

Janneth Lujan

From: Eduardo Gonzalez <egonzalez@yli.org>
Sent: Wednesday, January 22, 2020 2:01 PM
To: Planning_Commission
Subject: SUPPORT - 71 Affordable Moss Beach Homes

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

I am writing to you in support of the creation of affordable homes in Moss Beach. These 71 homes are highly needed. Please approve the current number of homes at your January 22nd meeting.

The affordable housing shortage is real and you have a unique opportunity, right now, to make a difference. There is a severe shortage of affordable homes on the coast and there is a concentration of lower-income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families.

It is very difficult for families on the coast to have a healthy quality of life. All the affordable housing is impacted in the Coast, so having this increase is critical. As a youth-serving organization, we see the importance of young people seeing the opportunity to stay in their community. Right now, the future of young people in Moss Beach and in the general coast is questionable due to the lack of affordable housing.

The more affordable homes we can build, the more neighbors and diversity we'll have, the better off we'll be as a community. Thank you for your courage and leadership in this proposal.




Best Regards,
Eduardo Gonzalez
Program Manager | YLI, San Mateo

--

Eduardo "Lalo" Gonzalez

Program Manager
San Mateo County
Youth Leadership Institute
he/him/they/them



 egonzalez@yli.org | (760) 578-4842
 <https://yli.org/region/san-mateo/>
 1670 South Amphlett Blvd. Suite #250 San Mateo

LAW OFFICES OF BRIAN GAFFNEY, A Professional Corporation
446 Old County Road, Suite 100-310
Pacifica, California 94044
(650) 219 3187 Phone
brian@gaffneylegal.com

January 22, 2020

Via Email
15 Copies at Commission Hearing

San Mateo County Planning Commission
planning-commission@smcgov.org
mschaller@smcgov.org

RE: MidPen Housing proposed Cypress Point project
PLN2018-00264

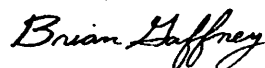
Dear Commissioners Hansson, Gupta, Santacruz, Ramirez and Ketcham,

This office represents Resist Density regarding the proposed Cypress Point project in Moss Beach. Based on review of the Staff Report and Attachments prepared for the January 22, 2020 Planning Commission Hearing, and as explained in greater detail below, Resist Density offers the following comments regarding the County's review of this proposed project.

- 1) San Mateo County must conduct environmental review of the discretionary approvals the County will consider for the project;
- 2) Review by the Coastal Commission is limited to conformance with the Coastal Act and project impacts to coastal resources;
- 3) The County has failed to follow its own Zoning Regulations in review of the proposed project;
- 4) The Staff Report and its Attachments do not adequately analyze environmental impacts and mitigations;
- 5) The proposed project is inconsistent with the Coastal Act and the San Mateo County LCP.

Thank you for your careful consideration of these comments and others by the public.

Sincerely,



Brian Gaffney

I. **San Mateo County Must Conduct Environmental Review of the Discretionary Approvals the County Will Consider for the Project.**

The proposed Cypress Point project includes proposed amendment to the San Mateo County General Plan to change the land use designation of APN 037-022-070, amendment to the County's Zoning Map, amendment of the County's zoning text, and creation of an entirely new Planned Unit Development (PUD) designation for the project site. Each of these proposed changes are discretionary acts which the County may or may not approve.

In addition, the proposed project includes an amendment to San Mateo Local Coastal Program (LCP) Polices 3.15(b) and 3.15(d.1), and amendment of the LCP Land Use Plan Map. If the San Mateo County Board of Supervisors approves the proposed changes to the LCP, these LCP amendments will need to be subsequently certified by the California Coastal Commission. The approval of the LCP amendments by the California Coastal Commission is exempt from the requirement to prepare an EIR, but not exempt from CEQA's substantive requirements. (Pub. Res. Code §§ 21080.5, 21080.9)

The County is required to conduct its own environmental review of the discretionary approvals the County will consider for the project, and can not rely upon the Coastal Commission's compliance with CEQA. Further, the County must not defer its environmental review until subsequent review of a Coastal Development Permit (CDP).

First, MidPen's proposed project requires more than changes to the LCP. The proposed project will also require amendment to the San Mateo County General Plan, amendment to the County's Zoning Map and the County's zoning text, and proposed changes to the Planned Unit Development (PUD) designation for the project site.

MidPen's proposed general plan amendment is undoubtedly a discretionary action subject to environmental review under CEQA. In *DeVita v. Cty. of Napa*, 9 Cal. 4th 763, 793-94 (1995), the California Supreme Court explained that

General plans "embody fundamental land use decisions that guide the future growth and development of cities and counties," and amendments of these plans 'have a potential for resulting in ultimate physical changes in the environment.' General plan adoption **and amendment** are therefore properly defined in the CEQA guidelines (Cal. Code Regs., tit. 14, § 15378, subd. (a)(1)) as projects subject to environmental review."

"Because general plans embody fundamental land use decisions that guide future growth and development of cities and counties, they have the potential for resulting in ultimate physical changes in the environment. ...[W]hen general plan

amendment is among numerous approvals required for a particular development project, the question is the effect of that development on the environment].” *Black Prop. Owners Assn. v. City of Berkeley*, 22 Cal. App. 4th 974, 985 (1994).

So too, because the changes to the County’s Zoning Map and text are discretionary actions which will cause direct physical environmental changes or reasonably foreseeable indirect physical environmental changes, such zoning amendments are projects subject to CEQA’s mandate of environmental review. (Pub. Res. Code §§ 21080, 21065; *Union of Med. Marijuana Patients, Inc. v. City of San Diego*, 7 Cal. 5th 1171, 1199 (2019). Approval of these zoning changes will facilitate building the proposed project - resulting in direct and indirect physical changes in the environment, many of which MidPen itself admits will be significant adverse impacts.

While a “Local Coastal Program” includes a local government’s land use plans, zoning ordinances, and zoning district maps, not all such plans and zoning constitute the LCP. By statute it is only those plans and zoning which “implement the provisions and policies” of the Coastal Act at the local level.” (Pub. Res Code 30108.6.) Here, there is no showing the general plan amendment and zoning changes implement the Coastal Act.

Likewise, the creation of an entirely new Planned Unit Development designation for the project site, PUD-140, is a discretionary action by the County which will result in foreseeable physical environment changes, i.e. development of the site. Amendment of the PUD is not necessary for amendment of the LCP. In fact, the PUD designation is clearly not part of San Mateo County’s LCP.

For these reasons, adequate environmental review by the County now in the form of a CEQA document is needed for the public, responsible agencies and the County to evaluate the proposed project.

Despite this, the County’s position is that it need not undertake environmental review of its proposed land use changes, or that it can defer analysis until a CDP after the PUD, zoning and general plan have been amended. Consider, however, what happens in the absence of such environmental review. The County has its own independent discretion over whether to grant the general plan amendment, zoning changes and PUD designation. The County appears to be prepared to amend the general plan, amend the zoning, and create the new PUD designation - *without the benefit of environmental review*.

