

Appeal of Big Wave Coastal Development Permit

Reasons for Appeal: As set forth in detail below, Committee for Green Foothills, Loma Prieta Chapter, Sierra Club, Surfrider Foundation, San Mateo County Chapter, Pillar Ridge Homeowners Association and San Mateo County League for Coastsides Protection appeal the actions of the Board of Supervisors in approving the Coastal Development Permit for the Big Wave Wellness Center and Office Park (“Project”). For the reasons stated in our Appeal, the project does not conform to the standards in the San Mateo County Local Coastal Program and the Public Access and Recreation Policies in Chapter 3 of the Coastal Act, as further explained below:

Project Setting: The project site is comprised of two parcels with expansive open space and wetlands that have been actively farmed – following a lengthy hiatus – with row crops for four of the past five years (southern parcel) and for five years (northern parcel). Public views of the site from State Route 1, Airport Street, West Point Avenue, and trails on Peninsula Open Space Trust (POST) properties at Pillar Point Bluffs and Rancho Corral de Tierra, are of scenic open space and farmlands. The two parcels are located between the first through public road (Airport Street) and the sea.

Pillar Point Marsh, a designated Environmentally Sensitive Habitat Area (ESHA) in the certified LCP, bounds the project site to the west. The marsh is comprised of extraordinarily diverse wetlands with both saltwater and freshwater marsh habitats, and is the second largest marsh on the San Mateo County coast. A stream channel with associated riparian and wetland vegetation bisects the two parcels, and provides fresh water to the marsh. Portions of the project site contain public trust lands and tidelands, which likely remain within the retained jurisdiction of the Coastal Commission; this jurisdictional question has not yet been determined.

The Pillar Ridge residential community, consisting of one-story manufactured homes, is adjacent to the proposed Office Park site on the north. Pillar Ridge was constructed in the early 1960’s and is designated and protected as an affordable housing site in the LCP.

The Half Moon Bay Airport, across Airport Street to the east of the property, is a vital link in the nation’s transportation system, and provides essential commerce and emergency services, including Air Ambulance and Medevac flights, law enforcement and homeland security patrols, Coast Guard sea-rescue operations, and disaster relief for emergency supplies.

Princeton’s Waterfront Industrial district is adjacent to the proposed Wellness Center site to the south. Princeton is developed with one and two story buildings with land uses that support the working waterfront at Pillar Point Harbor. The harbor is San Mateo County’s only commercial and recreational harbor along 55 miles of coast. The world famous Maverick’s surf break, a popular visitor attraction, is just offshore.

Both project sites are designated as General Industrial and Open Space in the County General Plan and certified Land Use Plan (LUP). The proposed Office Park site is zoned M-1/DR (Light Industrial/Design Review) and RM-CZ/DR (Resource Management-Coastal Zone/Design Review). The proposed Wellness Center site is zoned W/DR (Waterfront/Design Review) and RM-CZ/DR (Resource Management-Coastal Zone/Design Review). A 125-foot wide area paralleling Airport Street across the front of both parcels, is further constrained by the Airport Overlay (AO) Zone, which severely limits the number of people allowed on a site at one time; all land uses within the AO Zone require a Use Permit.

Natural hazards constraints to development on the project's two parcels include geologic hazards from the active Seal Cove/San Gregorio Fault, which can produce "very violent" earth shaking, and "extreme damage". The clayey and sandy soils beneath the site are subject to liquefaction, differential settlement, sand boils, fault rupture and other earthquake hazards. The proposed housing is within the mapped Tsunami Inundation Area and is adjacent to the hazards in Princeton's Waterfront zoning district where all but the most hazardous chemicals are permitted to be stored indoors and outdoors. The Wellness Center's location so close to the Half Moon Bay Airport runway is incompatible with the safe operation of the airport, as has been repeatedly pointed out by the FAA, the California Division of Aeronautics, and the County Public Works Department.

