

## RECOMMENDATION AND PROJECT DESCRIPTION

Recommend that the Board of Supervisors adopt an Ordinance to amend the Development Agreement, which allows project construction over 15 years consistent with the proposed amendments, to include clarifications as well as minor modifications to the project requirements, including the following

1. Allow construction of Lot 4 (where Lot 2 is allowed) prior to construction of Building 3 of the Wellness Center and other changes in Office Park building phasing to allow additional funding for Wellness Center building construction while reserving the lots closest to the wetlands to be developed last;
2. Allow construction types other than Type 1 (steel and concrete) for the Wellness Center buildings, as long as Coastside Fire Protection District requirements are met; and
3. Allow the property owner to obtain building permits for Office Park building construction prior to obtaining Caltrans approval to install a light or roundabout (where the property owner is required to obtain a Caltrans encroachment permit first), such that the County may fully explore the feasibility of a roundabout without creating unnecessary delays for the project.

Table 2 Minor Modifications to the Project		
<i>Condition No.</i>	<i>Reason for Change</i>	<i>County Rationale for supporting a Minor Amendment</i>
4.a.e. Mitigation Measure TRANS-1	Changes allow Big Wave to obtain building permits for office park construction prior to obtaining Caltrans approval to install a light or roundabout, whereas existing conditions require Big Wave to obtain a	Changes still prohibit development beyond the amount that was identified by the EIR as triggering the need for a controlled intersection can be constructed until the mitigation is installed.

Table 2  
Minor Modifications to the Project

<i>Condition No.</i>	<i>Reason for Change</i>	<i>County Rationale for supporting a Minor Amendment</i>
	<p>Caltrans encroachment permit first.</p> <p>Changes also clarify the original requirements, including cost responsibilities for the signal or roundabout mitigation measure.</p>	<p>This change is requested to allow the County to fully explore the feasibility of a roundabout without creating unnecessary delays for the project.</p> <p>Changes that clarify cost responsibilities account for the significant differences in cost between a light and roundabout, and establish a mitigation requirement that is proportional to the impact of the project.</p>
5.f.	<p>Changes clarify that public and/or philanthropic medical and dental uses are allowed with the issuance of a Use Permit per Section 6500 of the County Zoning Regulations.</p>	<p>While medical and dental uses are prohibited in the M-1 Zoning District, the County Zoning Regulations allow public service uses and public buildings in any zoning district (Section 65000.b), as well as institutions of a philanthropic or charitable nature in Urban Areas of the Coastal Zone (Section 6500.d.4). The change is minor as it reflects uses allowed under current zoning.</p>
5.l	<p>Changes allow additional time (5 years from final approval date, May 2020) to transition farming practices to organic, where the original condition required the transition in 3 years (May 2018).</p>	<p>The change allows for additional time for the transition due to delays in project implementation. The process of transitioning to organic farming can take up to several years, and was always intended to occur concurrently with project construction.</p>
21, 73	<p>Changes allows for the Owner to provide an implementation plan for the wetland restoration report and implement the plan prior to the issuance of any Building Permits, whereas the original condition required the plan to be submitted within 90 days of final</p>	<p>Project implementation has taken longer than expected. In approving the project, the County anticipated that wetlands restoration would immediately precede development. This will still be the case.</p>

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<i>Condition No.</i>	<i>Reason for Change</i>	<i>County Rationale for supporting a Minor Amendment</i>
	project approval. Initiation of restoration activities was required within 60 days from implementation plan approval (Condition No. 21) and within 1 year from final project approval (Condition No. 73).	
32	Changes clarify that the loading bays for businesses adjacent to the Mobile Home Park shall be located on the “west” side or south side, where the original condition required location on “rear or south sides”.	The change from rear to “west” provides clarification and does not change the location of where loading bays may be located.
67	Changes require the Owner to install K-rails [or other Department of Public Works approved safety barrier within the Airport Street right-of-way, northbound only] over the drainage channel at the time of the construction of the Type 1 trail. The original condition required k-rails prior to occupancy of the Wellness Center.	The Owner plans to construct the Type1 trail at the time utility lines are installed for the project. Concurrent construction of the trail and k-rails (or other safety barrier), allows for protection of pedestrians once the trail is constructed. Owner will be meeting with the County Airports Manager and the County Parks Department to determine the location of the trail.
73	Changes add month and year references to original conditions which referenced year(s) from final approval date, for clarification.	Changes add clarity to timelines and do not change the time requirements are due.
73.b	Changes allow the Owner to fence the cultural site when beach user parking construction is required on the South Parcel. The original condition required fencing to be installed within 1 year from final project approval.	This change would not result in significant impacts as cultural site fencing, necessary for protection of cultural resources, would not be necessary until development of the South Parcel.
73.c	Allows the owner to construction the Type 1 trail within 3 years (May 2018) of project approval	Changes allow the Type 1 trail to track the current development

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	instead of 2 years, due to delay in project implementation.	timeline, where trail construction will still precede project construction.
73.e	Changes allows for construction of Lot 4, where Lot 2 was allowed previously, to precede construction of Building 3 of the Wellness Center.	This change will not result in a new or greater impacts because project landscaping, which will be installed prior to building construction, will screen the development, and because the undeveloped area between Lot 4 and the Wellness Center will continue to be farmed.
73.e	Removal of "In no event will any construction for business uses take place prior to construction of the Wellness Center, Building 3."	Removing this text makes the condition consistent with the Board's approval of the Big Wave NPA project, which allowed for the construction of 1 business building prior to construction of Building 3 of the Wellness Center, and corrects this mistake in the record.
73	Changes would reflect a different order of construction, now that Lot 4 is proposed to precede the other Office Park buildings. The original condition allowed Lot 2, then Lot 3, and then 6, 4, and 5 after all Wellness Center buildings are built. The changes would allow Lot 4, then Lots 2 and 3, then Lots 6 and 5 after all Wellness Center buildings are built.	Whereas the original conditions allowed for 2 buildings to be built prior to the full construction of the Wellness Center, the revised condition would allow for 3 buildings to be built before the full construction of the Wellness Center. This would allow Big Wave to obtain additional funding for Wellness Center construction, while reserving the lots closest to the wetlands to be developed last.
77.a	Removal of requirement that "All Big Wave NPA buildings would be designed as Type 1 fire resistant (constructed from steel and concrete)" for the purpose of allowing less expensive types of construction that would still meet Coastside Fire Protection District requirements.	This change is minor as Coastside Fire Protection District requirements would still be met.