Such a result would clearly violate CEQA - whose guiding mandate is long term protection of the environment and consideration of environmental consequences at the earliest possible stage, even though more detailed environmental review may be necessary later. By chopping the project into two stages – changes to the general plan, zoning and PUD first, followed by the Coastal Development Permit later - the County is engaging in impermissible piecemeal

review. CEQA requires that the whole of the action which has the potential for environmental consequences be reviewed now by the County.¹

II. Review by the Coastal Commission Is Limited To Conformance with Coastal Act and Coastal Resources.

The Coastal Commission's review of an LCP amendment is limited to a determination that the amendment is or is not consistent with the coastal zone values cited in Section 30001 of the Act, as well as its conformance with the requirements of Chapter 3 (commencing with Section 30200) of the Coastal Act. (Pub. Res. Code § 30512 – 30514, 30200) Those "Chapter 3 policies" thus represent the standards for judging the adequacy of an LCP. *McAllister v. Cty. of Monterey*, 147 Cal. App. 4th 253, 272 (2007).

Moreover, the Coastal Commission "shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in [Coastal Act] Section 30001.5."² (Pub. Res. Code § 30512.2; *Yost v. Thomas*, 36 Cal. 3d 561, 566–67 (1984). Similarly, the Commission may only reject zoning ordinances on the grounds that they do not conform, or are inadequate to carry out the provisions of the certified land use plan (Pub. Res. Code § 30513; *Yost, ibid.*)

As such, the Coastal Commission's environmental review necessarily will not reach to reasonably foreseeable environmental impacts of the proposed project beyond impacts to coastal resources. For example, consideration of traffic impacts may not extend to analysis of traffic impacts to neighborhood streets. Likewise, the adverse impacts of the project on emergency evacuation of Moss Beach may not be reached by the Commission's review – as such impacts while potentially adverse and significant – do not pertain to coastal resources.

¹ In fact, in applying for loans for the project from San Mateo County, MidPen asserted that project approval would "involve two environmental reviews under CEQA and the Coastal Commission's CEQA-equivalent process. See 1st Quarter 2018 Report to San Mateo County regarding Cypress Point.

² Those Coastal Act section 30001.5 goals are
(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the **coastal zone environment** and its natural and artificial resources.
(b) Assure orderly, balanced utilization and conservation of **coastal zone resources** taking into account the social and economic needs of the people of the state.
(c) Maximize public access to and along the coast and maximize public recreational opportunities **in the coastal zone** consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

Therefore, review by San Mateo County of environmental impacts can not be avoided on the assertion that Coastal Commission review will substitute.

III. The County Has Failed to Follow Its Own Zoning Regulations in Review of the Proposed Project.

A. The CDP Is Not Being Considered Concurrently with Other Project Approvals.

San Mateo's Zoning Regulation require that an application for a Coastal Development permit "shall" be made **prior to or concurrently with** application for any other permit or approvals required for the project by the San Mateo County Ordinance Code. Zoning Regulation 6238.7. Likewise, "to the extent possible, action on a Coastal Development Permit **shall** be taken concurrently with action on other permits or approvals required for the project. Zoning Regulation 6328.9.

Here, however, the County will not follow its own zoning regulations. The County will not consider the CDP until after amending the LCP, General Plan, zoning and PUD. Moreover, the purpose of this impermissible 2-stage review is to avoid analysis of impacts, mitigation measures and alternatives until the subsequent CDP review.

B. The County Is Not Following the Proper Procedure for Adoption of a New PUD District.

Zoning Regulation 6191 mandates that no PUD District shall be enacted for any area unless and until the Planning Commission shall first have reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would not be in conflict with the County Master Plan, or with any other current land use plan for a sub area of the County previously adopted by the Planning Commission.

1. Review of Conceptual Not Precise Plans.

The Planning Commission will not review a precise plan of the subject area and its environs. In fact, proposed PUD-140 only refers to "conceptual development plans presented to the San Mateo County Planning Commission on January 22, 2020," a "Conceptual Grading Plan," and a "conceptual landscape plan." Such "conceptual" plans can not constitute the precise plans to be reviewed by the Planning Commission. Thus, the County has not complied with Zoning Regulation 6191.

2. No Evaluation of Conflict With the San Mateo General Plan.

In evaluating compliance with Zoning Regulation 6191, the Staff Report vaguely asserts that "Based on the previous discussion in the LCP Compliance

Section of this report (Section A.2), the proposed PUD Zoning District regulations, for this parcel, are in harmony with applicable LCP policies. Section A.2 is a purported evaluation of the Consistency of Zoning Amendments with the San Mateo County Local Coastal Program Land Use Plan.

Neither in Section A.2 nor under compliance with Zoning Regulation 6191 does the County evaluate consistency of the proposed project with the San Mateo General Plan and its various policies.

3. **No Evaluation of Conflict With the Montara-Moss Beach-El Granada Community Plan.**

According to the San Mateo County General Plan, the project site is located in the Montara-Moss Beach El Granada community plan area. See Attachment H to the January 22 Staff Report. The County adopted the Montara-Moss Beach-El Granada Community Plan which in 1978. According to the General Plan such Plans are “part of the General Plan and contain more specific policies for certain geographic areas.” The San Mateo County General Plan explains that “Area Plans allow for more local application of General Plan element policies.” Despite this, the Planning Commission has not evaluated the proposed project’s compliance with the Montara-Moss Beach-El Granada Community Plan.

IV. The Staff Report and its Attachments Do Not Contain Adequate Environmental Review.

Aside from the need for the County to conduct its own environmental review, the County’s submission of a proposed LCP Amendment to the Coastal Commission must include complete environmental review. Coastal Commission review of LCP amendments must comply with the substantive requirements of CEQA - even where an EIR is not prepared.

As detailed below, neither MidPen nor County staff have provided analysis of the proposed project that complies with CEQA. Thus, the San Mateo Planning Commission is in the untenable position of making recommendations without knowledge of the proposed project’s adverse impacts and potential mitigations. In addition, the County is not meeting CEQA’s purpose to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of the proposed project.

A. **The Environmental Setting is Improper.**

First, the California Supreme Court has repeatedly made it clear that in evaluating impacts of a proposed project, the baseline for a significance determination should normally be the existing physical conditions in the project's vicinity, not what was allowed under existing permits. (*Communities For A Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320-

322; *Ctr. for Biological Diversity v. Dep't of Fish & Wildlife*, 62 Cal. 4th 204, 224 (2016).

So here, it is important that the County's evaluation of the proposed project look at the traffic, sewage, discharge, public safety, biological and other impacts based on a baseline of undeveloped, de-facto open space, rather than comparing it to the existing but never implemented PUD-124 zoning for the site.

Instead, the County evaluates evacuation and circulation, protection of coastal resources, compliance with the Coastal Act, impacts to archeological resources, vehicle miles traveled, erosion, traffic and cumulative traffic - by impermissibly pointing to the PUD-124 density rather than the existing setting as the baseline. On that skewed basis the County asserts that the proposed project will reduce impacts.

Second, the Staff Report and its Attachments are flawed where they fail to describe the physical environmental conditions in the "vicinity of the project," as required by CEQA Guideline 15125. For example, the "Biological Resource Assessment" at Appendix G states only that the project site does not contain habitat for the California red legged frog, and fails to describe if this federally threatened species exists in the adjacent Montara Creek, or if the area is within the critical habitat designation for the species.