Lack of Conformity to the standards in the Certified LCP:

The proposed project does not conform to the following LCP Policies:

Locating and Planning New Development Component Policies 1.3, 1.4, 1.16, 1.18, 1.19, and 1.24, the LUP Land Use Map, and Zoning Regulations 6285-6289

Public Works Component Policies 2.2, 2.3, 2.14, 2.21, 2.33, and 2.49 and LUP Water Utilities Map

Housing Component Policy 3.13

Agriculture Component Policies 5.1, 5.2, 5.5, 5.22

Sensitive Habitats Component Policies 7.3, 7.4, 7.14, 7.16, 7.18, 7.19, 7.20, 7.32-35

Visual Resources Component Policies 8.5, 8.6, 8.7, and 8.13

Hazards Component Policy 9.3, LUP Hazards Map, and Zoning Regulations Section 6326.2

Shoreline Access Component Policy 10.22

Discussion:

Locating and Planning New Development Component Policies 1.3, 1.4, and 1.16 direct new development to existing urban areas able to accommodate it in order to

maximize the efficiency of public utilities. Policy 1.18 (c) allows some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and coastal resources will not be endangered. Policy 1.19 defines infill as land that is subdivided and zoned for development at densities greater than one dwelling unit per five acres and/or served by sewer and water utilities.

The Office Park and Wellness Center sites are not infill as defined as they are neither subdivided nor presently served by sewer and water utilities, although they are within the service areas of Montara Water and Sanitary District (MWSD) for water, and Granada Sanitary District (GSD) for sewer. The Wellness Center site is designated as Industrial in the LCP and Land Use maps, and is zoned Waterfront (W). Permitted uses in this industrial district are Waterfront/Marine Industrial and Light Industrial. The purpose of the W district is to provide a “Working Waterfront” area intended primarily for the location of marine related trades, services, and manufacturing uses that support the County’s commercial fishing and recreational boating, which are priority land uses under the Coastal Act, and to protect its economic viability by restricting incompatible land uses. Housing is not a permitted use, either by right or as a conditionally permitted use in the W district.

To circumvent these restrictions, the County determined that the Big Wave housing could be defined as a Sanitarium, which is permitted in any zoning district with the issuance of a use permit, per Section 6500(d) of the zoning regulations. A Sanitarium is an institution intended for short-term rest, recuperation, treatment of the chronically ill, or therapy for rehabilitation. Big Wave is not intended for short-term rest, but rather long-term residence. The residents are not “chronically ill” nor would they be receiving medical treatment at the facility.

Therefore, the Wellness Center does not qualify as a Sanitarium, and even if it did, it is a fundamentally incompatible land use in an Industrial area and cannot be found in conformity with the Locating and Planning New Development Component, Land Use Plan Maps and the W Zoning Regulations of the LCP.

Archaeological/Paleontological Resources: Policy 1.24 requires protection of archaeological/ paleontological resources. The project area contains an important archaeological site (CA-SMA-151). Conditions of Approval do not adequately protect the site. Specifically, Condition 5 i. allows the archaeological site to be used for agricultural purposes, including ripping, plowing, and disking to no deeper than “approximately” six inches below existing grade. It is unclear whether the proposed wetlands restoration plan, as yet to be revised to reflect changes in the Wellness Center Site Plan, would adequately protect the archaeological site.

Public Works Component Policies 2.2, 2.8 and 2.13 establish policies for providing urban level services and establish service area boundaries for public utilities such as sewer and water in order to efficiently and economically provide public utilities to new development in urban areas. The project site is within the MWSD service area as depicted in the certified LUP Water Utilities and Midcoast Community Plan maps.

The LUP Sewer Utilities Map shows the site is within the Granada Sanitary District (GSD) Service Area.

The project proposes the option of using private on-site water and wastewater treatment/disposal systems, as further explained below. Use of private systems where public utilities are available is inconsistent with Policies 2.2, 2.8, and 2.13 and would be an unnecessary and costly duplication of these public services. Therefore the project does not conform to the Public Works Component of the LCP.

