

Attachment A



Please reply to:

Dave Holbrook
(650) 363-1837

May 25, 2005

Keet Nerhan
Point Pillar Project Developers, LLC
210 San Mateo Road, #201
Half Moon Bay, CA 94019

**ENVIRONMENTAL
SERVICES
AGENCY**

Agricultural
Commissioner/ Sealer of
Weights & Measures

**Subject: Extension of the Pillar Point Harbor Village
Project Development Agreement**

Dear Mr. Nerhan:

On May 24, 2005, the San Mateo County Board of Supervisors considered the request of Point Pillar Project Developers, LLC, owner of the Pillar Point Harbor Village project, to extend the time within which the Pillar Point Harbor Village project must be completed under Section 15.E of the Project Development Agreement.

Animal Control


Cooperative Extension

Based on the information provided by staff and evidence presented at the hearing, the Board of Supervisors determined that the requirements for an extension of time

Keet Nerhan
Point Pillar Project Developers, LLC
May 25, 2005
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If you have questions regarding this matter, please contact the project planner listed above.

Sincerely,



Marcia Raines
Director of Environmental Services Agency

I have read the forgoing, and agree to an extension of time of the term of the Development Agreement, under the provisions of Section 15.E. of the Development Agreement, for a period of two years, until June 22, 2007, and acknowledge that all other terms and conditions of the Development Agreement remain unchanged.

Dated: MAY 31, 2005

POINT PILLAR PROJECT DEVELOPERS, LLC

By: 

ATTACHMENT B

**Agreement To Fully Fund First Year's Assessment For
Firefighting Services In The Area Of Pillar Point Harbor**

Point Pillar Project Developers, LLC ("Developer") and the Half Moon Bay Fire Protection District ("District") agree as follows:

RECITALS

- A. Developer is the developer of a certain project located in unincorporated San Mateo County, commonly known as the Pillar Point Harbor Village Project ("Project"), approved by the County of San Mateo on December 12, 1989, the approvals of which are identified by reference to San Mateo County Planning Division File Nos. CDP 88-46, UP 88-6, and SMN 89-9.
- B. Condition No. 16 of the Project approvals provides as follows:

"The applicant shall agree to participate in the formation of a special fire service zone to assist in funding the additional manpower required to service the project. The goal of this zone shall be to fund three (3) firefighters. The applicant shall include all of its property in the harbor area in such zone, consisting of approximately 35 acres. Initially, the Pillar Point Harbor Village project will fund the salaries of one and one-half (1 ½) firefighters through assessment. As additional areas within the special fire services zone are developed, the assessment may be adjusted as necessary to reflect the proportionate contribution

TOTAL P.02

- 2. Developer agrees that on or after the date of this Agreement, it will not seek a certificate of occupancy for use of any of the structures comprising the Project until 20 days after it has provided District with the funds required by this Agreement.

Dated: 7/8/05

Point Pillar Project Developers, Inc.

By: 
M. L. ...

Dated: 7-7-05

Half Moon Bay Fire Protection District

August 3, 2005

COUNTY OF SAN MATEO
 ENVIRONMENTAL SERVICES AGENCY
 PLANNING AND BUILDING DIVISION

Pillar Point Village Project
WITH ALL 1989 CONDITIONS OF APPROVAL

Numbers: CDP 88-46, UP 88-6, and SMN 89-9

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
nts on the f-way through lane bdivision's p at the age and rks.			X	Design approved; engineering complete; encroachment permit issued. Driveway entry completed at NW side of property. Sidewalk partially installed on hotel entry side. (8/2/05)
ge) lane on asterly			X	Same comment as #1.
d to the	X			
thbound (2) left turn e free right ublic Works			X	Encroachment Permit issued by CalTrans. Bids for project construction have being accepted and construction details prepared. PG&E given approval to start work in area. (8/2/05)

ATTACHMENT C

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
southbound separate round right-of- right-turn lanes Department of			X	Encroachment Permit issued and plans approved. SBC requires an easement and \$41,000 to move fiber optic line. Estimated delay is 6 to 8 months. PG&E has provided approval to work in area. (8/2/05)
Department of Public Permit and ways for any Highway 1.	X			(8/2/05)
County within the	X			
n Mateo	X			
nt has met all County Building	X			
posed s for review. engineer, and f stormwater etailed on the arly depict the at the eering not limited to, oes not exceed ended s engineer, dation of the	X			