Third, the County's evaluation of existing conditions is also flawed as it fails to mention or otherwise account for the environmental review conducted in 1985 on the same site for a different project. That County environmental document recognized the site as "prairie grassland," which includes a native beach strawberry on the project site - which is classified as "locally unique" species in the San Mateo County LCP. The 1985 review also identified Montara Creek as within 50 feet of the project site. These facts are omitted from the Staff Report and its Attachments.

B. There is No Analysis of Emergency Evacuation and Public Safety Impacts.

The project site is located within a Community at Risk zone according to the San Mateo County's Wildland Urban Interface Fire Threatened Communities Map.³ In addition, there has been no evidence by MidPen that there is enough water to fight a fire in the surrounding hillsides. There is only one road in and out of the proposed project site, and limited roads serving Moss Beach - all of which lead to Highway 1 only. The proposed project - by adding a minimum of 142 new vehicles

³ See also California Public Utilities Commission's Fire Threat Interactive Maps at http://cpuc_firemap2.sig-gis.com/# and https://ccag.ca.gov/wp-content/uploads/2019/03/6.5-Community-Wildfire-Safety-Program-Overview_San-Mateo-County_20190314.pdf.

(i.e. the number of un-covered parking spaces) to this tightly constrained area of Moss Beach – decreases traffic circulation in the event of an emergency.

Public health and safety are of great importance in CEQA. (Public Resource Code §§ 21000, 21001, 21083.) An agency must evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions including wildfire risk areas “as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.” CEQA Guideline 12126.6(a). “[W]hen a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users.” *California Bldg. Indus. Assn. v. Bay Area Air Quality Mgmt. Dist.*, 62 Cal. 4th 369, 377 (2015). “CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present.” *Id.* at 388.

Despite this there is no analysis of the Project’s impacts regarding emergency evacuations in the event of a wildfire or other emergency.

C. There is No Analysis of Storm Water Runoff Impacts to Montara Creek and the Fitzgerald Area of Specific Biological Significance.

The 1985 EIR for a different project on the same site found that Montara Creek is located approximately 50 feet north of the project site. The Montara Creek riparian corridor is an Environmentally Sensitive Habitat Area (ESHA) as defined by the San Mateo County LCP. According to the Staff Report, the project site slopes from 189 MSL along the easterly boundary to 77 feet MSL at the northwest corner.

The hydromodification report prepared by BKF on May 2, 2018 – and excluded from the Staff Report to the Planning Commission – reveals that surface runoff will discharge to Montara Creek within the Fitzgerald Area of Specific Biological Significance:

The existing site slopes range from 10% to 50% with the high point on the east side of the property and the low point at the northwest corner. There is no existing storm drain, sanitary sewer or known gas infrastructure on the property. Storm water runoff is assumed to percolate on site and excess runoff surface flows towards Carlos Street and 16th Street, ultimately discharging to Montara Creek within the James V. Fitzgerald Area of Specific Biological Significance (ASBS) watershed area. Beside the 11 acre property, an additional 1 acre of offsite runoff drains through the project site and contributes to the overall tributary drainage area.

Based on the increase in impervious surfaces with the proposed project, the increased flows off-site of storm water runoff, and project grading and demolition of existing buildings, Resist Density believes it reasonably likely that there will be

increased storm water discharges to Montara Creek. Even assuming the retention basins are adequately sized (the Staff Report does not mention retention basins), during the construction phase and immediately thereafter, these increased flows will likely discharge significant additional sediment levels into Montara Creek, the James V. Fitzgerald Area of Specific Biological Significance (ASBS), and the wetlands at the Pacific Ocean. In addition, if asbestos or other hazardous substances are present on this site, the discharges to the Creek, the ASBS and the wetlands may also contain these hazardous substances.

Despite this, the Staff Report and its attachments avoid any analysis of storm water runoff and project hydromodification, nor the biological impacts or water impacts of such reasonably foreseeable discharges.

D. The Analysis of Traffic Impacts is Flawed.

1. Failure to Consider Construction Phase Impacts.

There has been no analysis of the traffic (and air quality) impacts of over 690 construction-phase truck trips to import 7,000 cubic yards of fill (MCC May 22, 2019 comment). CEQA requires all phases of a project be reviewed for environmental impacts, including the construction phase. There has been no analysis of the impacts of these trips either on Highway 1 traffic or on local roads.

2. Failure to Address Traffic Concerns Raised by Caltrans.

MidPen's Cypress Point Traffic Impact Analysis (April 2019) fails to address issues raised by California Department of Transportation's (Caltrans) August 29, 2018 letter regarding this proposed project, including:

1) Neither the Cypress Point Traffic Impact Analysis (April 2019) nor MidPen's Cover Letter Response to Comments references Caltrans' Strategic Management Plan 2015-2020 nor discusses reductions in Vehicle Miles Traveled (VMT), myopically focusing on the "number of vehicle trips," which excludes any calculation of vehicles miles travelled as a result of the proposed project;

2) Caltrans commented that the applicant should further analyze alternatives for improving pedestrian and bicycle access in the area, specifically opportunities for improving pedestrian and bicycle crossing of State Route 1.

MidPen's Cover Letter Response to Comments does not provide this analysis, instead it only vaguely promises that project impacts will be addressed without providing any specifics.

Likewise, the Cypress Point Alternatives Analysis (April 2019) claims there will be the same pedestrian impacts for the three alternatives considered, but does

not discuss alternatives for improving pedestrian and bicycle access in the area as Caltrans requested.

MidPen does not commit to providing any pedestrian and bicycle crossing of State Route 1 – not even where the Connect the Coastside study proposed a striped pedestrian crossing with a beacon along State Route 1 at 16th Street. This despite that, according to the Cypress Point Traffic Impact Analysis (April 2019), the project would result in potentially significant impacts from an increase in pedestrians accessing bus stops located across State Route 1, and inadequate corner sight distance at Carlos Street and State Route 1 for pedestrians to see vehicles and drivers to see pedestrians.

Rather than undertake traffic calming measures or pedestrian crossings with beacons, MidPen now only suggests the cheaper (and likely less-effective) distribution of literature to discourage residents from crossing the highway to access the Pacific Ocean, the lighthouse, and southbound bus lines.

Public safety impacts are of particular concern given that the northbound SamTrans route 17 bus requires walking along the shoulder of State Route 1 for approximately 0.15 miles. Similarly, the commercial area of Montara is just beyond (0.5 miles north), Montara Beach (1 mile north across State Route 1) and the Farallone View Elementary School (1.2 miles north). Given this, it is reasonably foreseeable that project residents including school children will attempt to walk along the highway to reach these destinations.

Further, the Cypress Point Traffic Impact Analysis provides no discussion of public safety impacts to pedestrians – outside of the Carlos/Sierra and Carlos/Stetson intersections - from traffic gridlock in the neighborhood nor the acknowledged significant adverse traffic impacts. The traffic delay at California/Wienke/Highway 1 is expected to reach over 124 seconds, 112 seconds at Vallemar /Etheldore Street/Highway 1, and 114 seconds at 16th Street/Highway 1. (Kittelson April 2019, Table ES 2.)

In addition, Carlos Street is proposed to be the only access point for non-emergency vehicles, i.e. everyday traffic.