Water Supply: The project proposes the option of converting an on-site agricultural well as its domestic water source. The well was drilled in 1986 without benefit of receiving a Coastal Development Permit (CDP) or Coastal Development Exemption (CDX) and thus is not an approved source of water, either for agricultural or domestic water use. Even if conversion of the agricultural well were permitted to serve as the source of water for the proposed Big Wave Mutual Water Company, the applicant must, at a minimum, comply with Policy 2.33 and 7.20 (see also discussion under Sensitive Habitats).

The project proposes to utilize the Coastside County Water District (CCWD) for emergency water, even though the project site is not within the CCWD service area. Rather it is within the Montara Water and Sanitary District service area, successor owner to Citizens Utilities Company of California (CUCC) as shown on the LUP Water Utilities Map. Condition of Approval #9, which requires the property owners to pursue a water connection from CCWD by applying to LAFCo for annexation, and by requesting an amendment to conditions in the CDPs issued by the Coastal Commission, is inconsistent with the LCP.

The fire protection service and/or public water service by CCWD would constitute an impermissible extension of water services outside of the CCWD service boundary per the certified LCP, and would be inconsistent with the Water Supply and Sensitive Habitat Policies of the LCP, and the LUP Water Utilities Map. An LCP Amendment would be required to change the service area from MWSD to CCWD.

Wastewater Treatment and Disposal: The project proposes a private on-site wastewater treatment system with partial reuse and disposal on site and disposal of the remainder of wastewater to the GSD public sewer system. In addition, the project proposes that the public sewer utility will provide emergency sewer service in the event that the private system fails. This scheme is an unnecessary and wasteful duplication of the public sewer system.

There is inadequate information regarding the volume of wastewater that would be required to be discharged into the public system, particularly during the winter rainy season when disposal of recycled water through irrigation of landscaping would not be possible. Condition 5.jj. impermissibly defers necessary revisions to project plans and water budget analysis to correct the inconsistencies in the water recycling assumptions/calculations in order to determine the appropriate amounts of recycled water needed for landscaping. This information should not be deferred

to a future date. Decision makers and the public need to be assured that all wastewater will be adequately treated and disposed of.

A storage tank is proposed to hold 40,000 gallons of treated wastewater at peak development (FEIR, page II-84). This size is inadequate for emergencies or system breakdowns, particularly in the winter rainy season, when there is no ability to use wastewater for landscaping and wetlands, as area soils underlain with impermeable clay, will be saturated. The GSD may not have adequate transmission and pumping capacity to accommodate the full volume of wastewater, particularly in winter when wet weather flows at times have exceeded transmission capacity already. Inadequate or improperly functioning wastewater treatment, and/or improper discharge of wastewater effluent, which has the potential to degrade coastal water quality and marine resources, would be inconsistent with LCP Policy 7.3(b) and Coastal Act Sections 30230 and 30231.

Housing Component Policy 3.13 requires that new affordable housing maintain a sense of community character by being of a compatible scale, size and design, with height limited to two stories to mitigate the impact of the Wellness Center housing on surrounding neighborhoods. The Wellness Center housing includes a 300-foot long, 36-foot high, three story building (Building A). The mass, bulk, and height of the three story building is not of compatible scale, size and design with surrounding neighborhoods, and is in conflict with the two story limitation for affordable housing in Policy 3.13; therefore the project does not conform to the Housing Component of the LCP.

Agriculture Component: Both project sites are comprised entirely of prime agricultural soils. Coastal Act Section 30241 and LCP Policies 5.1, 5.2, 5.5, and 5.22 require the protection of prime agricultural lands as a resource. There is no mitigation proposed for conversion of these prime soils. While the LCP does not designate the two sites as prime agricultural lands due to their location within the urban boundary, any conversion of prime soils to non-agricultural uses is not in conformity with the above-cited LCP agricultural policies and Coastal Act Section 30241.

