shown on a map that also shows the current proposed site plan. Please refer to our August 2011 letter for details. Please also confirm whether or not grading will occur as shown on the erosion control plan, and as described in our August 2011 letter. And finally, you indicate that you intend to provide the requested habitat monitoring plan at a future date. However, the requested plan is necessary for us to be able to understand and evaluate the way in which the habitat associated with the site will be managed, maintained, and preserved over the long term, and thus necessary for preparing a recommendation for Commission action. Please submit the requested plan as part of your next submittal.

E. Sea Level Rise/Hazards

Thank you for the sea level rise information provided. However, the information provided is insufficient, and it does not allow us to analyze the related risks to the project for several reasons. First, the analysis must identify the basis for the flooding evaluated. In this case, it appears the information identified is based only on inland flooding and there is no connection made to coastal flooding. As described in our August 2011 letter, the sea level rise/hazards analysis must be based on a combined eroded beach with a 100-year storm event, a high tide and a 100-year rise in sea level (see our August 2011 letter). Second, the Army Corps of Engineers 'rule of thumb' that predicts a 1-foot reduction in wave height for every 25 feet of beach distance, which is used in your submitted analysis, is not appropriate in this case. Instead, a site-specific analysis must be performed of the likely wave run-up for the above-mentioned condition at this location based on physical features and related hazard context. Third, your submitted analysis factors in shoreline protection from nearby 'federal structures', including identifying a seawall and West Point Avenue in this respect, as well as potential future improvements to and shoreline protection at West Point Avenue. It is not clear what seawall is being referred to, and at a minimum you will need to clearly describe its location and attributes. More importantly, the analysis for LCP consistency cannot be based on assumptions that some other party will build shore protection in the future or that existing seawalls provide or will be modified to provide any additional protection. Instead, the analysis must evaluate the impacts of future sea level rise and coastal hazards to the project site under existing conditions and without the need for new (with the project) or future shoreline altering/armoring development to ensure long term stability. Fourth, the analysis must reflect the range of sea level rise provided in the guidance document of the Ocean Protection Council. Copies of this report are available from the OPC web site (see our August 2011 letter). Finally, the analysis must provide and illustrate reference points for all

identified elevations. Please refer to our August 2011 letter, and submit the requested analysis as part of your next submittal. In addition, as identified in the August 2011 letter, you will need to provide a site plan display that depicts the sea level rise/hazards constraint mapped in relation to current site plans and biological resources (see also above).

F. Geology, Hydrology and Soils

The information you recently provided only reiterates information already provided in the County's record. We have previously analyzed this information, and we requested the additional geotechnical report because we believe that additional information is necessary to evaluate the project for consistency with the County's LCP (see our August 2011 letter). In particular in relation to earthquake hazard, the site's close proximity to the San Gregorio fault makes such a supplemental and site specific analysis critical for project review. In tandem with other constraints and site plan mapping, again, this constraint needs to be shown on a current site plan with other constraints so that it can be graphically understood in relation to the site. Again, as we previously indicated, we believe that such supplemental geotechnical report and related mapping is necessary to evaluate the project for consistency with the hazards policies of the LCP.

G. Traffic and Public Access

We understand from your response that you do not feel an updated traffic report is necessary for our review of the project. However, we do not believe that the traffic reports included in the County's record, which are based on winter-time data, are adequate to show the impacts of the proposed project, because traffic in the area is heavily impacted by beach and shoreline use, which is far more prevalent in the summer months. In addition, LCP policies require the Commission to evaluate the proposed project's impacts on highway segment levels of service, not just intersection levels of service. Therefore, the information we requested in our August 2011 letter is necessary for our review.

H. Airport Land Use Compatibility

We understand from your response that you also feel that the airport noise analysis we requested is not necessary for our review. However, we believe the information is necessary for the Commission to determine whether or not the project is consistent with the County's Airport Land Use Plan, as required by the LCP's Midcoast Community Plan.

Conclusion

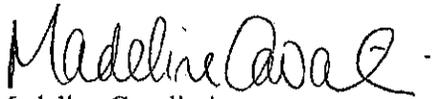
As we have described, we believe the information requested in our August 17, 2011 letter, as augmented and refined by this letter, is necessary for the Commission to evaluate the project for consistency with the County's LCP and the public access and recreation policies of the Coastal Act. We have provided a detailed description of the information necessary in this regard in good faith and at your request to help streamline the Commission's review process. Thus, please submit all of the information requested as soon as possible, and please provide us a timetable for when you intend to submit the information so that we can most efficiently plan our review time

Scott Holmes, Big Wave, LLC
A-2-SMC-11-021 (Big Wave Wellness Center and Office Park)
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Page 8

and evaluate appropriate hearing scheduling options. We do not intend to proceed further with our review of the project until all of the requested information is submitted in writing.

Thank you again for the information that you have provided to date in your September 2011 letter. We look forward to expected receipt of the other requested information as soon as possible so that we can expeditiously bring this matter to hearing and closure. If you have any questions about the information we have requested, please feel free to contact me at (831) 427-4863 or mcavalieri@coastal.ca.gov.

Sincerely,



Madeline Cavalieri
Coastal Planner

cc: Jeff Peck, Big Wave
Nicole DeMartini, Big Wave
Camille Leung, San Mateo County
Jim Eggemeyer, San Mateo County
Lennie Roberts, Appellant's Representative
Ryan Moroney, Appellant's Representative

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
46 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2 210
VOICE AND TDD (415) 904-5 260
FAX (4.15) 904-5 400



August 17, 2011

Big Wave, LLC
Attn: Scott Holmes
P.O. Box 1901
El Granada, CA 94018

RE: Appeal Number A-2-SMC-11-021 (Big Wave Wellness Center and Office Park)

Dear Mr. Holmes:

As you know, San Mateo County's approval of a coastal development permit (CDP) for the Big Wave development has been appealed to the Coastal Commission. The Commission's appeal process occurs in two steps. First, the Commission determines if the appeal raises a substantial issue of conformance with the County of San Mateo's Local Coastal Program (LCP) or the access and recreation policies of the Coastal Act. If the Commission determines that the appeal does not raise a substantial issue, the County's CDP approval becomes final. If the Commission determines that the appeal does raise a substantial issue, the Commission takes jurisdiction over the CDP application for the project and reviews it 'de novo'. The Commission may then approve, approve with conditions, or deny a CDP for the project.

Often, the most expeditious way for the Commission to review appeals is to act on both the substantial issue portion and the de novo portion of the review at the same hearing. Because you agreed to waive your right to a hearing within 49 days of the appeal being filed, this combined hearing option is available. However, as we have previously discussed, including in a June 30, 2011 meeting with our Senior Deputy Director Charles Lester, additional information not available in the County's administrative record is necessary for the Commission to fully analyze your project for consistency with the County's LCP and the Coastal Act in de novo review. Normally, this information would be identified at the substantial issue stage of the appeal, meaning that a de novo hearing would have to wait for the information to be developed. In this case, and in an effort to streamline the appeal process for your project, we have identified information that we believe is necessary for the Commission to review the project in a de novo hearing. Although it is possible that we will identify additional information that will be needed as we continue our review of the proposed project, providing the information we identify below will allow us to complete the bulk of our review of the project and further the applicant's desire to expeditiously bring the proposed project forward to a combined substantial issue/de novo hearing in front of the Commission.

Moreover, as we have discussed and as described in our previous comment letters that were provided throughout the County's review process, based on the information provided, including the environmental impact report, the County's administrative record and your correspondence, staff believes that aspects of the proposed project have fundamental inconsistencies with LCP policies related to zoning requirements and hazards. We note also that the project includes a

subdivision that would create new lots in an area that is subject to numerous constraints due to coastal resources. Any new lots would have to be consistent with applicable LCP and Coastal Act policies, including these same zoning and hazard requirements of the certified LCP. Therefore, we strongly recommend that you either explore alternative locations for the Wellness Center or propose a project consistent with the Waterfront Zoning District and then return to the County with a project that complies with the zoning and hazards requirements of the LCP. Commission staff would work to provide comments to you and the County throughout such a process.