The Cypress Point Traffic Impact Analysis (April 2019) avoids any discussion of impacts to bicycle riders, instead narrowly focusing on impacts to “bicycle facilities.” There is no discussion of the impacts of traffic gridlock and acknowledged significant adverse traffic impacts at multiple intersections on bicycle riders. This omission despite that the 2011 San Mateo County Comprehensive Bicycle and Pedestrian Plan identified planned bikeways through Moss Beach including (1) a Class I multi-use path near State Route 1 between Carlos Street and Main Street, (2) a Class II bicycle lane along Carlos Street, and (3) a Class III bicycle route along State Route 1.

3) Caltrans commented that MidPen should consider relocating the southbound bus stop so that it is across from the existing northbound stop at SR1 and 14th Street and providing a pedestrian hybrid beacon, as well as adequate pedestrian and bicycle access to/from project site.

MidPen avoids any response to the idea of relocating the southbound bus stop. Confusingly, MidPen responds that “MidPen's traffic consultant does not believe [sic] 16th or 14th Street would not be an optimal location for a pedestrian crossing.”

4) Caltrans commented that MidPen must evaluate primary and secondary effects on pedestrians and bicyclists, travelers with disabilities, and transit users including the effect of proposed VMT mitigations.

In response, the Cypress Point Traffic Impact Analysis provides no discussion of impacts to travelers with disabilities, and does not mention secondary effects on pedestrian and bicyclists.

There is no discussion of the effect of traffic delays on bus transit users. Further, whereas a few months ago MidPen proposed rerouting bus lines to address pedestrian safety, that modification has been dropped and no bus alternative is proposed by MidPen.

5) Caltrans commented that MidPen should either provide mitigation or pay its fair share fee for impacts towards multi-modal and regional transit improvement.

The Cypress Point Traffic Impact Analysis (April 2019) includes no reference to fair share payments for MidPen's traffic impacts, nor discusses the benefits of an on-site shuttle. Also, MidPen has not proposed to pay for the traffic signals and roundabouts being considered.

6) Caltrans requested use of a SimTraffic model and Intersection Control Evaluation. Impacts must be analyzed before project approval so that the public and agencies such as Caltrans can understand the effects, and so decision makers can evaluate the adequacy of proposed mitigations and alternatives. MidPen has not undertaken the modeling and evaluation Caltrans requested; MidPen proposes to push the intersection control evaluation onto Caltrans. Also, MidPen appears to be impermissibly deferring this evaluation and modeling until after project approvals have been granted.

7) Caltrans encouraged measures to increase sustainable mode shares, but the only mention of shares in the Cypress Point Traffic Impact Analysis (April 2019) is sharing of parking spaces – which will do nothing to reduce Vehicle Miles Travelled (VMT).

8) Caltrans commented that given the location and size of the proposed project, MidPen needed a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions, including but not limited to (1) “aggressive trip reduction targets with Lead agency monitoring and enforcement,” (2) TDM “annual monitoring reports by an onsite TDM coordinator,” (3) if VMT goals are not met, next steps to achieve those targets, (4) 10% reduced parking supply, (5) charging stations of electric vehicles, (6) carpooling parking spaces, and (7) real time transit information.

MidPen has included none of these measures in its proposed TDM Program, nor acknowledged Caltrans’ recommendations in either MidPen’s Cover Letter Response to Comments or its Traffic Impact Analysis (April 2019).

Further, an actual “Transportation Demand Management plan” (Mitigation TRAF-1B) will not even be formulated for public review or Caltrans consideration until after project approval. TRAF-1B is proposed as the mitigation measure for seven of the identified significant traffic impacts, and the sole mitigation for “unavoidable” impacts TRAF-4, TRAF-3C, TRAF-3B, TRAF-3A and TRAF-2B. As MidPen is forced to acknowledge, the effectiveness of this mitigation plan – which ignores Caltrans’ suggestions - can “not” be guaranteed.

E. There Has Been an Inadequate Analysis of Project Impacts from Hazardous Materials.

MidPen’s April 2019 submission included a Phase I Environmental Site Assessment and a Limited Phase II Subsurface Investigation. Those reports have not been presented to the Planning Commission.

Lead was detected at concentrations between 4.5 and 230 mg/kg in surface soils. Diesel petroleum was detected at a concentration of 1.3 mg/kg. Metals, including arsenic, barium, chromium, cobalt, copper, molybdenum, nickel, vanadium, and zinc, were detected at concentrations between 1.0 and 44 mg/kg. Total hexafurans were detected at a concentration of 2.78 picograms/gram. Further soil sampling has been recommended to further assess the horizontal extent of lead-impacted surface soils around 2 identified locations.

MidPen’s environmental evaluation doesn’t opine on whether the soil contamination constitutes a significant impact or not, but does reveal that the transport and use of hazardous materials during construction of the proposed project would be a significant impact requiring mitigation.

Assessment for the presence of asbestos containing materials inexplicably was determined to be “out of [the] scope” of MidPen’s Phase I report. However, asbestos materials were commonly used for buildings constructed in the 1940s. Most of the building foundations are still present on the project site and the site appears to be littered with building materials. In fact, a November 1989 letter to the

owner of the project site reveals that there was asbestos abatement, and states that additional asbestos containing materials were detected in other areas of the property. Despite this, the project site apparently has not been tested for asbestos in soil and groundwater by MidPen or the County. Such testing should be conducted as part of a proper evaluation of potential impacts prior to approval of requested zoning, GP and PUD amendments.

Despite the presence of these hazardous materials, there has not been an analysis of whether the impacts are likely significant.

MidPen's preliminary evaluation promises a "Site Management Plan" will later be developed, but no details are provided regarding what standards this plan will meet or whether the Plan will bring impacts to a level of insignificance.

MidPen proposes to impermissibly defer analysis of existing building pad asbestos until after project approval. That analysis by law should occur before consideration of project approvals.

F. The Biological Assessment at Attachment G Is Inadequate.

The 1985 EIR for another project at the same site recognized project biological impacts including (1) removal of locally unique beach strawberry, (2) removal of coastal prairie grassland, (3) removal of approximately 33 existing trees, and (4) detrimental impacts on the remaining Monterey pines by directly destroying roots and compacting soils. None of these impacts are disclosed by the Staff Report or the Biological Assessment at Attachment G thereto.

Further, as discussed above, the Staff Report and Attachment G do not discuss impacts to Montara Creek, the Fitzgerald ASBS or wetlands at the Ocean, or impacts to California red-legged frogs in the Montara Creek riparian area.

G. The Analysis of Aesthetic Impacts Does Not Consider the Height of the Proposed Project in Evaluating Consistency with Community Scale and Character.

It is undisputed that Midcoast standards limit building maximum height to 28 feet. MidPen has proposed 36 feet, but the County's proposed PUD-140 designation does not even limit the project to this height, instead using only maximum height of all proposed buildings shall not exceed two stories and shall conform to that shown on the conceptual plans.

There has been no analysis of whether this height will be a significant adverse aesthetic impact. This despite that height limitations are a criteria under the San Mateo County Community Design Manual (San Mateo County 1976).

Further, the County is impermissibly deferring analysis of whether the

project design will conflict with applicable General Plan or Zoning Ordinance provisions. The “mitigation” for this is to conduct the required analysis after the PUD is amended. This procedure turns CEQA on its head by approving the project first, and conducting the analysis of impacts later.