Sensitive Habitats Component: The project site contains important biological resources, including wetlands and special-status species. Portions of the site contain public trust lands and tidelands, which likely fall within the Commission's retained jurisdiction. LCP Policy 7.3 requires development adjacent to sensitive habitats to be sited and designed to prevent significant adverse impacts and to maintain their biological productivity. Development within wetlands and their 100-foot buffer zone is restricted to very limited uses by LCP Policies 7.16, 7.17, 7.18, and 7.19. As detailed in the following paragraphs, the project does not comply with the Sensitive Habitats Component of the LCP and Sections 30230-30233 of the Coastal Act.

Impermissible fill in wetlands buffers: The 5/17/10 Preliminary Grading, Drainage, and Utility Plan for the Wellness Center shows the buildings would have a

finished floor elevation of 20 feet, on a finished grade of 18 feet. The existing grade beneath the buildings ranges from 12 to 15 feet. In order to raise the grade an additional 3 to 6 feet, the 5/17/10 plans show the fill would extend into the 100-foot wetlands buffer zone. Portions of Building B also extend into the buffer. In order to comply with California Fire Code and Coastside County Fire Protection District requirements, a 20-foot fire lane will likely be required around the perimeter of the buildings, which will result in additional fill in the wetlands buffer. This has not been factored into the Site Plans or Grading Plans. Filling of wetland buffers to accommodate new development and associated roads is not permitted per Policy 7.19, and would cause potentially significant adverse impacts to adjacent sensitive habitats (ESHA).

Pillar Point Marsh and groundwater extraction: LCP Policy 7.20 requires special protections for Pillar Point Marsh and limits groundwater extractions from the marsh to a safe yield determined by a hydrologic study. LCP Policy 2.34 requires, as a condition of development permit for any facilities to increase water supply, that any water system that presently draws or proposes to draw water from wells in the aquifer serving Pillar Point Marsh agree to participate in and assist in the funding of the hydrologic study of Pillar Point Marsh required by Policy 7.20 and to accept the restrictions resulting from that study.

The Pillar Point Marsh Groundwater Basin Study, which was required by Policy 7.20 and Permits A-3-SMC-86-155 and A-3-SMC-86-155A, was accepted by the Coastal Commission in 1993. The Study made a preliminary determination of a “safe yield” of 436 afy, but this preliminary safe yield needed to be finalized based on data from a long-term monitoring plan conducted by the two water districts that has not yet been implemented (see Coastal Commission comment letter of February 19, 2002 to Miroo Brewer, County Planner, re: PLN2001-00300). Therefore, the project’s proposed use of groundwater from the unpermitted on-site agricultural well cannot be approved until the long-term monitoring plan confirms the long-term safe yield, including extractions from the project’s agricultural well. Moreover, the proposed Mutual Water Company for the Big Wave Project should be required to agree to limits based on the long-term monitoring plan, should the well be allowed as a source of water for the project.

Wetlands Destruction: The proposed Wellness Center parcel historically had more extensive wetlands, as delineated by staff of the Army Corps of Engineers (ACOE) on June 20, 1994. This delineation shows a “finger” of wetlands extending diagonally across the Wellness Center parcel to Airport Street. Beginning in June, 2006, wetlands on the Wellness Center parcel were destroyed by deep ripping and disking, and bringing in many “end dump” truckloads of earth. This destruction of wetlands was documented by several citizens and County Parks staff. (see CGF’s Presentation to Planning Commission Meeting of November 18, 2009, and Power Point). The Coastal Commission has an open file on this violation. The Applicant asserts that ripping, disking and filling of wetlands was for agricultural purposes,

and that no filling of wetlands occurred. Yet agricultural use of the Wellness Center parcel historically has been sporadic and no crops were planted in 2010.

