

Appeal of PLN 2013-00451: Revised Big Wave North Parcel Alternative Project, Owner: Big Wave Group; Big Wave LLC, Applicant: David Byers

Appellants: Committee for Green Foothills, Loma Prieta Chapter, Sierra Club, San Mateo Chapter, Surfrider Foundation, Pillar Ridge Homeowners Association

Basis for Appeal of Use Permit, Major and Minor Subdivisions, Design Review Permit and Coastal Development Permit:

1. **Major Subdivision:** The Vesting Tentative Map (VTM) for the Northern Parcel does not meet the requirements of the County Subdivision Regulations which require the VTM to show the location and dimensions of all proposed parcel lines, the location of driveway and parking area improvements with type of pavement, curbs, gutters and sidewalks, and the location, width and purpose of all existing and proposed easements, together with all applicable building and use restrictions. Some of these details are scattered throughout other documents; others are missing entirely. These are important elements of the project and not mere details that can be left to staff review and approval before filing of the Final Map.
2. **Minor Subdivision:** The Tentative Parcel Map (TPM) for the Southern Parcel similarly lacks essential details including layout of the required 92 coastal access public parking spaces, and overall dimensions and square footage of the boat storage area with number of boat storage spaces.
3. **Visual Impacts:** There is inadequate information regarding the visual impacts of the proposed project. Story poles and orange netting or photo simulations that show the office park and Wellness Center buildings from public viewing locations, including along Airport Street, are needed. Without this information, the project's visual impacts cannot be evaluated. Even without story poles or photo simulations, it's clear that the Wellness Center's three buildings do not comply with LCP Policy 3.13 that states: "Require that new development providing significant housing opportunities for low and moderate income persons contribute to maintaining a sense of community character by being of compatible scale, size, and design." Nor does the overall project comply with LCP Zoning Regulation 6565.17 (L), which requires: "The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community." The only buildings adjacent to the northern parcel are the Pillar Ridge manufactured home community consisting of one-story homes, a 17' high Community Center building and two warehouses just beyond to the north. The maximum height of all these buildings is 24'; their overall mass and bulk are also far smaller than those of the proposed project. There are no adjacent buildings to the east, west, or south; as Airport

Street is adjacent to the project site on the east, and County parkland is adjacent on the west and south . The Coastside Design Review Committee (CDRC) voted twice to deny the Design Review permit; we agree with their Findings. Overall project size needs to be reduced.

4. **Stormwater Runoff:** There is inadequate information and clarity in the Project Description, VTM, TPM, and other materials regarding potential impacts of the project's stormwater runoff on adjacent wetlands/riparian areas and sensitive habitats of Pillar Point Marsh. The revised project proposes to infiltrate all stormwater runoff from buildings and parking lots through subdrain pipes under the developed areas of the Northern Parcel. The previous project included stormwater detention and retention ponds, infiltration basins, rain gardens, and bioswales for retention and treatment of polluted stormwater from parking lot runoff; these have been deleted from the proposed project. The project site is underlain by an impermeable clay layer 3-5' below the surface (per soil test pits, borings and trenching). Trenching in November 2014 to confirm lack of branch faults associated with the Seal Cove Fault system encountered groundwater 7' below the surface, which required continuous pumping to maintain dry conditions in the 10' deep trench. The timing of this trenching during the second year of major drought reflects the most favorable conditions possible for infiltration of project stormwater. The presence of groundwater at 7' calls into question the assumption that there is sufficient subsurface capacity for infiltration of storm drainage during a 10-year storm. Without this information, necessary findings cannot be made regarding potential impacts from stormwater runoff to adjacent wetlands and the Pillar Point Marsh and the project's compliance with the resource protection policies of the LCP, particularly Sensitive Habitats Policy 7.3.b.
5. **Coastal Access/Traffic:** The proposed project site lacks direct access to Highway One; traffic must use substandard, inadequate streets for access. The southern route through Princeton via Capistrano/ Prospect/ Broadway/California/ Cornell to Airport is difficult to navigate due to narrow streets congested with coastal recreational visitors and industrial deliveries and operations. The northern route via Highway One/Cypress to Airport follows narrow 21' wide Cypress Avenue that is further constrained by deep ditches and narrow bridge over San Vicente Creek, a well documented habitat of California red-legged frog. Coastal access to the Fitzgerald Marine Reserve, Pillar Point Bluff and Maverick's Trails, the Princeton shoreline and other visitor serving locales will be negatively impacted by traffic generated by the proposed project, contrary to coastal access and recreation policies of the LCP and Coastal Act. Cypress and Princeton road segments were not adequately analyzed for the increased traffic impacts on vehicles, bicycles, and pedestrians. The proposed trail

segment in front of the project site is inadequate mitigation for these impacts on all the affected road segments.

6. **Future Development of Southern Parcel:** The approximately 1-acre area on the Southern Parcel proposed for boat storage has no restrictions as to future uses, and thus would readily be available for future development per the Waterfront Zoning District. The Waterfront zoning would allow a 3-story building of approximately 120,000 sq. ft. The density of the Wellness Center has been transferred to the Northern Parcel; therefore the Southern Parcel should be entirely protected from structural development by a Conservation Easement or other permanent protection. Otherwise this would be an impermissible segmentation of the project.