H. The Analysis of Mitigation Measures is Flawed.

CEQA requires analysis of mitigation measures prior to project approval. Yet here the County is prepared to impermissibly defer discussion of mitigation measures until after approval of the LCP, zoning and PUD amendments.

The Staff Report states that it is only “At the time a CDP application for development of the site is being considered, the specific actions that will be taken to address the project’s impact on traffic, safety, and circulation will be identified.”

Similarly, MidPen proposes to push an intersection control evaluation onto Caltrans, to be completed after project approval during the design phase. Likewise, MidPen has impermissibly deferred discussion of mitigations in its proposed Mitigation Measures TRAF-1A and TRAF-1B. TRAF-1B consists of a vague “Transportation Demand Management plan” which will not even be formulated for public review until after project approval. TRAF-1B is proposed as the mitigation measure for seven of the identified significant traffic impacts, and the *sole* mitigation for “unavoidable” impacts TRAF-4, TRAF-3C, TRAF-3B, TRAF-3A and TRAF-2B. This poorly thought through measure includes one grocery cart that residents would walk one-mile round-trip coming back up a steep street, as little as one car share parking space, bus schedules, and the illusory “additional measures that may become available.” As MidPen is forced to acknowledge, the effectiveness of this plan can “not” be guaranteed.

The traffic report avoids any consideration of the traffic impacts of proposed restrictions on traffic movements (roundabouts, new signal lights, closing Carlos St., left turn restrictions) proposed as mitigations. Under CEQA, impacts of proposed mitigations themselves must be analyzed for potential impacts.

Traffic impacts are called “unavoidable” simply because MidPen and the County have not undertaken an adequate analysis of potential mitigation measures.

I. The County Has Not Evaluated Cumulative Impacts.

CEQA requires analysis of cumulative impacts – i.e. the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. CEQA Guideline 15355. The Coastal Act and Coastal Commission regulations likewise require an analysis of the potential significant adverse cumulative impacts on coastal resources and on public access to or along the coast,

due to existing and potentially allowable development proposed in the LCP. 14 CCR § 13511, subd. (b); Coastal Act 30250.

The Staff Report and Attachments have not even included a cumulative impact analysis in its submission to the Planning Commission.

V. The Proposed Project is Inconsistent with the Coastal Act and the San Mateo County LCP.

Even with the inadequate environmental review MidPen has submitted to date, it is clear that that the proposed project is inconsistent with the Coastal Act and the San Mateo County LCP.

A. Traffic Impacts.

The proposed project will result in increased congestion and negative traffic impacts in violation of the Coastal Act and the San Mateo County Local Coastal Plan.

The proposed project will result in numerous significant “and unavoidable” traffic impacts:

- 1) Project traffic will critically delay traffic at Highway 1 and Carlos Street- the main access point to the Project from Highway 1. The project will make turns into and out of Carlos Street, as well as through traffic on Highway 1, substantially more hazardous.
- 2) Project traffic will critically delay traffic at Highway 1 and California/Wienke.
- 3) Project traffic will critically delay traffic at Highway 1 and the intersection of Vallemar and Etheldore.
- 4) Project traffic will critically delay traffic at Highway 1 and 16th Street.

There has been no analysis yet of vehicle miles traveled.

There has not been adequate consideration of cumulative traffic impacts which takes into account traffic from tourism, the Big Wave project, Best Western Hotel Half Moon Bay, Pacific Ridge, Mavericks Multiplex and other approved and reasonably foreseeable projects.

B. Public Access.

The proposed project will adversely impact public access to the coast and coastal resources in violation of the Coastal Act and the San Mateo County Local Coastal Plan.

Pedestrians crossing Highway 1 to access the coast or public transit are at great risk of being hit by oncoming traffic.

Since the Project will likely increase the pedestrian demand for crossing

State Route 1 at an unmarked crossing location with inadequate sight distance, the Project will increase the hazard for this crossing, resulting in a significant impact.

C. Community Character.

Pursuant to LCP 3.13, new development providing significant housing opportunities for low and moderate income persons must contribute to maintaining a sense of community character by being of compatible scale, size and design. So too, under Coastal Act section 30251, permitted development must be visually compatible with the character of surrounding areas.

Here, in contrast, the County is prepared to approve building height out-of-character with the surrounding community, and defer analysis of design compatibility until after amendment of the LCP.

D. Discharge to Montara Creek and the Fitzgerald Area of Specific Biological /Significance.

Discharge of storm water runoff to Montara Creek and the Fitzgerald ASBS may violate Coastal Act provisions providing “special protection” to areas and species of special biological significance. Coastal Act section 30230 & 30240. Marine resources and the biological productivity of coastal waters must be sustained. Id. Runoff is required to be controlled and alteration of natural streams must be minimized. Coastal Act section 30231.

In addition, Coastal Act section 30253(b) requires that new development neither create nor contribute significantly to erosion of the surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms. Discharge of storm water into Montara Creek and the Fitzgerald ASBS raises serious concerns about whether this discharge over time will lead to erosion or alteration of natural landforms.

Neither MidPen nor the County has conducted the analysis to ensure that these Coastal Act provisions are adhered to. Instead, the project hydromodification report has been withheld from the Staff Report to the Planning Commission.

E. Minimizing Risks in Areas of High Fire Hazard.

The Coastal Act requires that new development minimize risks to life and property in areas of high fire hazard. As discussed above, the project site is located within a Community at Risk zone. There is only one road in and out of the proposed project site, and limited roads serving Moss Beach – all of which lead to Highway 1 only. The proposed project - by adding a minimum of 142 new vehicles (i.e. the number of un-covered parking spaces) to this tightly constrained area of Moss Beach – decreases traffic circulation in the event of an emergency.

F. Development Limited to 40 Units / Year in the Midcoast.

The Local Coastal Plan limits the number of new dwelling units built in the urban Midcoast to a maximum of 40 units per year. The reason for this limit is to ensure that roads, utilities, public works facilities and community infrastructure are not overburdened by rapid residential growth.

To date, there is no comprehensive transportation management plan for this area, and there is no evidence that sewage pipe reliability is adequate to avoid sewage overflows and water quality violations. In fact, over 100 sewage spills have occurred since 2011 according to review of public records. Even without MidPen's proposed development, the sewage pipe system serving this area has been grossly inadequate during storm events. Over 557,103 gallons of raw sewage have spilled into the Pacific Ocean and Half Moon Bay – almost entirely because of structural pipe failures. Further, tens of thousands of gallons of inadequately treated sewage has been released onto streets in residential neighborhoods within the City of Half Moon Bay, El Granada, Montara, Miramar, Moss Beach, and Princeton by the Sea.

The Project – as currently proposed – will add new sewage lines which only exacerbate the serious existing sewage problems. There is no evidence that sewage pipe reliability is adequate to avoid sewage overflows and water quality violations.

There has been no showing that the proposed project will be served with adequate water supplies and wastewater treatment facilities. LCP 1.19.

