

Midcoast Community Council

An elected Municipal Advisory Council to the San Mateo County Board of Supervisors

Serving 12,000 coastal residents

Post Office Box 248, Moss Beach, CA 94038-0064

<http://mcc.sanmateo.org>

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February 16, 2011

Honorable Don Horsley
Supervisor
400 County Center
Redwood City, CA 94063

Re: Big Wave Development Agreement

Dear Mr. Horsley,

The Midcoast Community Council (MCC) is hereby reconfirming our opposition to the Big Wave Project as expressed in both the DEIR and FEIR that we have reviewed and commented on extensively in prior correspondence. Put simply, Big Wave in all of its various iterations is the wrong project for the wrong location and has been mishandled in its public review.

We would like to call out a particular component of the proposal, the draft Development Agreement that was approved by the Planning Commission as one that has the potential to set dangerous precedents for the Midcoast.

Specifically,

- Current planning policy allows for a five year window (with a use permit). The twenty year window set forth in the draft development agreement is unprecedented, and either represents a new planning department policy, or a "special privilege" granted to this developer. It also becomes a twenty year period of "grandfathering" planning policy, as it is very likely that planning policy will change in a twenty year period.
- Residential development is normally subject to traffic mitigation fees, school mitigation fees, and parks mitigation fees. It is likely that some of the Wellness Center residents will travel on the streets, visit parks, and even attend schools, thus the center should be subject to fees.

- Approving development without proof of the ability to obtain municipal sewer and water permits represents a new precedent, and new planning department policy. This has never been allowed in San Mateo County in the past.
- Using site recycled water for flushing toilets as proposed is currently disallowed in San Mateo County, by Building Department policy, and the Department of Environmental Health. While revisiting this regulation may be a good idea, the fact this restriction is being revisited in the context of this project as opposed to County policy is problematic.
- In every instance, where a developer is being given broad deference in ways that significantly deviate from established county policy and regulations, there is inherently a double standard at play and one that puts certain developers on different footing relative to everyone else.

For these reasons and more, including the problematic components of the development agreement that deal with open-ended phased construction, administration and oversight over contingent components, and ensuring coastal access, this development agreement is rife for further scrutiny. In short, these comments represent a review of a document that has since undergone further comment and revision. We expect to have more detailed feedback once we have had an opportunity to review the draft that will be presented to the Board of Supervisors on March 15th.

In order to ensure the MCC adequate time to review, gather public feedback, and formulate comments to the development agreement that the Board of Supervisors will be voting on, we request that we be provided with a copy no later than March 2, 2011. We will endeavor to have our comments approved and submitted by March 14, 2011.

Sincerely,

[SIGNED]

Len Erickson
Chair, Midcoast Community Council

Cc:
Board of Supervisors
Midcoast Community Council