WSP Environment and Energy (WSP) the wetland consultants retained by Big Wave, Inc., authored a Report: ***"An Analysis of the Geographic Extent of Waters of the United States, including Wetlands, on the Big Wave Property, San Mateo County, California,"*** dated March 17, 2008 based on data collected November 20, 2007 (Report). This Report and wetlands delineation did not show the "finger" of wetlands previously delineated by the ACOE. However, in a Letter Addendum to the Report dated April 24, 2008, Mr. Lee and Ms. Fieldler of WSP, informed the Applicants that field observations made during an on-site meeting on March 27, 2008 revealed that conditions in the southwestern field, while fallow, allowed for establishment of annual species, including wetland indicator plants that were more extensive than previously mapped. (emphasis added) Mr. Lee and Ms. Fiedler advised that a new Coastal Commission delineation should be done, based on vegetation, and the Applicants agreed. However, when Ms. Fiedler returned to the project site on April 9, 2008, all of the annual vegetation had been plowed under and disked. Clearly, the repetitious agricultural cultivation has suppressed wetlands indicator plants. It appears that the Applicant has been engaging in "Predevelopment Farming".

A new wetlands delineation, cognizant of the 1994 ACOE delineation, should be done by an independent consultant after the site has had sufficient time to recover from the farming activities. Failure to accurately identify wetlands could result in proscribed development of wetlands and within their required wetland buffer areas which would be inconsistent with LCP Policies 7.16, 7.17, 7.18, 7.19, and Section 30240 of the Coastal Act.

Illegal trespass/destruction of wetlands on County Parks property: The Applicant has repeatedly trespassed onto County Parks property, by farming in wetlands along the western property boundary, and driving farm and construction vehicles through the stream and wetlands that bisect the two properties. A 20-foot wide "road" through the stream has destroyed wetlands and riparian species. The Applicant has also trespassed by constructing a six-inch water line through the stream/wetland area (between the "road" and Airport Street) without permission from County Parks. The stream and wetlands are likely within the Commission's area of retained jurisdiction. These unpermitted developments are a violation of the Resource Protection policies of the LCP and Coastal Act, and potentially constitute a take of the California red-legged frog and San Francisco garter snake, two federally protected species.

Endangered Species Impacts: LCP Policy 7.3 prohibits any land use or development that would have significant adverse impact on sensitive habitat areas, and requires that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. Policies 7.4 and 7.33 permit only resource dependent uses in sensitive habitat areas and also require that permitted uses comply with U.S. Fish and Wildlife

Service (USFWS) and California Department of Fish and Game (CDFG) regulations. Policy 7.35 requires preservation of all habitats of rare and endangered species.

Regarding the project's impact to sensitive habitat areas and habitat of rare and endangered species, an email to the Project Planner from Chris Nagano, USFWS Chief of Endangered Species on January 11, 2011 stated: ***"...As of this date, the County of San Mateo and/or other parties have not resolved the issue of the potential for adverse effect or take of federally listed species resulting from the proposed Big Wave project with the Service..."*** Given that the issue of potential take of the listed species (California red-legged frog and San Francisco garter snake) is not resolved, the project fails to comply with LCP Policies 7.3, 7.4, 7.33 and 7.35. A recently published research study states by G.M. Fellers and P.M. Kleeman, titled ***"California Red-Legged Frog Movement and Habitat Use: Implication for Conservation"*** in the Journal of Herpetology, 2007, vol. 41, no.2, pp. 271-281, states that "non-breeding habitats are critically important" for the survival of California red-legged frogs and that even disturbed land can provide critical non-breeding habitat. The same study found that California red-legged frogs moved a median distance of 150 meters, and as far as 1.4 kilometers, between breeding and non-breeding areas. The DEIR, page IV.D-89 states that there have been confirmed sightings of the California red-legged frog within Pillar Point Marsh south of West Point Road, and along Denniston Creek. Both locations are within 1.4 kilometers of the project site. Hence the buffer zones around the project are not sufficient to protect all breeding and non-breeding habitat as required by LCP Policies 7.3, 7.4, 7.33 and 7.34.