G. The Proposed Project Violates the Coastal Act Provisions Against Leap Frog Development.

The Coastal Act requires that new residential development must “be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it”, and “where it will not have significant adverse effects, either individually or cumulatively on coastal resources.” Coastal Act section 30250. It is clear that the traffic, public access, emergency evacuation, hazardous material, and discharge impacts of the proposed project are likely to have significant adverse impacts, and that after years of preparation neither MidPen nor the County are willing to engage in necessary analysis of impacts and mitigations for the project. Numerous traffic impacts are undoubtedly unavoidable. Thus, the project violates the Coastal Act.

Also, where as here, existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. 30254. Yet, this proposed project precludes basic traffic, sewage, and water services to other developments.

H. Impediments to Public Participation.

San Mateo County has informed the public for close to a year that “the next opportunity for public input will be when the project is formally brought before the Midcoast Community Council for their consideration and recommendation at a later date.” See <https://planning.smcgov.org/cypress-point-affordable-housing-community-project>.

Yet, the project is now before the San Mateo Planning Commission without consideration by the Midcoast Community Council. In so doing, MidPen and San Mateo County have not provided the public maximum opportunity to participate in the LCP amendment process, as required by Coastal Act section 30503.

Conclusion

For the reasons above, the proposed Cypress Point project will not (1) protect, maintain and enhance the overall quality of the coastal zone environment and its resources, (2) assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people, or (3) maximize public access to and along the coast. Coastal Act § 30001.5

Janneth Lujan

From: Andy Lie <pagenandy@gmail.com>
Sent: Wednesday, January 22, 2020 10:53 AM
To: Planning_Commission
Subject: SUPPORT - 71 Affordable Moss Beach Homes

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

I am writing to you in support of the affordable homes in Moss Beach. These 71 homes are highly needed. Please approve the current number of homes at your January 22nd meeting.

The affordable housing shortage is real and you have a unique opportunity, right now, to make a difference. There is a severe shortage of affordable homes on the coast and yet there is a concentration of lower income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families.

I live up the coast from this project in Pacifica, and am well aware of the housing shortage in our County and certainly on the Coast.

The more homes we can build, the more neighbors and diversity we'll have, the better off we'll be, as a community. Thank you for your courage and leadership on this proposal.

Thank you so much for listening!

- Andy

--

Andy Lie
pagenandy@gmail.com

My name is Richard Klein. I am a resident of El Granada and I would like to speak in favor of the proposed affordable housing development on the Coastside.

The number one crisis affecting California and the Bay Area right now is affordable housing. Since I retired a couple years ago, I've been studying at the community colleges and San Francisco State. This has been a great experience, but the level of pessimism and stress I see in my fellow students is overwhelming. They face the usual social and academic stresses we are all familiar with. But the overwhelming stress is financial – how do I pay the rent? How do I help my family get by? Once I graduate, is there any possibility I'll be able to get started on a career here at home, or must I migrate to Texas or Oregon?

We owe it to our young people – our kids and grandkids, our neighbors across the street and across the hill, to create diverse housing options for everyone everywhere so we don't shut the door on the California dream for the next generations.

I understand and respect my Coastside neighbor's concerns, but the perfect site for affordable housing will never be found. We need to move forward on this opportunity to stem the tide of impoverishment and exclusion created by our severe housing crisis.

Janneth Lujan

From: Jan Stokley <jan@housingchoices.org>
Sent: Tuesday, January 21, 2020 5:30 PM
To: Planning_Commission
Subject: Support affordable homes in Moss Beach

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Subject line: SUPPORT - 71 Affordable Moss Beach Homes

Dear San Mateo County Planning Commissioners,

I am a long-time resident of El Granada and am writing in support of the affordable homes in Moss Beach. These 71 homes are highly needed. Please approve the current number of homes at your January 22nd meeting.

The affordable housing shortage is real and you have a unique opportunity, right now, to make a difference. There is a severe shortage of affordable homes on the coast and yet there is a concentration of lower income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families.

My husband and I raised three wonderful children here on the coastside, but none of them can find housing near us in their price range. For example, my daughter recently completed her Ph.D. and got a job at the Stanford campus in nearby Redwood City but she can only afford to rent a room in a house in Sunnyvale. My adult son is in the same position. When it comes time for them to start a family, they will have few options for remaining near us and near the community they grew up in--all because of the lack of housing in the range of rents that will be offered by the Moss Beach proposal. What does this say about the San Mateo County Planning Commission and the San Mateo County Board of Supervisors if we are content to displace an entire generation of young adults from the communities they grew up in?

All of us who live on the coastside have a long-term stake in creating housing for people of all incomes and abilities. Don't give in to people who are narrow-minded and thinking only of their short-term interest--please think about what is needed to create a healthy and sustainable community, one that our adult children can actually afford to return to and raise their own families.

Thank you for your courage and leadership on this proposal.

Respectfully yours,

Jan Stokley



This e-mail message is intended only for the named recipient(s) above and is covered by the Electronic Communications Privacy Act 18 U.S.C. Section 2510-2521. This e-mail is confidential and may contain information that is privileged or exempt from disclosure under applicable law. If you have received this message in error please immediately notify the sender by return e-mail and delete this e-mail message from your computer.

Janneth Lujan

From: Tina Van Raaphorst <tvanr@juhsd.net>
Sent: Tuesday, January 21, 2020 5:32 PM
To: Planning_Commission
Subject: SUPPORT for affordable homes in Moss Beach

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

I am writing to you in support of the proposed affordable homes in Moss Beach.

As a Pacifica resident, I see the shortage of affordable housing firsthand when visiting stores and restaurants on the coast and, as an administrator in the Jefferson Union High School District, I see the difficulty we have in finding local people to fill our open positions. We have continued openings for paraprofessionals, bus drivers, food service workers, and custodial and maintenance staff. The constant turn over and the lack of employees in some establishments makes it clear that there are not enough affordable homes for the lower income jobs here on the coast. Providing housing on the coast could also improve traffic by allowing workers to live closer to their jobs.

I support this project for all of the reasons above, but also because the variety of unit sizes proposed in this project provide flexibility for families, allowing for more diverse neighbors. This project would be a benefit to the entire coast and could provide a model for others to follow. I hope you will approve this proposal for 71 affordable housing units in Moss Beach and I thank you for your courage and leadership.

Respectfully yours,

Tina Van Raaphorst
Pacifica Resident and Associate Superintendent of Business for the Jefferson Union High School District
(650) 208-5847

Janneth Lujan

From: Erik Aronson <aronsonerik25@gmail.com>
Sent: Tuesday, January 21, 2020 6:20 PM
To: Planning_Commission
Subject: SUPPORT - 71 Affordable Moss Beach Homes

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

As a resident of El Granada I am writing to you in support of the affordable homes in Moss Beach. These 71 homes are highly needed. Please approve the current number of homes at your January 22nd meeting. The affordable housing shortage is real and you have a unique opportunity, right now, to make a difference. There is a severe shortage of affordable homes on the coast and yet there is a concentration of lower income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families. The more homes we can build, the more neighbors and diversity we'll have, the better off we'll be, as a community. Thank you for your courage and leadership on this proposal.
Respectfully yours,

Erik Aronson

Janneth Lujan

From: aishaq1993 <aishaq1993@gmail.com>
Sent: Tuesday, January 21, 2020 8:54 PM
To: Planning_Commission
Subject: SUPPORT - 71 Affordable Moss Beach Homes

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

I am writing to you in support of the affordable homes in Moss Beach. These 71 homes are highly needed.