If you do not choose this direction, and instead move forward with the project as approved by the County, we will need additional information to fully evaluate the project's consistency with the LCP, as described above. Although providing the additional information identified below will not alleviate our concerns regarding the project's fundamental inconsistencies with the LCP, our planning, legal and technical staff have reviewed the project materials and have identified the following information that is necessary to fully evaluate the project's consistency with the LCP and applicable Coastal Act policies. Please note, however, that staff may request additional information, including if, upon further review, it is determined that the Commission will need to evaluate whether denial of the project would result in an unconstitutional taking of private property for public use. In order to make that evaluation, staff would request additional information from the applicant and the landowner concerning both the economic impact of the regulation on the applicant/landowner and the nature of the applicant's/landowner's property interest prior to holding a *de novo* hearing on the project. The information we have identified as necessary for the Commission to evaluate the project's conformity with the certified LCP and the access policies of the Coastal Act is as follows:

Project Description

You previously indicated that the applicant is interested in making various potential changes to the project to address some of the LCP consistency issues that have been raised, such as reducing building heights and dedicating the water well to a public utility agency. Please provide a comprehensive revised project description that incorporates all such proposed project changes. Please also provide two full sets of full size and two full sets of reduced size comprehensive project plans, including in plan view and elevations, that correspond to the revised project description.

Utilities

LUP Policy 7.20 provides specific protections for the Pillar Point Marsh, and Policies 7.3 and 7.4 protect sensitive habitats and prohibit development adjacent to sensitive habitat from having adverse impacts on the habitat. In addition, LUP Policy 5.22 protects agricultural water supplies and requires that when approving any division or conversion of prime agricultural land or other lands suitable for agriculture, adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed must not be diminished. To allow for an evaluation of the proposed water system's impacts on nearby habitat and the project's consistency with these policies, please provide a comprehensive water balance calculation that

corrects the errors identified by the County in special condition 5.jj of the County's approval, and that justifies the estimated demand for water, including through an analysis of irrigation demand using an irrigation demand model such as the Department of Water Resources' WUCOLS III. Estimates must be made for both rainy and dry season irrigation demand, and all assumptions and methodologies for arriving at the calculation must be provided. In addition, please provide a report prepared by a biologist/hydrologist that evaluates the ability of the project's irrigation and other outdoor water use to be managed and controlled to prevent changes in existing drainage and hydrology that could adversely impact the biology or hydrology of adjacent habitats or result in ponding that could result in traffic circulation or structure stability problems.

LUP Policies 1.3, 1.4, 1.16, and 1.18 direct new development to existing urban areas in part to maximize the efficiency of public utilities, and Policy 1.18 specifically requires new development to be concentrated in urban areas by requiring infill development. LUP Policy 1.19 goes on to define infill as development of vacant land in urban areas that are served by public sewer and water utilities. In addition, LUP Policy 5.22, which addresses the division of agricultural lands, prohibits a single well source from serving more than four new parcels. Therefore, please provide copies of approvals and or 'will serve' letters from all applicable water and sewer permitting and public utility agencies, including any necessary approvals of the potable water source and water recycling facility by the California Regional Water Quality Control Board and the Granada Sanitary District, as well as 'will serve' letters from Granada Sanitary District, Coastside County Water District and Montara Water and Sanitary District, as applicable. If such approvals have not yet been obtained, please provide copies of applications submitted to these agencies, as well as contact information for the appropriate staff.

Aesthetics

The Visual Resources component of the LCP regulates development to protect the visual resources of the County's coastal zone. LCP Policy 8.5 requires new development to be located to be 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 coastal zone. In addition, LCP Policy 8.6 specifically protects visual resource qualities of streams, wetlands and estuaries. To allow for an evaluation of the proposed project's consistency with these policies, please provide a comprehensive visual analysis of the project as approved by the County and as revised (if revised by the applicant, as described above), including visual simulations and photographs of story poles as viewed from various public locations, including representative locations on nearby public streets and highways, hiking trails and beaches. Please coordinate with us on the timing and methodology of story poles prior to any installation. (Note: We are aware that story poles were previously erected and photographed, but it is our understanding that the story poles installed during the County's review of the project were based on a different project design than was approved by the County, and that only one of the office park buildings was represented.)

Biological Resources

The project site includes important biological resources, including wetlands 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 LCP and wetlands are defined pursuant to Section 13577 of the Commission's regulations; LCP Policy 7.16 limits the uses allowed in wetlands; LCP Policies 7.18 and 7.19 establish wetlands buffer zones and limit the uses allowed in them; and LCP Policy 7.20 provides specific protections for the Pillar Point Marsh. Development within habitat for special-status species are subject to additional LCP policies, including Policies 7.1, 7.3 and 7.4 which define and protect sensitive habitats and prohibit development adjacent to sensitive habitat from having adverse impacts on the habitat. To allow for an evaluation of the project's consistency with these policies, please provide site plans that identify the location of habitat for California red-legged frog, San Francisco garter snake and western pond turtle, including suitable breeding, aestivation, dispersal, foraging and upland habitat, as well as habitat buffers, in relation to the approved development and any revised project design. Please also provide the data upon which such site plans are based, including at a minimum, clear and up-to-date documentation regarding the known populations for these three species. In addition, please clarify whether any grading or other development would occur within wetlands as defined by Section 13577 of the Commission's regulations. Although the EIR states that no grading or other development would occur within specified wetlands, except for hand planting, the Erosion Control Plans attached to the County staff report show a portion of these same wetlands as being graded. Finally, please provide a monitoring plan consistent with current professional standards for the proposed habitat restoration.

Sea Level Rise/Hazards

LUP Policy 9.1 defines hazardous areas and Policy 9.11 requires new development (with the exception of coastal-dependent uses or public recreation facilities) to be located in areas where beach erosion hazards are minimal and where no additional shoreline protection is needed. To allow for an evaluation of the project's consistency with these policies, please provide an analysis of the impacts of sea level rise on the site, using the range of estimates outlined in the State's Sea Level Rise Interim Guidance Document.¹ The analysis should include a determination of the elevation and inland extent of flooding and wave run-up that might occur at the project site over the life of the development. This is normally how far inland and how high water would go when there is an eroded beach with a 100-year storm event (or the equivalent of the 1982/83 El Nino event if the 100-year storm event has not be determined), a high tide and a 100-year rise in sea level. Please also provide site plans that combine this constraint with the wetland and habitat constraint site plans described above. In addition, please note that depending on the results of this sea level rise/hazards analysis, additional information may be requested in relation to the need for shoreline protection.

¹ Coastal and Ocean Working Group of the California Climate Action Team, *State of California Sea-Level Rise Interim Guidance Document*, October 2010.

Geology, Hydrology and Soils

LUP Policy 9.10 requires site specific geotechnical investigations to determine mitigation measures to remedy hazards that may exist for structures intended for human occupancy or employment. To allow for an evaluation of the project's consistency with the LCP's hazards policies, including this one, please provide a supplemental geotechnical report showing how the project will avoid and mitigate impacts related to seismic hazards, soils and drainage. The report should include drainage plans that fully evaluate the existing site conditions and potential hydrological impacts of the project, including from the project's irrigation and other outdoor water use, and it should include a fault hazard investigation involving trenching, magnetic or seismic methods. In addition, it should address the stability of temporary and final slopes and stockpiles, including the capacity for off-site slopes to fail and impact the project site, as well as seismic-related ground failures such as cyclic densification, liquefaction, lateral spreading, liquefaction-induced ground settlement, liquefaction surface manifestations, total and differential ground settlement and expansive soils. Any areas that need to address geology, hydrology, and soils issues should be shown on site plans in relation to the County-approved project and any revised project, and on combined site plans showing these items in relation to wetland/habitat and sea level rise/hazards constraints described above.

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 County's 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. In addition, LUP Policy 2.49 describes level of service (LOS) D as acceptable during commuter peak periods and LOS E as acceptable during recreation peak periods. The Traffic Impact Study that was provided was based on traffic counts and volumes from January 2007. Such an analysis is not sufficient for the Commission to determine the project's consistency with the public access and recreation policies of the Coastal Act and the LUP because it does not address current peak recreational traffic, and thus, the project's impacts on the ability of the public to access the shoreline are not known. Therefore, to allow for an evaluation of the project's consistency with both Coastal Act and LCP access policies, please augment the traffic study to include traffic counts and traffic volumes from the peak summer season. Also, please provide an analysis of the project's impacts on the LOS of the flow of traffic along nearby segments of Highways 1 and 92.