Wetlands "Restoration" and Landscaping: The project proposes restoration of wetlands and the 100-foot buffer zone based on WSPs "Draft (90%) Basis of Design Report titled: ***"Riparian and Waters/Wetlands Ecosystem Restoration for Big Wave Wellness Center and Office Park, San Mateo County, California"*** dated August 4, 2008, prepared for Big Wave Inc. (Design Report). The Design Report proposes mass grading of soil up to six inches deep, creation of microdepressions, placement of large wood structures such as log jams and windthrow mounds, planting and irrigation, weed suppression, and monitoring, with a goal of achieving a total of ten plant community types including native forest, scrub shrub, and perennial sedge/rush meadows. This would be a massive conversion of the naturally occurring wetlands, buffer areas, and uplands, some to entirely new ecosystems not found in this locale.

The Draft Planting Plan proposes to create polygons of Live Oak Riparian Forest and Arroyo Willow Riparian Forest that include species such as Coast Live Oak, Buckeye, Red Alder, and Toyon. These species will not survive on this site that is underlain by wet, clayey soils, located so close to the ocean. Coast Live Oak, Madrone, California Buckeye, Western Sycamore, and Big Leaf Maple are also proposed for landscaping along the perimeter of the site and in the parking lots, to screen the buildings. It is unlikely these species will grow successfully, and therefore the landscaping will not achieve the necessary screening. Much of the wetlands restoration would not be

necessary if the Applicant had not destroyed wetlands and buffer areas through predevelopment farming. The Planting Plan continues to include Rainwater Gardens and Stormwater Swales to dispose of polluted runoff from buildings and parking lots, which are not allowable uses in wetlands or buffers, and which are inconsistent with other project plan revisions. Condition 26, which requires recordation of a Conservation Easement to limit uses within wetland and buffer areas to uses consistent with the LCP and Chapter 3 of the Coastal Act, does not require a qualified third party enforcer or other effective mechanism, and therefore is unenforceable.

There are major discrepancies between the Draft Planting Plan which shows a total of 143 trees on the perimeters of the Office Park (84) and Wellness Center (63), and the 3/1/2011 Staff Report under Project Updates in the Final EIR, Landscaping, which states there would be 4,000 upland trees plus 6,000 upland shrubs installed around the perimeter of the property. Considering that the perimeter segments called out for landscaping in the Draft Planting Plan (adjacent to Pillar Ridge community, Airport Street, and Princeton) is only 2,332 linear feet, the 4,000 trees would need to be planted closer than one foot apart or in multiple rows. Fast-growing tall trees with invasive roots planted along the perimeter of Pillar Ridge homes will block sunlight and views, impact power and sewer lines, and endanger residents from falling limbs/trees in the strong local winds.

Stormwater Runoff and Wetlands Impacts: The stormwater drainage plan is inadequate. The proposed system directs runoff from buildings and parking lots to perforated pipes under the “permeable” parking lot, but the underlying layer of clay just a foot and a half below the surface has very low permeability, and the groundwater table is very high in this area (ranging from 3 to 9 feet below the surface). The parking lot system is only sized for expected rainfall from a 10-year storm event, which is inadequate given the site and groundwater conditions. During storm events, soils beneath the parking lot may already be saturated to a point where additional stormwater would not infiltrate, which could result in polluted surface water runoff being discharged into the adjacent wetlands, Pillar Point Marsh, and Harbor. Oil, grease, and other pollutants from automobiles and trucks are known to be one of the largest non-point source contributors to water pollution. The project’s estimated 2,125 vehicle trips per day will have a large negative impact on the water quality of the creeks, wetlands, and marshes in the surrounding area. Moving this many vehicles through Princeton, which has only sketchy open ditches and culverts for stormwater runoff, will have an even greater impact on water quality in the harbor. An inadequate stormwater plan and improperly designed stormwater management system would result in water quality impacts and would be inconsistent with LCP Policy 7.3(b) and Coastal Act Sections 30230, 30231, and 30232.