Please approve the current number of homes at your January 22nd meeting.

The affordable housing shortage is real and you have a unique opportunity, right now, to make a difference.

There is a severe shortage of affordable homes on the coast and yet there is a concentration of lower income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families.

The more homes we can build, the more neighbors and diversity we'll have, the better off we'll be, as a community. Thank you for your courage and leadership on this proposal.

Respectfully yours,

Albert Ishaq



January 21, 2020

SENT VIA EMAIL

San Mateo County Planning Commission
401 Winslow Street
Redwood City, CA 94063

RE: Support – Cypress Point

Dear San Mateo County Planning Commissioners,

The Bay Area Council endorses the Cypress Point affordable housing project.

At the intersection of business and civic leadership, the Bay Area Council is a public-policy advocacy organization for the nine-county Bay Area working to solve the most challenging regional issues. The Council proactively advocates for a strong economy, a vital business environment, and a better quality of life for everyone who lives here. California is currently experiencing an unprecedented housing crisis that, without significant intervention, will only get worse. The California Department of Housing and Community Development estimates the state needs to build 180,000 new units of housing annually by 2025 to meet projected growth - over 100,000 more units than we are currently building annually. The region has long been an engine of growth and prosperity, but it has also increasingly become marked by unaffordability and income inequality. The bottom 25% of income earners are spending 76% of their income on housing. The Bay Area's nine counties and 101 cities permitted only 57% of the new homes needed to meet the demands of population growth and maintain baseline levels of affordability. This is clearly not acceptable or sustainable.

Every city in our region must play their part to house its workforce and stop this growing trend of mega commuting that is bad for our environment and our social fabric. The Council is disheartened to hear that no deed-restricted affordable housing exists in this coastal community. There is a significant need for additional housing in Moss Beach, especially at affordable levels. For this and other reasons described below, the Bay Area Council supports this proposed development:



- **Deep Affordability Levels** - The proposed project is Moss Beach's first 100% affordable housing project - ever. Affordability levels range from 30-80% AMI and reserves 4 units for formerly homeless households.
- **Amenities** – The proposal includes a community center for residents and is pedestrian and bicycle-friendly. It also includes a community garden and a play area for children. MidPen Housing will also provide programming and community activities for residents.
- **Neighborhood Collaboration** – Over the course of the past four years, MidPen has held multiple open houses, small group sessions, and one on one meetings in addition to numerous presentations to local community/business groups. The project has been modified to alleviate neighborhood concerns regarding height, density, parking, proximity to neighbors, and local traffic.

Although the Council encourages approval of the Cypress Point project, we are concerned that this project does not maximize the site's potential. As one of only three Local Coastal Plan (LCP) designated sites for affordable housing, the 7 units per acre proposal is a missed opportunity to deliver more units of much-needed affordable housing to the community. Furthermore, the 2:1 parking ratio yields a project with a footprint for parking larger than the housing itself. The Council recommends that as the project progresses, MidPen Housing work closely with current stakeholders, decision-makers and future potential partners to find ways to increase the number of affordable homes delivered as a result of this project. This is a time for leadership. We have a responsibility to our community to realize the change we seek through sound housing policy. We ought to do what we know to be right, absent the influence of entrenched interests that work against that vision.

The Council applauds MidPen Housing for their responsiveness to the community. However, we encourage the Planning Commission to consider the severe lack of affordable housing in this coastal community. Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Matt Regan".

Matt Regan
Senior Vice President
Bay Area Council



COMMITTEE FOR
GREEN FOOTHILLS

January 21, 2020

Fred Hansson, Chair, and
Planning Commissioners
San Mateo County Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Item #1 on the January 22, 2020 Agenda: PLN 2018-00264: Recommendation to the Board of Supervisors re: proposed amendments to the County General Plan, Local Coastal Plan, and Zoning Regulations to revise previously approved PUD-124/CD to PUD-140/CD for proposed 71-unit affordable housing project, corner of Carlos and Sierra Streets, Moss Beach, Applicant: Mid-Pen Housing Corporation, for “Cypress Point” affordable housing project

Dear Chair Hansson and Members of the Commission,

Please accept these comments on the above-referenced project on behalf of Committee for Green Foothills (CGF).

The 11-acre project site was designated as Medium High Residential in the County Local Coastal Plan (LCP) in 1979 as one of three affordable housing sites within the urban Midcoast area. This designation allowed a total of 148 units on the project site, of which 35% were restricted to low and moderate income households.

In 1980, as a member of the Central Coastal Commission, I voted to certify the County’s LCP, including designation of the three affordable housing sites in the Midcoast area. None of these three designated sites have yet been developed, for a variety of reasons.

In 1983, CGF supported the Concept Plan for the “Farallon Vista” project on the subject site, which included the maximum allowable 148 units of housing, of which only 35% were affordable units. Approvals for Farallon Vista lapsed in 1991, due to lack of sufficient water to serve the project. Citizens Utilities Company of California (CUCC), the private water company serving Montara and Moss Beach at that time, was under a state-mandated moratorium on new connections. CUCC had 1500 customers, but only had only sufficient water for 1250. In 1988, CUCC sought permits to drill two large wells in Princeton, three miles away and outside its authorized service area boundaries. CGF opposed these wells due to their potential adverse impacts on adjacent Pillar Point Marsh, and the clear need for any new water supplies to first address the shortfall for existing customers within the CUCC. Subsequently, Montara Water and Sanitary District acquired the CUCC water system and has now developed adequate new water supplies for current and future needs within its authorized service area, including for this project.

The revised project under consideration by your Commission includes amendments to the General Plan, Local Coastal Plan and Zoning, that will reduce the density of the project from 148 dwelling units to 71, with 100% of these restricted to families earning less than 80% of the median income.

COMMITTEE FOR
GREEN FOOTHILLS

3921 E. Bayshore Road
Palo Alto, CA 94303

650.968.7243 PHONE
650.968.8431 FAX

info@GreenFoothills.org
www.GreenFoothills.org

The revised project's density is 6.5 units per acre, which is consistent with the surrounding neighborhood's density of 6.1 to 8.7 units per acre. Sewer and water services are available; the LCP includes affordable housing as a priority use of these municipal services.

Given the dire need for affordable housing on the coastside and the proposed project's benefits of 100% affordable units (except the Manager's Unit), CGF supports the proposed Amendments to the General Plan, LCP, and Rezoning.

In order to meet the intent and spirit of LCP Policy 3.1*, as well as to reduce impacts from traffic generated by the proposed project, CGF recommends that the residents be restricted to qualifying renters who already live, work, or can be expected to work in the Mid-Coast area, to the fullest extent allowed by law.

Thank you for considering our comments.