Airport Land Use Compatibility

LUP Policy 1.5 incorporates the adopted Montara-Moss Beach-El Granada Community Plan into the land use plan for the Mid-Coast, and Policy 3.21 of this plan requires development surrounding the Half Moon Bay Airport to be consistent with the goals and policies of the adopted Airport Land Use Commission (ALUC) plan. Therefore, the Commission's evaluation of the project for consistency with the certified LCP must include an evaluation of the project's consistency with the ALUC plan. As such, and as requested by the County ALUC staff, please provide a detailed acoustic analysis by a registered acoustic engineer that includes identification

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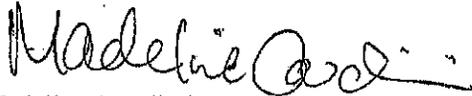
and documentation of single-event levels and cumulative noise event levels at the project site from aircraft operations at the HMB airport. The noise analysis should include a graphic that illustrates the single-event aircraft noise contours (in dBA) and the cumulative aircraft noise contours (in CNEL) at the project site.

Conclusion

As we have discussed, Commission staff believes that aspects of the proposed project, as approved by the County, are fundamentally inconsistent with the zoning and hazard requirements of the certified LCP. We strongly recommend that you re-envision a project that either conforms to the County's zoning and hazards requirements or relocates the Wellness Center to a more suitable site, and return to the County for a new permit. Commission staff would make every effort to participate throughout such a process.

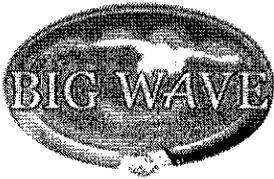
If you have any questions about the information we have requested, please feel free to contact me at (831) 427-4863 or mcavaleri@coastal.ca.gov.

Sincerely,



Madeline Cavalieri
Coastal Planner
North Central Coast District

cc: Jeff Peck
Nicole DeMartini
Camille Leung



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- [Office Park](#)
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Who We Are – Big Wave Team

Below are some of the individuals who make up the Big Wave Team.

President:

Jeff Peck

Executive Director of Big Wave Group:

Nicole DeMartini

Design and Engineering:

Scott Holmes

Advisory Board Liaison:

Kim Gainza

Wellness Center Architect:

Henry Ruhnke, Wald, Ruhnke & Dost

Land Use Attorneys:

Dave Byers and Mike McCracken of McCracken, Byers & Richardson, LLP

Public Trust Attorneys (non profit 501 (c) (3)):

Meredith Bushnell of Howard Rice Law Group

Environmental Consultants:

WSP, Peggy Fieldler and Lyndon Lee

Civil Engineer:

Daniel Macleod, Macleod & Associates, Inc.

Disabilities Design:

George Braddock, Creative Housing Solutions

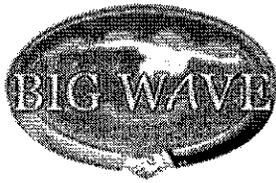
Technical Support:

Greg Off



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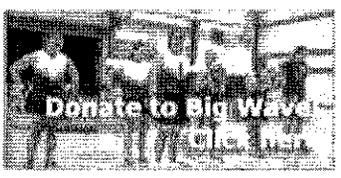


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Board of Directors

- Stephen St. Marie, Chairman of the Board
- Scott Holmes
- Jeff Peck



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COASTSIDE COUNTY WATER DISTRICT

766 Main Street

Half Moon Bay, CA 94019

MINUTES of the MEETING OF THE BOARD OF DIRECTORS

July 8, 2003 – 7:30 p.m.

- 1) **ROLL CALL:** President John Muller called the meeting to order at 7:30 p.m. Present at roll call were Directors Jim Larimer, Everett Ascher, Ken Coverdell and Chris Mickelsen.
- 2) **PLEDGE OF ALLEGIANCE:** Everyone stood for the Pledge of Allegiance.
- 3) **INTRODUCTIONS:** President Muller introduced Deborah Ruddock, Half Moon Bay City Councilmember, and Ric Lohman. The General Manager introduced Matt Damrosch, CCWD maintenance worker, who recently achieved his Grade 2 Treatment Operator's Certificate, and Dr. Iris Priestaf of Todd Engineers.
- 4) **PUBLIC ANNOUNCEMENTS:**
Ric Lohman, Miramar, brought the recent draft LCP for distribution to the Board.

John Meador asked to remind all about voluntary fire regulation NFPA 99, the national standard for color coding on fire hydrants which is used to indicate the degree of water flow available.
- 5) **APPROVAL OF THE AGENDA:** President Muller approved the General Manager's request to move Item 8A forward to follow Item 7B.

ON MOTION by Director Ascher, and seconded by Director Coverdell, the Board voted unanimously to move Agenda Item 8A to immediately follow Agenda Item 7B.

- 6) **CONSENT CALENDAR**
 - A. **Requesting the Board to review payment of claims for the month ending June 30, 2003 in the amount of \$263,957.10**
 - B. **Acceptance of Financial Reports**
 - C. **Minutes of the June 10, 2003 Board of Directors Meeting**
 - D. **Minutes of the June 20, 2003 Special Board of Directors Meeting**
 - E. **Monthly Water Transfer Approval Report**

President Muller reviewed the Consent Calendar for this meeting and asked for explanation about a payment to Coastside Net for \$96.00, which the Superintendent/Engineer described as payment for the District's email account. President Muller also asked about the cost of the District sampling lab in Monterey and the Superintendent/Engineer stated that this was likely to become more expensive in the future as increased testing regulations become required.

ON MOTION by Director Coverdell, and seconded by Director Ascher, the Board voted unanimously to accept the Consent Calendar in its' entirety.

7) REPORT OF THE GENERAL MANAGER

A. Discussion and possible acceptance of the FINAL Lower Pilarcitos Creek Groundwater Basin Study - Presentation by Iris Priestaf, Project Manager, Todd Engineers

The General Manager introduced Dr. Iris Priestaf of Todd Engineers, who addressed the Board with a presentation of the final version of the Lower Pilarcitos Creek Groundwater Basin Study. The study was initially presented in draft form to the Board on May 13, 2003, and since that time it has been revised to incorporate numerous comments and questions by Mr. James Teter, District Engineer.

Dr. Priestaf presented five major revisions to the original draft study:

- 1) Seasonal well yields are a main constraint to the development of the Lower Pilarcitos Creek well field.
- 2) An entire section has been added to the report regarding construction, operation and maintenance of the well field. The report includes a recommendation for a pilot production well, pump management, and close monitoring of water levels.
- 3) The final report clarifies the management of safe yield of 1300 acre-feet per year due to the impact of seawater intrusion.
- 4) The Executive Summary has been expanded to include responses to all questions related to the initial proposal.
- 5) Recommendations for a synoptic survey of the Pilarcitos Creek, with all measurements taken in the same day in order to follow flow, and the installation and thorough testing of a pilot well are included in the final report.

President Muller expressed his belief that the District has received a very good report from Todd Engineers and likes the new Executive Summary. He then opened the item to public discussion.

Keith Mangold, El Granada, discussed his work on the Lower Pilarcitos Creek restoration project for the past 12 years and indicated he has thoroughly studied this report. His main concern is that the Board will act too quickly and the project will create considerable negative environmental impact to steelhead trout and other native species, while also negatively impacting water levels.

Deborah Ruddock, Half Moon Bay City Councilmember, spoke as a member of the public and not on behalf of the Council. She supports Keith Mangold's position and would like to see a summer pumping testing project conducted.

President Muller asked Dr. Priestaf to respond to comments that only winter testing would be done. She agreed that summer testing would be of great benefit and would also continue to recommend the synoptic study to get a better picture of flow. The General Manager explained that the report can be viewed by the public in 3 ways: at the library at the CCWD, by a purchase for \$8 for a CD, and, in the very near future, on the CCWD website. He said that if the Board wanted to approve the test well, they would need to direct him to move funds from the District's Capital Improvement Budget.

Director Coverdell, Director Mickelsen, Director Ascher and the General Manager directed questions to Dr. Priestaf regarding

- Project details and costs
- Seawater intrusion
- Testing of nearby existing wells nearby
- The building of a steel test well
- Clarification of a synoptic study and the test well and two separate procedures.

Director Ascher stated he would like to move forward with the synoptic stream flow survey and that the scope of work related to the test well be expanded to include the issues addressed by Keith Mangold and Deborah Ruddock. President Muller agreed with Director Ascher and suggested that, before a test well is built, Dr. Priestaf return at a later date when further data has been collected on the existing test wells for possible conversion to a production well.

ON MOTION by Director Coverdell, and seconded by Director Mickelsen, the Board voted unanimously, as follows, to accept the FINAL Lower Pilarcitos Creek Groundwater Basin Study:

Director Larimer	Aye
Director Ascher	Aye
Director Coverdell	Aye
Director Mickelsen	Aye
President Muller	Aye

ON MOTION by Director Ascher, and seconded by Director Coverdell, with Board discussion as noted below, the Board voted unanimously to authorize the allocation of \$5,000 for the synoptic study to be performed by Todd Engineers.