Visual Resources Component: Policy 8.5 requires new development to be located on a portion of a parcel where it will be least visible from State and County scenic roads, is least likely to impact views from public viewpoints, and best preserves the

open space qualities of the parcel overall. Policy 8.6 protects the visual quality of streams, wetlands, and estuaries. Policy 8.7 prohibits development that would project above the ridgeline or skyline. Policy 8.13 a (4) requires structures to be designed to be in scale with their setting. The project site is adjacent to the Pillar Point Marsh and would be visible from State Route 1, Airport Street, public hiking trails on Pillar Ridge, Pillar Point Harbor, and the Pillar Point Marsh. Buildings on both the Wellness Center and Office Park sites would project above the ridgeline as viewed from Airport Street and from State Route 1, and therefore the project is inconsistent with LCP Policies 8.5, 8.7, and 8.13.

Material changes to the project have resulted in new, greater, visual impacts that have not been adequately evaluated. There is insufficient information to evaluate the visual impacts from the revised project, particularly the three story 36-foot high 300-foot long "Building A" and the three story Storage Building that would be just 30 feet from Airport Street on the Wellness Center site. Photo simulations of original project were misleading, and the sketchy story poles with single thin tape were wholly inadequate, as they were not visible from any viewing sites except directly in front on Airport Street. The Revised Site Plans for both parcels show general locations of buildings, but there are no elevations or photo simulations of their visual impacts. Conditions 47 and 48 require substantial design revisions to the Office Park and Wellness Center buildings with only Staff level review, which leaves concerned members of the public without any ability to evaluate what the Revised Plans might look like, except the orange color is deleted.

Hazards Component: LCP Policy 9.3 and Zoning Regulations Section 6326.2 prohibit buildings used primarily used by mentally or physically infirm persons, publicly owned buildings intended for human occupancy, schools, hospitals, nursing homes, or other buildings or development used primarily by children, to be located in a Tsunami Inundation Area. This prohibition is for protection of people, and is not discrimination against any of these groups, as asserted by County staff. Approval of the Big Wave housing and associated facilities for developmentally disabled individuals within the Tsunami Inundation Area would be in direct conflict with Policy 9.3 and Section 6326.2 of the Zoning Regulations.

LCP Policy 9.10 requires site-specific geotechnical investigations to determine mitigation measures for the remedy of geological hazards. The project site is adjacent to the active Seal Cove/San Gregorio Fault, which is capable of producing "very violent" shaking and "extreme damage". The clayey and sandy soils beneath the site are subject to liquefaction, differential settlement, sand boils, fault rupture and other earthquake hazards. Detailed geotechnical investigations, including subsurface exploration using rotary-wash drilling methods and/or Cone Penetration Testing to better characterize the subsurface conditions and prescribe mitigation measures for seismic related ground failure, total and differential settlement, and expansive soil hazards are deferred to future studies. Without this information, decision makers and the public cannot be assured that the site's geological hazards

can be adequately remedied, and/or what the potential impacts of any additional mitigation measures to ensure safety from geological hazards might be.

Public Access, Highway Capacity and Traffic Impacts: The project site is located between the first public road and the sea and therefore must be consistent with the public access and recreation policies of the Coastal Act, particularly Section 30210, which requires that maximum public access to the coast be provided and maintained. The impacts of the project's projected additional 2,123 vehicle trips per day on key roadway segments and intersections along State Routes 1 and 92 have not been adequately evaluated. LCP Policy 2.49 establishes Level of Service (LOS) "D" as acceptable (on a scale of A-F) for roadway segments and intersections on State Routes 1 and 92. Per the September, 2009 San Mateo County Congestion Management Program (CMP), Highway 1 has a baseline (1990-91) of LOS "E" between Frenchman's Creek Road and Miramontes Road in Half Moon Bay; and LOS (D) between Linda Mar Boulevard in Pacifica and Frenchman's Creek Road in Half Moon Bay. State Route 92 has a Baseline of LOS "E" from Highway 1 to I-280. Thus, traffic on these critical coastal access roads has already worsened beyond the acceptable level in the LCP, and the estimated 2, 123 daily vehicle trips generated by the project will exacerbate this unacceptable condition.