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
feasibility of / and submit	X			
stside County ining Division nat District's roposed ermit.	X			(8/2/05)
nty Water until County been met. Department.	X			
ropriate nty ing that they posed parcels			X	SBC easement is involved in delay. Letters requested from both SBC and PG&E. (8/2/05)
ons shall be mpletion of all en certification een completed			X	Will be done upon completion of <u>all</u> work.
of Public	X			
Public Works, way access d drainage	X			

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
<p>structure drainage ess easements ese ublic Works for</p>			X	<p>Need copies of <u>recorded</u> documents. Require "as built" status of infrastructure. (8/2/05)</p>
<p><u>ppment Permit</u></p>				
<p>e County a building</p>	X			
<p>ind pavement nnical report g and ng Lawson al review and County al grading and are still valid</p>	X			
<p>ment, the vations as sure itions and soil l to be on site epth and clean ce report</p>			X	<p>Work not completed; therefore, no final report yet. Geotechnical Engineer is providing review as needed throughout project. (8/2/05)</p>

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
<p>observations upon and grading. with all ication of Works and the ng approval. If ogist will</p>			X	<p>Upon completion of work. Geotechnical Engineer is providing review as needed throughout project. (8/2/05)</p>
<p>oad across restrict turning ertificate of</p>		X		<p>Plan being prepared by engineer. (8/2/05)</p>
<p>nty Water able for the crease in water tside County</p>	X			
<p>da Sanitary</p>			X	<p>GSD has tentatively approved their service capacity to this project in its entirety and have issued the required permits for the retail portion, but not for the hotel rooms of the pending hotel building permit, but not yet for the pending and separate building permit for the restaurant.</p>
<p>the project to</p>	X			<p>The sewer main has been installed, as authorized by GSD. The sewer lateral to the project will be completed by 8/12/05. (8/2/05)</p>

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
urant and retail or review and			X	Environmental Health has received and approved the construction plans for the separate restaurant building. They have not yet received the plans for any food establishment within the main hotel building. Plans for specific restaurant(s) are in preparation. Potential leasing arrangements are a factor. (8/2/05)
construction or pection Section			X	The project is comprised of the following building permits, each followed by their issuance status: BLD 1999-01211 (Separate Office Building) – Issued, constructed, not yet finalized. BLD 2000-01630 (Underground Parking Structure) – Issued, ongoing. BLD 2004-00911 (Hotel Portion) – Not issued; anticipated by Mid-August. (8/2/05) BLD 2004-01322 (Restaurant, Shell Only) – Not issued. BLD 2004-01433 (Hotel Slab Foundation) – Issued.
be installed on ccupancy.			X	Will be confirmed prior to final project approval.
Half Moon Bay , automatic tallation, and ture. The consultant to ecks to ensure required by the alized prior to	X			Contract for third party plan review signed with Hughes Assoc. All outstanding fees shall be paid prior to a final project approval by the Fire District.

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
Westside County provide the certificate of			X	Will be submitted prior to final project approval by Fire District.
access without provide fire height shall be it will prohibit as for any ation District been made n the approved	--			N/A; lighthouse deleted from plans.
Fire Protection have been lification has been se from the	--			N/A; lighthouse deleted from project.
a special fire required to three (3) n the harbor initially, the one and one- areas within ent may be tion of each e building Fire District ment at a date		X		Applicant has not yet formed the required Melo Roos Community Facilities District. However, agreement between developer and HMB Fire has been reached and signed, allowing details to be finalized to meet more current needs. (8/2/05)

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
Devices for the lighting transportation.		X		The installation of an optical, not radio-controlled, traffic per-emption system at the intersection of Capistrano and State Highway 1; CalTrans has already approved. (8/2/05)
provided written here is Finance Services	X			Fire flow tests were performed on the on-site hydrant system. (8/2/05)
cant shall pay form plan e compliance e District.			X	All outstanding fees shall be paid prior to Fire District's final approval on this project.
ditions shall be Occupancy for			X	As previously stated.
g to the plans t and site y be approved	X			So far, the building plans either are the same as the originally approved plans, or the modifications have been deemed minor by the Planning Director. (8/2/05)
asured in nd Section de.	X			The BLD plans were reviewed and the approved height confirmed. The approved height will be confirmed during construction.
autical shades al of the			X	These colors have been reviewed and approved; they will also be confirmed prior to final project construction approval.
ect shall be in a			X	Project sign design has not yet been submitted or approved, but will need to be prior to final project approval.