Director Larimer made remarks related to the Motion by Director Ascher. Along with keeping costs down, he would like to see the study reach a positive conclusion and reasonable outcome, as the current plans and course considerations are still not clear to him. The Board undertook discussion regarding the study expense related to the study outcome. Director Coverdell and Director Mickelsen discussed the use of 5 existing wells to obtain watershed results. Dr. Priestaf will come back to the Board with 1) a proposal to use the existing wells for study and 2) clarification of the course of study per Director Larimer's comments.

B. Well Failure and Request for an Emergency Non-Priority Water Service Connection at 117 Alameda Avenue, Half Moon Bay (APN 048-095-070) Owners: Vincent and Patricia Bail

Mrs. Bail offered a short history of their well's high nitrate levels, reported by the San Mateo Public Health Department to the CCWD, which has damaged her toilets, sinks and faucets. President Muller remarked on the \$1,000 transfer and application fee to the City of Half Moon Bay for a connection transfer.

ON MOTION by Director Ascher, and seconded by Director Mickelsen, the Board voted unanimously by roll call vote, as follows, to approve the request by Mr. And Mrs. Vincent Bail for an emergency non-priority water service connection at their home:

Director Larimer	Aye
Director Ascher	Aye
Director Coverdell	Aye
Director Mickelsen	Aye
President Muller	Aye

At this point in the meeting, the Board moved to Item 8A as agreed in the approval of the Consent Calendar.

8) ATTORNEY'S REPORT

A. Discussion and possible direction to staff concerning potential annexation of APN 047-311-060 and 047-312-040, Lands of Big Wave LLC, near Airport Street and Stanford Avenue

Mr. Condotti explained the background regarding the potential annexation of Lands of Big Wave, LLC. Owners Jeff Peck and Steve Barber have expressed interest in annexing into the District as a means of obtaining water to serve the potential development of their property and they have asked that this item be placed on the Board's agenda for this evening. The subject property is located in the area being formerly served by the Citizen's Utility

Company and is currently being acquired by the Montara Sanitary District (MSD) but it is not actually located within their district. However, it is located within the Granada Sanitary District (GSD). Mr. Peck addressed the Board, explaining that the property is intended for commercial development and will, therefore, bring jobs to the Coastside.

President Muller expressed his preference for taking a neutral position on this issue. Director Mickelsen agreed. Director Larimer asked if the Board's stand would make a difference to LAFCO process. Mr. Condotti explained the LAFCO procedure and stated that the issue would eventually come back to the CCWD Board for review and that the Board's position could influence the final decision at some future date but not at the present time. Director Coverdell stated that, if the issue can be resolved between the agencies, he would be in favor of annexation so that priority water hook-ups could be sold to the property owners.

Ric Lohman, Miramar, asked for a definition of the extent of the sphere of influence of the CCWD.

Mr. Condotti explained that he was unable to satisfactorily answer the question and President Muller agreed that this is a very difficult subject. Director Ascher expressed his encouragement to Mr. Peck to move forward with the LAFCO process if annexation to the CCWD is what he wants. Mr. Peck asked for clarification about which of the agencies would "own" the property in terms of water service. Director Larimer stated that if LAFCO suggests that the CCWD could annex the property, he would want to do so since the CCWD already has pipes that serve the adjacent area and the MSD does not.

Bob Ptacek, Montara, Director of the MSD, spoke to clarify that the MSD has not told Mr. Peck that the MSD could not serve his water needs. He explained that Mr. Peck had addressed the MSD in May of this year, was told that they could not take action on the annexation request and that Mr. Peck has not returned to the MSD since that time.

Mr. Condotti recommended that the Board take no action at this time and that the next move in this process will be up to Mr. Peck.

A short break was taken at 9:00 p.m. at the conclusion of discussion about Item 8A, with resumption of the meeting at Item 7C.

7) REPORT OF THE GENERAL MANAGER (continued from page four)

C. Discussion of Midcoast Local Coastal Plan (LCP) Update and possible direction to staff

The General Manager explained that one important component of the updated County LCP will be its' analysis of projected water demands. He had no recommendations for the Board, since George Bergman, Senior Planner – San Mateo County is revising the water demand figures. The General

Manager said he would seek the input of the District Engineer and District Counsel when analyzing the upcoming water demand figures. Director Larimer would like to ensure that the CCWD staff is participating in keeping a presence at the meetings. Both President Muller and Director Mickelsen expressed concurrence.

Ric Lohman brought hard copy handouts of the Draft updated LCP (as suggested by the Mid-Coast Community Council) for the Board members.

D. Association of California Water Agencies (ACWA) – Region Officer/ /Board Member Candidate - Approval of Resolution 2003- Placing in Nomination, John Muller, as a Member of the Association of California Water Agencies Region 5 Board Member position

The Board Directors all agreed that President Muller is the best person for the job. President Muller expressed his appreciation for their confidence in him and vowed to bring all water agency information back to the Coastsides.

ON MOTION by Director Ascher, and seconded by Director Mickelsen, the Board voted unanimously to nominate CCWD Board of Directors President John Muller for a membership in the Association of California Water Agencies Board of Directors.

E. Approval of Resolution 2003- Commending members of the District Staff for their outstanding performance in responding to the Cunha Country Store Fire

The General Manager briefly reviewed the excellent job performed by the CCWD staff in response to the May 21st, 2003 fire at the Cunha Country Store.

ON MOTION by Director Ascher and seconded by several directors in unison, the Board unanimously by roll call vote, as follows, to place commendations into the personnel files of the appropriate CCWD employee personnel files.

Director Larimer	Aye
Director Ascher	Aye
Director Coverdell	Aye
Director Mickelsen	Aye
President Muller	Aye

Following approval of the Motion, the General Manager stated that the hydraulic model meeting set for July 16th, 2003, would review possible scenarios for simultaneous fire incidents thatat multiple points along the water distribution system.

F. Update on recent activities regarding the El Granada Pipeline Project Appeals and possible direction to staff regarding the California Coastal Commission Hearing for Appeal Nos. A-2-SMC-99-65 and A-1-HMB-99-20

The General Manager referred to the cancellation of the July CCC appeals hearing and the events that followed. As of today, the appeals of the CCWD project may be put on the agenda for the August CCC meeting to be held in Southern California.

Ric Lohman, Miramar, addressed the Board and referenced a letter from the Mid-Coast Council and their concerns and recommendations to the CCC.

Director Larimer referred to the letter from Half Moon Bay Councilmember Michael Ferreira, calling it "incredibly disingenuous". He said that the continual delay of important issues must stop and expressed his belief that the community deserves better treatment by resolving important issues instead of undermining the public interest. Director Coverdell stated that he had been insulted by the letter from Mr. Ferreira and expressed his concern regarding who the letter was from - Mr. Ferreira as an individual, or the entire HMB City Council since the letter was on official stationery. He questioned the possibility of Mr. Ferreira's misuse of his office. Director Ascher stated that the Board "is not in the growth business, nor are they "into paving the coast", but only wants to provide the best possible water service to the community and get the pipeline project off the ground. President Muller voiced the possibility of another Special Meeting in order to prepare for the CCC Hearing, once the appeals are placed on the CCC Agenda and the CCC staff report is received by the District.

G. Discussion and possible authorization to staff to purchase one new Ford Explorer for use by the General Manager

The General Manager recommended waiving the District policy of acquiring bids for purchases over \$25,000 since James Ford, the local Ford dealership in Half Moon Bay, submitted the lowest quote, and has worked hard to be competitive in acquiring the District's business.

ON MOTION by Director Mickelsen, and seconded by Director Coverdell, the Board voted unanimously by roll call vote, as follows, to approve the District purchase of one new Ford Explorer from James Ford.

Director Larimer	Aye
Director Ascher	Aye
Director Coverdell	Aye
Director Mickelsen	Aye
President Muller	Aye

H. General Manager Activities

The General Manager briefly presented his activities report to the Board. No discussion was undertaken on this item.

I. **Correspondence:**

- (1) Letter dated June 12, 2003 from San Francisco Bay Area Regional Water System Financing Authority regarding the schedule for the next meeting of the Financing Authority.
- (2) Letter from San Francisco Public Utilities Commission (SFPUC) dated June 9, 2003 regarding organizational changes
- (3) CCWD letter to Senator Jackie Speir dated June 20, 2003 regarding support for Assembly Bill No. 1051 (Goldberg) relating to capital facilities fees

No specific review or discussion was undertaken on this item.