The project's traffic analysis was based on the assumption that nearly all of the employees at the Office Park will be coastside residents. Even if that were true, project traffic impacts to Highway 1 between Frenchman's Creek Road and Miramontes Road during peak commute hours will be unacceptable. Moreover, the traffic analysis is flawed in that it focuses on delays of vehicles moving through selected intersections, which does not include delays associated with queueing and backup of vehicles prior to arriving at those intersections. By only measuring the delay of a vehicle once stopped at an intersection, the traffic analysis failed to adequately address project impacts upon the public's ability to access the area's beaches and other visitor serving coastal resources, in conflict with Coastal Act Sections 30210 and 30213.

The Big Wave project is located within a "roadshed" that has only two points of access – through the State Route 1/Cypress/Airport bottleneck to the north, and the Capistrano/Prospect Way/ Broadway/Cornell bottleneck to the south. **All traffic** from the residential Seal Cove and Pillar Ridge neighborhoods, plus the industrial waterfront Princeton area, plus coastal visitors wishing to visit the Princeton area, Maverick's surf break, Pillar Point Marsh, Pillar Point Bluff, and the southern portion of the Fitzgerald Marine Reserve, **must pass through these two chokepoints.** Funneling up to 2,123 additional daily trips through these chokepoints will adversely impact residents, businesses, and visitors to these popular coastal destinations. Traffic jams during emergencies will likely impede emergency vehicle access and evacuation efforts. It is unknown where the 50 off-site parking spaces and shuttle required by Condition 6.n. would be located. Therefore, this mitigation for traffic impacts is merely speculative and impermissibly vague.

Parking and Beach Access: Revised Table III-7 and text on pages III.A-19-20 of the FEIR, concluded that the demand for parking spaces at the Office Park would average 628 spaces, based on the mix of different uses, and concluded that “the County may agree to accept the Applicant’s proposed 640 parking spaces as conforming to this average.” Table 8 of the Staff Report of March 1, 2010 summarizes the parking requirements, yet inexplicably, the required number of spaces in Condition 41 is apparently reduced in Table 8 from **640** to **518**. Clearly this is inadequate, and does not comply with Section 6118 (f) of the Zoning Regulations that requires in the case of mixed uses, the total requirements for the various uses shall be computed separately. Applying the standard of one parking space per 200 sq. ft. of General Office floor area to the 90,000 sq. ft. (40% of total area) of Office Space results in a requirement of 450 spaces for the office use alone. Research and Development and Light Manufacturing uses were assigned the minimum required by the Parking Regulations of one space per 2,000 sq. ft. of floor area, rather than the required “one space for each two employees on largest shift” as specified in the Parking Regulations.

Insufficient parking for the Research and Development and Light Manufacturing uses would likely result in Office Park users using the reserved on-site beach access parking and/or spilling onto other locations, including along Airport Street and the public access parking lot at the Pillar Point Bluff trailhead. This would not be consistent with Coastal Act public access and recreation policies, particularly Sections 30212-30214. Condition 41 does not ensure that parking for beach access will be adequately signed, maintained, and open to the public, free of charge, during the hours of 10-4 as required by LCP Shoreline Access Policy 10.22.d and the Coastal Act. To the contrary, compliance with Condition 64 b. could result in gating and locking the Wellness Center parking lot from the public. Therefore the project does not comply with the public access and recreation policies of Chapter 3 of the Coastal Act.

CEQA Functional Equivalency: In certifying the San Mateo County LCP in 1981, (and in certifying subsequent Amendments thereof), the Coastal Commission made Findings that the LUP Resource Protection Policies are the functional equivalent of CEQA and that the LCP, as certified, complied with Chapter 3 of the Coastal Act.

As conditioned and approved by the Board of Supervisors, the Proposed Project falls woefully short of complying with Chapter 3 Resource Protection Policies. The project has the potential to impact Sensitive Habitats, Endangered Species, Prime Agricultural Lands, and Visual Resources, as well as the Public Access and Recreation Policies of the Coastal Act, as enumerated above. As such, unless the project is modified to comply in all respects with the LCP and Chapter 3 Resource Protection Policies, the Commission’s role in carrying out the Functional Equivalency of CEQA cannot be met.