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
area prepared approval by plant plants and a and scientific end showing methodology of t shall Capistrano proposed any additional provide views of			X	Landscape plan has been reviewed and approved. Implementation of the approved plan will be confirmed prior to final project approval.
side planting This strip shall screen the Inn			X	As indicated above, except that prior to the final project approval, that section of the landscape plan pertaining to this element of Condition 24 shall be revised to include a more dense planting of tall trees and vegetation.
osted to ndscape plan hall inspect the nsure correct scape architect andscaping has of Assignment.			X	This shall be submitted upon confirmation that all approved landscaping has been installed and prior to the final project approval.
cial facilities g Director prior e the lighting y shield lighting are. The plan			X	The proposed lighting plan has been approved and its implementation will be confirmed prior to final project approval.

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
available for m. in a location posted in ordinance.			X	A plan showing the location and associated signage for these spaces shall be submitted for approval and implemented prior to final project approval.
s measures for watering of grading on grading permit.	X			Included on the BLD plans.
ment provided to the			X	Will be submitted and reviewed prior to final project approval.
the lighthouse condition has lighthouse from	--			N/A -- Lighthouse deleted from project.
d by an aerial in the purchase to the issuance	--			N/A -- Lighthouse deleted from project.
waste storage located away	X			
posal areas for disposal on the final			X	BLD plans need to be revised to show this prior to final project approval.
the collection of Certificate of			X	Confirmation of this agreement shall be confirmed prior to final project approval.

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
provide: (1) / eliminating all (2) pedestrian asphalt and raised The design of ector and the ding permit.	X			Current BLD plans indicate compliance. Installation of speed bumps will be confirmed prior to final project approval.
are a detailed sss: (1) ise levels to a ise levels, (3) and (4) design of and Pillar Point ll be reflected in	X			
ent to the Pillar or to approval	X			
roperly muffled m. and 6:00	X			Will be monitored and enforced throughout construction phase.
entry to the Occupancy.			X	Will be confirmed prior to final project approval.
eeers for n channels on rector providing suance of a	X			

	COMPLIANCE			COMMENTS
	Yes	No	Pending	
Associates to as conditions of e made by the is achieved. on 21081.6).	X			Ralph Osterling Associates is on contract to monitor all mitigation measures.
improvements in assessment e funds for e cumulative			X	Their participation will be confirmed prior to final project approval. Options for district formation are under review by Counsel. (8/2/05)
agement Plan sions for (including anning Director.			X	Submittal of the plan and confirmation and signage for the vanpool spaces will be confirmed prior to final project approval.
e applicant shall nd feasibility of employees. n for review and ission may aines there is a			X	This will be arranged at the time of the final project approval.
tent allowed by ich would be ct.	X			

to the Mortgagee within ten (10) days of sending the notice of default to Owner. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

D. Any Mortgagee who comes into possession of the Real Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Real Property, or part thereof, subject to the terms of this Agreement; provided, however, in no event shall such Mortgagee be liable for any defaults or monetary obligations of Owner arising prior to acquisition of title to the Property by such Mortgagee, except that any such Mortgagee or its successors or assigns shall not be entitled to a building permit or occupancy certificate until all delinquent and current fees and other monetary obligations due under this Agreement for the Real Property, or portion thereof, acquired by such Mortgagee have been paid to County. Further, such foreclosure shall not relieve Owner from any defaults or monetary obligations arising prior to acquisition of title to the Property by such Mortgagee.

5. Time for Construction and Completion of Project.

A. Beginning Construction. Owner, subject to delay

* times and manner as Owner shall determine, subject however to the time constraints imposed by Subparagraphs A and B above and provided that construction of the first phase shall include the public improvements described in the Development Plan or in the approved development plan for the Modified Project.

6. Specific Restrictions on Development of the Real Property. Parcels A, B and C shall be used only for the purposes set forth in the Use Permit for the Project or for such purposes as may be approved by County in connection with its approval of a Modified Project. The density or intensity of use, maximum height and size of proposed buildings within the Project and provisions for reservation or dedication of land are all as set forth on the Development Plan and/or the Project Approvals, subject to any modifications that are incorporated in a Modified Project.

7. Effect of Agreement on Land Use Regulations.

A. Regulation. The Laws and Regulations applicable to development of the Project and/or a Modified Project are, and shall at all times during the term of this Agreement be, those in force on the Effective Date, and shall further be subject to changes in County's Building Code, Fire Code, Electrical Code or Plumbing Code occurring from time to time, provided that such changes (i) are