9) **ENGINEER'S REPORT**

- A. **Engineering Projects Received in June 2003**
- B. **District Engineer Work Status Report**

Mr. Teter stated that no new projects had been received in June and that the status report remains unchanged this month until the CDP's are completed.

10) **OPERATIONS REPORT**

- A. **Water Service Connections Installed, Priority and Non-Priority**
- B. **Capital Improvement Program Progress**
- C. **Water Sample Report, Local Production, Water Purchases, Leaks, etc.**
- D. **Deployment and Start of Portable Pump**

The Board looked briefly at the Operations Reports and no discussion was undertaken on these items at this time.

- E. **Power Point Presentation - Crystal Springs Pump Station Tunnel Inspection, Main Line Repair and Portable Pump System**

Mr. Lambing gave a PowerPoint presentation to the Board, detailing the tunnel inspection and the repair of a main line. Mr. Teter suggested that the maintenance staff would benefit from the presence of an engineer at the inspection process every year, or at least every other year. It was also mentioned at this point that compliments should be expressed to John Davis and Sean Donovan for their thorough and competent inspection of the tunnel this year.

Director Mickelsen stressed the importance of the fact that it be known that the process of placing the portable pump in operation was a staff decision and that the CCWD Board of Directors played no part in the decision to place the portable pump in use. President Muller and the General Manager agreed that it is best to leave the portable pump in place through September in case the hot weather continues.

11) **MEETINGS ATTENDED/SCHEDULED – BOARD OF DIRECTORS**

A. **Bay Area Water Supply and Conservation Agency Board of Directors Meeting - June 19, 2003 - Attended by Representative, Director Chris Mickelsen**

Director Mickelsen attended the BAWSCA Board Meeting on June 19th, 2003. He briefly reviewed the meeting high points, specifically naming several members elected to office on the Board. President Muller made the observation that there are a number of elected officials on the BAWSCA Board of Directors and Director Mickelsen agreed that he is part of a highly select group of individuals.

12) **AGENDA ITEMS AND DIRECTOR COMMENTS**

President Muller attended a State Chair meeting, during which there was very serious discussion related to financial issues affecting California and key water-knowledgeable staff due to be let go from their positions.

13) **ADJOURN:**

The meeting was adjourned at 9:54 p.m.

Respectfully submitted,

Ed Schmidt, General Manager

APPROVED:

John Muller, President

W16a

August 6, 2012

Agenda Item W.16.a (Lansing)
Oppose Project

Chair Mary Shallenberger and
Members of the Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Appeal No. A-2-SMC-11-021 (Big Wave)

Dear Chair Shallenberger and Members of the Commission:

I strongly support the California Coastal Commission staff's recommendation to deny a Coastal Development Permit for the Big Wave project due to the applicant's failure to comply with numerous policies and requirements of the Midcoast's certified Local Coastal Program, including: (1) failure to demonstrate adequate water supply, (2) failure to comply with state and local wastewater treatment regulations, (3) failure to provide adequate mitigation for traffic impacts that will impede public access to the coast, (4) failure to comply with the LCP's policies for protection of environmentally sensitive habitat areas and rare and endangered species, and (5) failure to comply with the zoning code's hazard protection requirements.

Moreover, it makes no sense to strand developmentally disabled people miles from the community center when they have no viable transportation to services etc. As evidence, attached is a letter from a parent of a developmentally disabled person which was published in the Half Moon Bay Review on December 19, 2008.

Sincerely,

Signature on File

Kevin J. Lansing
359 Filbert Street
Half Moon Bay CA 94019

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Don't lock developmentally disabled out of sight

Posted: Friday, December 19, 2008 12:00 am

Dear editor:

I applaud Merrill Bobele for his thoughtful opinion piece on Big Wave (Review, Dec. 3). Others may take issue with his assertion that Big Wave is a "flawed plan." This is understandable given the paucity of housing, vocational and recreational support for developmentally disabled people on the coast. These individuals require consistent support, and their needs will continue long after parents can provide for them. I know. My husband and I are nearing 60, and, as parents of a 24-year-old developmentally disabled son, we recognize the daunting challenge of securing lifelong support services. Unfortunately, a project like Big Wave is not the answer.

Having spent two decades advocating on behalf of developmentally disabled members of our community, we have experienced the profoundly positive impact an accessible and integrated community has on the quality of life for people with disabilities. HOPE Services' community-based day program, currently serving 20 young adults, is the most recent example of how, given adequate support, developmentally disabled individuals can successfully work, volunteer, go to school and enjoy leisure activities within the context of the larger community.

The current plan for Big Wave takes us in the opposite direction creating more barriers to community access rather than fewer. As Bobele points out, Big Wave "offers a separate, self-contained campus" for people with developmental disabilities situated behind locked gates, near the airport, west of Highway 1. Just getting to and from anywhere on the coast from "the campus" will require buses, vans or cars, meaning residents will effectively be cut off from the mainstream community and the mainstream community will be cut off from residents. Many of the simple, day-to-day activities most of us take for granted will be out of reach to the people living on the grounds of the Wellness Center.

Developmentally disabled people living in our community deserve a richer life than the one currently envisioned by Big Wave, and, as Bobele points out, there are alternatives.

My husband and I are actively pursuing them.

Ruth Palmer

Half Moon Bay

San Mateo County



W16a

August 8, 2012

Chair Mary Shallenberger
 California Coastal Commission
 45 Fremont Street
 Suite 2000
 Santa Cruz, CA 94105-2219

FAX: (415) 904-5400
 SUPPORT STAFF RECOMMENDATION

Permit Number: A-2-SMC-11-021 – Big Wave

Item Number: W16a

Dear Chair Shallenberger:

The San Mateo County League for Coastside Protection is chartered to support the protection of coastal resources and coastal access as required by the Coastal Act and Local Coastal Program). In keeping with that charter, we strongly support the staff recommendation to uphold the appeal of A-3-SMC-11-021 and deny the project proposed by Big Wave Group, LLC.

Several elements of the project pose direct conflicts to county LUP policies protecting coastal resources. The project's proximity to Pillar Point marsh and creek would diminish the biological productivity of Pillar Point Marsh and creek by loss of habitat and improper siting of a nursery within adjacent buffer zones. The project has not analyzed the upland and dispersal habitat requirements for California Red-Legged frog, nor did it adequately analyze and address the impact on (winter) raptors that use the open fields for foraging. (Note: there are no trees on these two parcels.)

Other elements are in conflict with policies that protect sensitive coastal resources and require development to use public sewer and water systems in the urban area. The use of a private well, instead of connecting to the Montara Water and Sanitary District creates a risk of salt water intrusion into an aquifer which supports the Pillar Point Marsh. The project's proposed private wastewater treatment plant would duplicate existing public sewer services available from the Granada Sanitary District. The proposed use of treated wastewater for irrigation of landscaping poses a risk of high-nutrient runoff polluting the Pillar Point Marsh.

P.O. Box 126, Half Moon Bay, CA 94019 (id# 1234363)
<http://LCP.sanmateo.org>

Moreover, as part of the OES-identified Tsunami Inundation Area and other geologic hazards (including very violent shaking, liquefaction, sand boils, and differential settlement from the adjacent Seal Cove Fault), the site is particularly unsuitable for a vulnerable population, making the project inconsistent with LCP policies and zoning regulations cited in the staff report. Adequate studies and clear specification of mitigations for these hazards are prerequisites for the issuance of a coastal development permit for this project.

Furthermore, the presence of such massive structures so close to the Pillar Point Marsh, flies in the face of LCP policies protecting visual resources from such water resource areas, as well as from scenic roads such as Highway 1. The project further violates the county's visual resource policies restricting development which projects above the ridgeline or skyline, and requires structures to be scaled to their setting. This project fails to do that.

Finally, the project would subdivide and place high density development on prime agricultural land, and would convert an agricultural well to domestic use. The evidence in the record does not support the finding that such a conversion of agricultural land would be consistent with the county LCP.

For all these reasons, the San Mateo County League for Coastsides Protection strongly endorses the conclusion of the Coastal Commission Staff and urges the Coastal Commission to adopt the recommendations of its staff as outlined on page 6 of the staff report dated July 27, 2012.

Thank you for considering our position, and protecting the coast for the enjoyment of tourists and Californians.