Basis for Appeal of CEQA Certification:

1. **The EIR Addendum and Final Addendum is incomplete and inadequate, has inherent inconsistencies and contradictions in the Project Description and analysis thereof.** The November 2014 published EIR Addendum was for a “4 Building Option” that was based on a misunderstanding of the intent of the Design Review Committee. At the November 12, 2014 Planning Commission hearing based on public opposition to the “4 Building Option”, the Commission directed staff to refer the new revision called the “8-Building Option” to the Coastside Design Review Committee, the California Coastal Commission, and the Mid Coast Community Council for their review and comment. The “8-Building Option” became the Preferred Alternative. However, instead of amending the Project Description, Maps, and relevant text in the EIR Final Addendum, Staff has hastily cobbled together a Memo that sweepingly amended the Final Addendum. The EIR Addendum’s Project Description, Maps, and relevant text should be amended and corrected, where necessary, so that there is no confusion, contradiction, or conflict between the published Final EIR Addendum “4 Building Option” (November 2014) and the “8 Building Option” as revised and certified by the Planning Commission (January 2015).
2. **New hazards to Wellness Center residents:** There has been no evaluation in the EIR or EIR Addendum of potential hazards to residents of the Wellness Center from the adjacent propane tank farm. The Grading, Utility, and Erosion Control Plan (George Meu Associates, 1/10/15) shows a new four-foot high propane deflection wall which would presumably provide some limited protection for the Wellness Center residents, but would have unintended and serious consequences of diverting gas or liquid spills from the tank farm to the residents of the adjacent Pillar Ridge community. This is a new, potentially significant impact that was not analyzed in the EIR. At the Planning Commission hearing, the Applicants stated that they would

eliminate the wall and instead construct a ditch to Airport Street. This is not physically possible as Airport Street is higher than the low point of the tank farm, and in order to flow downhill, a ditch or swale would need to cross through the parking lot and driveway entry which would create potential impediments to vehicle ingress/egress for the project site.

3. **New visual impacts from domed fiberglass roof of Wellness Center:** The EIR and EIR Addendum did not evaluate the visual impacts from a new element in the revised project that was added to the plans in January 2015: the large curved clear fiberglass roof over the Wellness Center courtyard/basketball court. This fiberglass roof would allow spillover light to escape upwards and outwards from the Wellness Center roof, creating potential impacts to adjacent residents, Pillar Point Bluff, and the Airport. Spillover light would also have the potential to become diffused and refracted under cloudy or foggy conditions, creating a major glowing phenomenon that would be visible for longer distances, similar to lighted greenhouses. This new element is not permitted by Mitigation Measure AES-4 which states (in relevant part): “The lighting plan shall prohibit light spillover across property lines and limit lighting to the minimum necessary for security and exterior lighting purposes... All lighting shall be designed to be compatible with surrounding development. The project shall not propose light sources that are typical of the surrounding environment.”
4. **Wind funnel effects from large buildings on airport operations:** The EIR and EIR Addendum still do not include studies and analysis of potential wind impacts created by the proposed project’s buildings, despite requests by pilot organizations and individuals. While the revised project’s buildings are lower than previously proposed, they still could create funnel effects due to the shape, placement, and relationship of the buildings to each other and to the prevailing winds. The area of the runway where altered winds are likely to occur is one of the most critical phases of flight – just prior to touchdown, when planes are at low or no power and low speed, and after departure if the reciprocal runway is used.
5. **Impacts of noise on Pillar Ridge and Wellness Center residents:** The EIR and EIR Addendum still do not include studies and analysis of aircraft noise from the entire length of the runway reflected from buildings of the Wellness Center and Office Park that may potentially impact residents of the Pillar Ridge community. The requirement for residents of the Wellness Center to sign an Avigation Easement may be discriminatory and is likely ineffective as it does not preclude family members or others from complaining about impacts to this sensitive population. The FAA, Caltrans Division of Aeronautics, and San Mateo County Public Works have all written letters regarding the incompatibility of housing for developmentally disabled persons so close to the airport runway.

Process/ Brown Act Issues:

Several letters submitted to the Planning Commission at the January 14, 2014 hearing were not available for the public to review. At least two of these letters were from organizations (Sierra Club and LCP) that appealed the County's previous approval of the project to the Coastal Commission. Another missing letter was from Richard Newman, Chair of ALUC, but writing as an individual pointing out CEQA deficiencies regarding noise and wind effects. Failure to provide at least one copy of comment letters for public review is a potential violation of the Brown Act (Section 54957.5 (a)(2)) which requires that any writing that is a public record that is distributed less than 72 hours prior to a public meeting must be made available for public inspection at the time the writing is distributed to the decision making body.

Revised Findings (#s1 and 2.m) and Revised or New Conditions of Approval (#s 5, 5.n, 7, 60, and 88.d), were presented by Staff at the Planning Commission hearing, but hard copies were not available for the public to review. Staff's visual presentation was impossible for members of the audience to see, and the inadequate sound system made it difficult to hear. As a result, the public was unable to understand and/or intelligently comment on these important changes to the Findings and Conditions. This is also a potential violation of the Brown Act.