Respectfully,

Signature on File

Dana M. Kimsey

Co-Chair

San Mateo County League for Coastsides Protection



W17a

CITY OF DALY CITY

333 - 90TH STREET
DALY CITY, CA 94015-1895
PHONE: (650) 991-8000

RECEIVED

AUG 06 2012

CALIFORNIA
COASTAL COMMISSION

August 3, 2012

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

SUBJECT: Application No. 2-11-024
- City of Daly City Mussel Rock Landfill Site

Dear Sirs and Madams:

The City of Daly City appreciates your consideration of our application to repair and expand a portion of the existing rip-rap revetment and access road on the western end of the Mussel Rock site. We appreciate the Commissions' staff efforts to communicate with us during the harried preparation of the staff report for this continued hearing. We also acknowledge that due to the short timeframe available to prepare the Commission staff report, with revised permit conditions, and sometimes frantic communications between City and Commission staff that miscommunications may have occurred.

The City of Daly City is required to maintain the existing rip-rap sea wall and site access roads to comply with Regional Water Quality Control Board Order 00-27, and has done so without a significant incident for nearly three decades. The order, which was attached to the staff report for this hearing, requires that:

8. The existing sea wall shall be maintained at least one foot above the elevation of the highest expected tide including storm wave action and in adequate condition to prevent site erosion due to wave action and the deposition of any refuse in waters of the State due to erosion or slides.
9. Access to all portions of the site shall be maintained at all times to allow for immediate corrections of slides, drainage problems or erosion of cover material.

Though we understand the Commission's desire to evaluate managed retreat at this site, we are concerned about the establishment of arbitrary timelines for evaluation of alternatives and any associated impacts. A feasibility study was prepared for the site in November 1999 and was attached to the staff report for this hearing. Though not as detailed as the Commission now appears to desire, the study did evaluate the option of a "clean closure" including removal of all of the waste from the site and indicated that such an option would have low public acceptance due to the high cost of clean-up, potential hazards and the environmental impacts from many years of construction activity to complete the closure.

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Though we believe that the requested managed retreat analysis will likely conclude that removal of the waste and allowing for "nature to take its course" is infeasible and may likely have destabilizing impacts on the surrounding area, we are willing to conduct the analysis within a reasonable timeframe. We estimate that to prepare an updated report of the detail requested would take approximately two years to prepare, where only one is granted in the proposed conditions, and could cost almost half as much as the proposed current year repair work. Our current adopted budget, through June 30, 2014, did not account for a study of such magnitude and would be taken from the funds allocated for the required monitoring and maintenance of the site as required by the Regional Water Quality Control Board. It is requested that the Commission grant the flexibility to budget for the study in our next two-year budget Cycle and grant sufficient time to complete the study. As such, we are requesting that a five (5) year permit and timeline be granted. This time line is still far shorter than the original ten (10) year staff recommendation. However, five years is a more reasonable and achievable time within which to complete the thorough analysis requested, consider the implications of the analysis and allow for a new permit application well before the five year permit expires.

We would like to advise the commission that even if the study indicates that removal is technically feasible, that there will be significant hurdles to implementation. Aside from cost, which as the previous study indicated was substantial, the required planning, environmental studies and permitting for a project of such magnitude would take several years before removal could even begin. The City is required to follow the California Environmental Quality Act (CEQA) and the Government and Public Contract Code for any Public Works Project award. The planning and environmental processes would further determine if National Environmental Policy Act (NEPA) clearance is also required. This would be followed by the actual implementation which would take a several more years. The revetment would need to remain in-place and maintained during this planning, permitting and removal which we estimated would take between seven (7) and ten (10) years. Further, access to the site would be closed during the implementation phase due to the quantity and frequency of trucks required to remove the waste and fill the resulting holes and the topographical restrictions to site access.

Funding such an effort, which is estimated at more than \$100 Million, would also be a lengthy time consuming process since there are no current funding streams available to fund such an undertaking. Any type of bond or tax levied on the City's rate base to pay for the project would be subject to voter approval. Debt service on a municipal bond is estimated to be between \$8 and \$10 million annually. This would equate to a one hundred percent (100%) increase to solid waste utility rates.

In its current configuration, with the existing revetment, the site is in relative equilibrium provided that appropriate maintenance at the site can continue. The fill material and revetment are stabilizing factors at the toe of rotational landslides at the site. Unloading the toe could have adverse impacts on overall site stability. As evidenced by the remainder of Daly City's coastline, we would expect that the removal of the revetment will result in expeditious loss of any fill material placed and likely destabilization of identified landslides inland of the revetment.

California Coastal Commission
Application No. 2-11-024
City of Daly City Mussel Rock Landfill Site
August 3, 2012
Page 3

Retreat would continue until more stable material, such as the bluff is reached. This would be followed, over the course of time, by retreat of the bluff, impacting the properties above. There is also the potential that existing shoreline access made possible by the revetment and current site maintenance would be lost over time through aggressive erosion and landslides following removal of the revetment.

We remain concerned about stability of the site in the short and long term and believe that we should be allowed the ability to maintain the site and seawall for at least five years while the retreat analysis is being completed.

If you have any questions, please call me at (650) 991-8039.

Sincerely,


Signature on File

John L. Fuller, P.E.
Director of Public Works

JLF/RO/as

cc: Patricia E. Martel, City Manager
Robert Ovadia, Senior Civil Engineer

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904- 5200
FAX (415) 904- 5400
TDD (415) 597-5885



W17a

Prepared August 7, 2012 for August 8, 2012 Hearing

To: Commissioners and Interested Persons

From: Madeline Cavalieri, Central Coast District Manager
Karen Geisler, Coastal Planner

Subject: STAFF REPORT ADDENDUM for W17a
CDP Application Number 2-11-024 (City of Daly City Mussel Rock Landfill/Revetment)

The purpose of this addendum is to modify the staff report (dated prepared July 27, 2012) for the above-referenced item. Staff worked closely with the City of Daly City on the recommended special conditions leading up to the staff report being released in order to address concerns raised by several Commissioners during the July hearing, and has continued to work with the City on potential refinements to them in the time since.

This addendum addresses the City's request to extend the deadline for submitting the required Planned Retreat Management Plan from within one year of coastal development permit (CDP) approval to within two years of CDP approval. The City makes a compelling argument that it will take that amount of time to make the necessary arrangements for preparation and completion of such a plan, including opportunities for coordinating with staff on its contents. In terms of the subsequent application deadline, staff also recommends extending this by six months to allow time for the Executive Director review and approval process to be completed and to allow the City to apply based on the Executive Director-approved plan, as envisioned by the condition. Thus, the revised conditions require submittal of the Plan within two years, and application of an amendment to the CDP based on the Plan within two and a half years. The CDP would still be designed for a three-year term regardless.

In addition, the City has requested minor refinements to conditions related to revised final plans (for screening and timing) and the required monitoring plan (to also allow for a licensed geotechnical engineer, in addition to a civil engineer, to perform the required monitoring) that do not significantly alter these requirements, and staff recommends incorporating these changes into the special conditions. Finally, a section in the staff report has been corrected to clarify a statement made by the City's Senior Engineer.

The addendum changes do not alter the base staff recommendation, but rather simply provide implementation specificity and detail. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted).

1. Modify Subsections 8.B and 8.C of Special Condition 4 (starting on staff report page 12) as follows:

- B. No later than ~~one year~~ two years after the approval of this permit (i.e., by August 8, ~~2013~~ 2014), the Permittee or successor in interest shall submit a Planned Retreat Management Plan for review and approval by the Executive Director that fully evaluates methods for relocation of the landfill, removal of the revetment, and remediation of the site...*
- C. No later than two and a half years after the approval of this permit, the Permittee or successor in interest shall apply for an amendment to this permit that proposes relocation of the landfill, removal of the revetment, and remediation of the site, or proposes to retain any portion the revetment beyond the three-year period, or proposes some combination thereto...*

2. Modify Subsections 1.A and 1.A.7 of Special Condition 1 (starting on staff report page 6) as follows:

1. Revised Final Plans

- A. **PRIOR TO CONSTRUCTION OF PHASE ONE** (comprised of subsection 1a; see below), the Permittee shall submit two full size sets of Revised Final Plans for phase one to the Executive Director for review and approval. **WITHIN 180 DAYS OF COMMISSION APPROVAL OF THIS CDP**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit two full size sets of Revised Final Plans for phase two (comprised of all subsections other than 1a; see below) to the Executive Director for review and approval. All components of phase two not yet constructed/implemented shall be constructed/implemented per the approved Revised Final Plans within 60 days of approval of the Plans, or within such additional time as the Executive Director may grant for good cause. The Revised Final Plans shall be in substantial conformance with the plans submitted to the Coastal Commission (dated April 2, 2011) except that they shall be revised and supplemented to comply with the following requirements:*

...

- 7. **Screening** The Plans shall provide for exposed portions of the gabion walls, drainage pipes and related infrastructure, the top of the revetment, and other landfill related elements to be screened from public view to the extent feasible through the use of native non-invasive landscaping and other screening methods...*

3. Modify Special Condition 3 (starting on staff report page 8) as follows:

3. Monitoring Plan

The Permittee shall ensure that the condition and performance of the approved as-built revetment project is regularly monitored by a licensed civil or geotechnical engineer with experience in coastal structures and processes...

4. Modify the first full paragraph on staff report page 25 as follows:

... Relocation poses other challenges as well, including, according to the City's Senior Engineer, potential destabilization of the underlying landslides. ~~that~~ This could lead to damage and impacts to the adjacent properties on the inland hillside above the site, including the residential neighborhood located along Westside Drive above the project site....

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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W16a



Prepared August 7, 2012 (for August 8, 2012 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Deputy Director
Madeline Cavalieri, District Manager
Nicholas Dreher, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for Item W16a
Coastal Development Permit no. A-2-SMC-11-021 (Big Wave Group, LLC,
Princeton by the Sea, San Mateo County)**

The purpose of this staff report addendum is to respond to recent comments submitted by the applicant and the public, and to correct minor errors in the report that have been identified since the report was issued. The addendum does not alter the conclusions of the report.

The applicant's attorney submitted a letter dated August 1, 2012 that disputes recommended findings related to water availability, wastewater treatment, traffic, hazards, biological resources, visual resources, lot legality and agriculture. Several issues raised by the applicant require clarification and therefore, this addendum adds a "Response to Comments" section to the recommended findings. In addition, the applicant points out several errors in the staff report related to the project description, daily vehicle trips added to the road as a result of this project, water demand figures and the size of one of the proposed buildings. Accordingly, staff has noted these points and made changes to the report to reflect the updated information, where appropriate.

Also, the attorney representing the Granada Sanitary District has submitted a letter that corrects the status of the applicant's sewer connection. Accordingly, Staff has incorporated the changes into the report as shown below.

Deletions are shown in ~~strikethrough~~ and additions are shown in underline.

1. Insert Section J: Response to Comments at the end of the staff report as follows:

Response to Applicant Comments

Water Supply

The applicant makes a number of claims regarding water availability. First, the applicant contends that the Commission's findings inaccurately state that the MWSD 'will serve' letter is not valid because the proposed project design has not been completed. On the contrary, the

findings merely provide statements from MWSD's representative regarding the will serve letter. As suggested by MWSD's explanation, the letter is not a traditional will serve letter because in order to follow state regulations, the Commission must first approve an amendment to MWSD's Public Works Plan (2-06-006) that allows for new water connections and expansion of water service to new customers. At present, MWSD has not received Commission approval of such an amendment and therefore the Commission has no assurances that the applicant could either enlist MWSD to manage the output of the applicant's well or obtain a public water connection, as required by the LCP.

Second, the applicant claims that the above findings allege the Kleinfelder Report describes a water shortfall in the airport aquifer. On the contrary, the above findings state it is evident from the assessment in the Kleinfelder Report 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. Since conditions could lead to saltwater intrusion (although no water quality data were collected), contamination of existing wells is possible. Accordingly, even without the calculation of a "safe yield," increased use of groundwater resources in these basins could lead to a greater frequency of times when saltwater intrusion is likely.

Third, the applicant claims that the findings state the project will increase groundwater extraction, while the applicant asserts that the project will result in a net increase in the groundwater stored. With regard to the project's groundwater extraction, an important point to note is that the existing well, which was approved pursuant to a County well permit rather than a CDP, is proposed to be used for the Office Park and Wellness Center on 13 total lots where there are currently only two. The increase in number of lots implicates Policy 5.22 and requires the analysis (which can be found above) relating to a single existing well serving more than four new parcels on prime agricultural land, even where not designated as agriculture.

Finally, the applicant contends that the Local Agency Formation Commission (LAFCO) is the sole and exclusive authority for boundary changes for local agencies. However, while LAFCO has its own authority over these issues, the Coastal Act and LCP regulate development, which includes the extension of urban services, and thus the Coastal Act and the LCP have authority regarding where and how urban services are extended. In this case, the Coastside County Water District (CCWD) would need to apply to the Commission for an amendment to CDP A-1-HMB-99-20/A-2-SMC-99-63 in order to expand water service to any new customers, including those currently located outside of its service boundary, such as Big Wave.

Wastewater

The applicant's letter states that the Granada Sanitary District (GSD) engineer believes the district has an adequate capacity to accommodate the proposed project and alleges that the GSD engineer has demonstrated that project flows would be no more than 19,000 gallons per day, rather than the 26,000 gallons per day discussed above and until very recently proposed by the applicant, most notably in the FEIR. However, GSD continues to state that no permit has been issued for the project, and continues to question the water balance calculation for the project, as

well as related wastewater assertions made by the applicant.¹ GSD indicates that “in fact, the applicant has not obtained a sewer connection from GSD, nor has the required application even been filed for a sewer connection” (emphasis original) (GSD letter to Commission dated August 2, 2012).

The applicant contends that above findings amount to inverse condemnation by attempting to prevent the site from being developed through restricting available utility service. The Commission recognizes throughout the report that some level of development, consistent with the underlying zoning districts, would be appropriate on the subject property, but that the proposed development exceeds the demonstrated available public services. The applicant has not demonstrated that there will be sufficient water and/or wastewater capacity to serve the proposed development.

Finally, the applicant claims that the Regional Water Quality Control Board (RWQCB) and the County Health Department “are of the opinion that there are no hurdles to [the wastewater system] being permitted” and that the Commission should defer to these agencies expertise. However, even if this assertion is accurate, it does not equate to actual entitlements. In fact, GSD indicates that such a wastewater system also must be permitted by GSD as well as the State Health Department (GSD letter to Commission dated August 2, 2012).

Traffic and Parking

The applicant states that the above findings misstated the number of added roadway trips as a result of the project. The applicant states that the proposed project would result in 1,775 new trips, as opposed to the 2,123 trips the County relied on in its review of the project. In either case, the applicant’s traffic report fails to analyze seasonal recreational peak traffic levels of service for the Highway 1 roadway segment. Additionally, the traffic report only focused on nearby intersection levels of service, instead of roadway segment levels of service, which is critical for understanding the impact the proposed project will have on traffic flow just north and south of this project along Highway 1. In the absence of this information, the Commission cannot adequately make findings addressing the impact that additional car trips will have on existing recreational access along Highway 1, which is currently highly congested, or the adequacy of proposed mitigation measures to offset impacts from increased congestion.

The applicant states that the applicant’s traffic report indicates that traffic congestion for Highways 1 and 92 would actually be reduced by approximately 7% by the project. Such finding is predicated on an assumption that a certain percentage of employees of the facilities that would be constructed per the proposed project would be from the area as opposed to from farther away locations. However, there is nothing that ensures that this would be the case. In addition, the EIR indicates that 2,123 trips would be added to nearby roadways, and it is counterintuitive to conclude that adding this number of trips to already congested roadways would actually reduce traffic congestion. Absent better information, including of the type identified above, it is not clear how this statement is supportable.

¹ See April 27, 2012 letter from GSD to Commission staff in Exhibit 9.

Tsunami Inundation²

The applicant states that, “The Map [the CalEMA map that is discussed in the staff report] is clearly valuable for its intended use as stated in its Title, ‘Inundation Map for Emergency for Emergency [sic] Planning.’ The map clearly is consistent with the County Hazard Ordinance 6326.2, but not consistent with the CCC Staff position to use it for regulatory purposes in the establishment of building requirement.” A map is a way to convey geographic information. If the map is consistent with the County Hazard Ordinance, as stated by the applicant, and as indicated by the County’s IP ordinance and Commission’s interpretation of the ordinance, then the map and the inundation elevations shown therein, are consistent with the ordinance.

Section 6326.2 of the Local Coastal Program requires analysis of wave run-up for the proposed site. The applicant has assumed that the 500 year event is the maximum probable event for purposes of complying with Section 6326.2. Section 6326.2 does not specifically mention developing tsunami information other than that provided on the tsunami inundation maps nor does it call for using a 500-year event for the analysis. Section 6326.2 refers to the probable maximum wave, which is the basis for the inundation shown on the CalEMA maps. For this reason, the Commission herein relies upon the CalEMA maps for the underlying tsunami inundation that should be used for “the probable maximum wave height...in connection with the parcel or lot upon which the proposed development is to be located.”

The inundation that is shown on the CalEMA maps is for the maximum probable event. The CalEMA maps do not have a return interval of recurrence frequency associated with the inundations. As stated above, the maximum probable inundation has a recurrence of a couple hundred years (based on communication with Dr. Synolakis who oversaw the preparation of the CalEMA maps) -- not a 5,000 year or 100,000 year interval as suggested by the applicant.

The letter from the applicant also states, “the map [the CalEMA map] does not consider recurrence rates. The map states that to generate this value, the impacts of the events must be combined.” The CalEMA maps do state that the map includes no information about probability. The actual map language is provided below, in which it is explained that the probabilities are not provided due to a lack of known occurrences. This reinforces the Commission’s above concern about the applicant’s development of a 500-year recurrence interval event, based on the small record of inundation for the proposed project site.

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 historical record, this map includes no information about the probability of any tsunami affecting any area within a specific period of time.

To conclude, the Commission objects to the applicant’s development of a 500-year recurrence event. As noted on the CalEMA map, there is difficulty in developing a recurrence interval based on the small record of inundation. As also stated above, the probability of a tsunami needs

² Tsunami Inundation response section was prepared in consultation with Staff Coastal Engineer Lesley Ewing.

to based on both the probability that a generating event will occur (an earthquake, a landslide, etc.) as well as the probability that a tsunami will be generated.

The applicant also explains that an event that may have a 500-year recurrence interval “represents 10 generations of residents and roughly five (5) times the reasonable age of the structure.” This is a common mis-perception about return intervals, suggesting that they will not happen for 500 years. In actuality, there is a small probability that the event could happen at any time. A 500-year event has a 0.2% probability of occurring any year. Buildings rarely use design conditions that are expected within the building life; this is akin to designing for failure.

The applicant notes that, “The proposed structure will be designed using standards for buildings that successfully survived the wave impacts of the Tohoku Tsunami. We have also designed the site to protect the buildings from Tsunami debris flows that exceed the 500 year event.” As of now, there are no building standards for buildings that successfully survived the wave impacts of the Tohoku Tsunami. In the United States, a team of engineers with the American Society of Civil Engineers is developing some guidance for tsunami resistant buildings as part of the 2018 update to an engineering design guide entitled ASCE-7. Also, the analysis provided by the applicant of flow across the proposed project site is based upon a probable maximum wave height that is not supported by the inundation maps.

The applicant’s engineer has found that the runup at the site “will be less than 1 foot in height” (GeoSoils, Inc. October 4, 2010, page 4). In the applicant’s August 1, 2012 letter, he states that the “Engineer has calculated that the runup level at the site is 2 meters above the highest still water elevation (this accounts for friction loss in the run-up). The design adds another 3 meters of safety factor. Using the Engineers values, the Project complies with the ordinance and the LCP.” While the numbers provided by the applicant do not agree with the numbers in the October 4, 2010 report, if there was a 2 meter run-up, this is less than indicated by the CalEMA maps, yet is still greater than 6 feet, and is not in compliance with the portion of the ordinance that requires that the water level at the site be less than 6 feet above the ground level. The 3 meters of safety factor is not clear and cannot be addressed at this time.

Finally, the applicant has stated that, “CCC Staff essentially states that they do not have the ability to evaluate the project without requesting that the Project prepares a non-site specific \$1 million research paper that analyzes the Princeton area and develops the safe building ordinance for the area.” The Commission’s Coastal Engineer has evaluated the project based upon the information from the CalEMA maps, and using the applicable LCP ordinances that exist for this area. This evaluation has concluded that the proposed project is not in compliance with the ordinances. As a way to move forward, the Commission’s Coastal Engineer has indicated that if the applicant wants to refine the information provided on the CalEMA maps, additional modeling could be done to use local bathymetry that includes the breakwater structure. It is estimated that this work might cost between \$10,000 and \$30,000 – not \$1,000,000. Alternatively, the applicant can use the information from the CalEMA maps to modify the project site and bring the project into compliance with the existing ordinance.

Geotechnical Analysis³

The applicant continues to agree to provide the final geotechnical report after the issuance of the Coastal Development Permit and prior to the issuance of a Building Permit. As discussed in the report, the Commission needs this information to adequately evaluate the geotechnical hazards at the project site, especially fault hazards. The Commission may not defer the determination of a project's potential impacts until after issuance of a Coastal Development Permit. Given the geotechnical hazards on and near the site, it is possible that components of the project could be required by the geotechnical report to be changed, including that buildings for human habitation may need to be relocated to avoid active faults, and the Commission must be aware of these changes to evaluate their potential to impact important coastal resources.

Lot Legality

The applicant asserts that the two subject lots as presently configured were legally created without the benefit of CDP review as a result of the County's purchase of certain property for public benefit. However, to be exempt from CDP requirements, the land division that follows such a purchase must be a direct result, based on the lines/boundaries of the acquisition itself. In this case, it appears that the direct result of the purchase would have turned the two original lots into three total lots. Instead, five lots were created. Further, the land division boundaries do not follow the purchase lines and were not necessary to accomplish the goal of public benefit. Moreover, the contracts for sale do not identify where the lines would be drawn (and, even if they were identified in the contract, that would not make them legal lots). Therefore, the Commission finds the subject parcels are not exempt land divisions as a result of public purchase for recreational purposes and are therefore not legal lots because they did not obtain CDP authorization.

Project Description

Consistent with the applicant's correction, the Commission accepts that proposed Wellness Center Building A will be 2 stories, 200 feet long and 100 feet from Airport Street, rather than 3 stories, 36 feet tall, 300 feet long and 30 feet from Airport Street.

Agricultural Resources

The applicant states that the Commission's above findings incorrectly determined the subject property to be designated for agriculture (PAD - Planned Agricultural Development) in order to make findings under LCP Policies 1.3(b), 5.2 and 5.22. On the contrary, the Commission does not contend that the subject property is designated as PAD pursuant to Policy 5.2. Rather, the Commission interprets LCP Policies 1.3(b) and 5.22 to apply to prime soils generally, regardless of the designation, and in this case, the land meets the LCP definition of prime agricultural land. The reason behind this interpretation is the clear omission in the policy titles (for 1.3 and 5.22) of language requiring designation as agriculture in order for it to apply to the land. For instance, most agriculture policies (such as 5.5, 5.6, 5.7 and 5.8), contain policy titles that expressly apply to those areas with prime or land suitable for agriculture that is "designated as agriculture."

³ Geotechnical Analysis response section was prepared in consultation with Staff Geologist Dr. Mark Johnsson.

However, Policies 1.3 and 5.22 do not contain this designation language and therefore, these policies apply generally to prime agricultural soils – the applicant has not disputed the presence of prime soils on site, only that the subject site is not designated as agriculture. Therefore, the Commission finds that Policies 1.3(b) and 5.22 apply to the subject development and find no reason to change analysis in the above report findings.

2. Amend the second paragraph on page 12 as follows:

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 ~~total-peak-hour~~ vehicle trips to the road as discussed in the Final Environmental Impact Report. Nearly all of these vehicle trips would utilize Highway 1, and many would also utilize Highway 92.

3. Amend the second to last paragraph on page 10 as follows:

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 County 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.

4. Amend the second to last paragraph on page 23 as follows:

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 been assessed for an approximately 1,800 gallon per day (8 equivalent residential units) GSD sewer connection but has not yet obtained a permit for the sewer connection from GSD ~~obtained a sewer connection from GSD for 1,800 gallons per day~~. Further, it is unclear how much sewer capacity is actually needed to serve the project.

5. Amend the first full paragraph on page 15 as follows:

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 ~~two~~^{three} story ~~36-foot high~~ ~~3200-~~ foot long “Building A” located 100 feet from Airport Street 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.

6. Amend the first full paragraph on page 39 as follows:

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.

7. Amend the last paragraph on page 54 that carries over to page 55 as follows:

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.

8. Add the following text at the beginning of paragraph 2 on staff report page 43:

According to the Commission's Senior Ecologist, Dr. John Dixon, the minimum buffer that should be applied to the wetlands in this case is 150 feet, including because of the proximity to the important habitat at Pilarcitos marsh, because of the documented uncertainty of the delineated wetland boundary (as shown by the observance of wetland vegetation by the Applicant's biologists, for which they advised that a revised delineation was necessary, but the vegetation was subsequently plowed and disked), and due to the sensitive nature of the potential species and habitat present at this location.