Sincerely,



Lennie Roberts, Legislative Advocate, Committee for Green Foothills

****Policy 3.1 Sufficient Housing Opportunities: Through both public and private efforts, protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside, work or can be expected to work in the Coastal Zone.***

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0022
(916) 319-2022
FAX (916) 319-2122

DISTRICT OFFICE
1528 S. EL CAMINO REAL, SUITE 302
SAN MATEO, CA 94402
(650) 349-2200
FAX (650) 341-4676

Assembly California Legislature



KEVIN MULLIN
SPEAKER PRO TEMPORE
ASSEMBLYMEMBER, TWENTY-SECOND DISTRICT

COMMITTEES
BUDGET
BUSINESS AND PROFESSIONS
ELECTIONS AND REDISTRICTING
REVENUE AND TAXATION

SUBCOMMITTEES
BUDGET SUBCOMMITTEE NO. 3 ON
RESOURCES AND TRANSPORTATION

SELECT COMMITTEES
CHAIR: BIOTECHNOLOGY
CALIFORNIA WORKFORCE
DEVELOPMENT BOARD

January 15, 2020

San Mateo County Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

Dear Commissioners:

I write in strong support of MidPen Housing Corporation's application for the Cypress Point affordable housing development in Moss Beach, located in my Assembly District.

The need for housing, and more importantly, affordable housing, has reached a crisis point throughout California. The need is even more acute in San Mateo County, with one of the highest for-sale and rental housing markets in the nation. Addressing our housing crisis is one of my top priorities, and we need to increase housing production throughout San Mateo County, including the coastal region. Those working in the agricultural, hospitality, medical services, and retail industries deserve the opportunity to live in quality housing near their jobs.

I support the Cypress Point project for the following reasons:

- I represent constituents of all income levels in my district and this proposal helps meet a vital need for my low-income constituents on the coast.
- The nearly 11-acre site for the proposed project is one of only three sites in the Midcoast designated for affordable housing and the only one currently available.
- Midpen Housing has a strong track record for building high quality projects and is a leading nonprofit housing developer in the Bay Area and in San Mateo County.
- The project includes a preference for those working or living in the area, helping to ensure that the development benefits those already associated with the coast.
- The proposal reserves nearly half the space for open space and clusters 71 units in a medium density two-story design. The proposal would also reduce the site density from existing zoning so the project can be similar in size and style to homes in the surrounding neighborhood.

- While traffic is an ongoing problem on the coast, and also a high priority, I am confident that the developer can work with County staff, Samtrans and Caltrans to mitigate traffic issues relating to trip generation from the project, and that improvements such as sidewalks and traffic calming measures will benefit the greater neighborhood.
- Water and sewer capacity, two big challenges for the Midcoast, are already allocated for the proposed project through the Local Coastal Plan.

Finally, as a region, we have failed to produce the needed housing, and much more so affordable housing. We can no longer continue to say no to low income housing because some believe it does not have a place in our community, because some think it will affect neighborhood character or because it will add daily trips to a particular area. Such reasons are exclusionary.

We need to be more inclusive and we have a duty to provide adequate housing for all socioeconomic levels. All communities have a responsibility to do their part. Cypress Point will be an asset to San Mateo County, the Midcoast region, and the community of Moss Beach.

Sincerely,


KEVIN MULLIN
Speaker Pro Tempore

Janneth Lujan

From: Michael Schaller
Sent: Tuesday, January 21, 2020 9:55 AM
To: Janneth Lujan
Subject: FW: Placeholder citizen comment

Good morning Janneth,

Could you add the following e-mail to the record. Thanks.

Mike

From: Gregg Dieguez [mailto:gadieguez@gmail.com]
Sent: Friday, January 17, 2020 6:40 PM
To: Michael Schaller <mschaller@smcgov.org>
Subject: Placeholder citizen comment

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

I read that comments on the LCP amendment had to be in 5 days in advance. The meeting is the 22nd. The staff report - which was not available when the meeting announcement was posted - supposedly was online YESTERDAY - 6 days ahead of the meeting. That implies people have one (1) day to read, think, and write comments. That is patently absurd and unfair given a 740 page document it took a team of staff and consultants to prepare. But if the deadline is TODAY, I am placing some comments below. By the end of the weekend I expect to have a more thorough review and list of comments and questions.

1. Allow no structures over 28 feet. Spread out over more land but keep the height down. Height blocks views and changes the character of the neighborhood.
2. The proposed project will not "maintain and enhance public access to the coast" - it's going to make north/south access WORSE as evidenced by the roundabouts, signals and other controls in the recently (this week) released Transportation Management Plan. WHERE IS THE BEFORE AND AFTER ANALYSIS OF FLOWS AND DELAYS?
3. Fire and emergency access egress is already the 14th worst in the state, and much worse than Paradise. The subject region is the worst wildfire hazard in the County. There is only one two-lane road. Traffic on that road already backs up for an hour on summer weekends, or any accident (the tunnel was closed just last night). The health and safety of visitors and residents is already in jeopardy, and putting a few hundred more into a dense area is going to increase that risk.
4. Water and Sewer. The wording of the regulations is properly quoted, requiring "reserved" water and sewer capacity. But the regulation and the definition of "reserved" is ambiguous, and no evidence is presented AFAICT that this requirement is actually met. In fact, the sewer system has been failing, and HMB consumes 100% of the plant on days with extreme wet weather. Read that again: 100%. Also, is the district to reserve a year's worth of water? two years? a lifetime? for how many residents? At what rate of consumption? Is this to be stored in tanks? Is this 'reservation' to persist, to the detriment of existing residents and ratepayers, during a multiple-year drought? Hydrologist reports at MWSD already noted that the average age of water drawn from the mountain aquifer was 24 years. and the maximum age during the drought years had been 10's of thousands of years. We must be close to 'rock bottom'. In an ideal situation, the water drawn would be 6 months to one year old, meaning you were using the water from the prior year's precipitation. The fact that we're drawing 24

year old water means we already lowered the reservoir. If it stays at 24 years henceforth, it would mean we've reached a sustainable balance. But in sum, there needs to be PROOF that the added residents can be properly supplied, rather than just pointing to a small agency and saying "it's their problem, let them and the residents fix it and pay for it". They can't make water. In fact, the full time staff at that agency is probably less than the staff who authored this report. I don't know whether to call adopting this population increase criminal or irresponsible, but I am requesting that it be immediately halted until a independent study of the population impacts on water and sewer are conducted. Further note: HMB faces over 50% cutback in water from SFPUC during a multiple year drought. It's in the notes of their 2015 Urban Water Management Plan.

5. Less Damage is Still Damage: There are a couple of places in the staff report where it says in effect: "reducing the density makes this OK". There a serious logic flaw in paragraphs like the below: *"The proposed LUP amendments are consistent with this finding because the reduction in density enables a carefully planned development that will protect coastal resources, be compatible with the intensity of residential development in the surrounding neighborhood and increase the ability of lower income residents to access and enjoy the coast."*

A reduction in allowed density is STILL A MAJOR INCREASE IN ACTUAL DENSITY. The Cypress Point development is still a major increase in the population of Moss Beach. Hundreds of people added to the traffic and public works infrastructures is going to cause significant adverse events, and change the character of the Coastside. For the worse. Unsustainably.

There's a saying in Medicine "first, do no harm". I request the County - and I appreciate you're doing what you're told, and that the state is pushing for density, and that lots of people have lots of needs - stop this madness and see the harm instead of checking off another box called "create affordable housing". This entire project will harm both the residents and visitors of this section of the Coast. And there are better policy alternatives to addressing the housing problem, but that's a longer paper.

I'll provide footnotes and links to substantiate the points I'm making herein but I want to make sure I hit the unfair 5 day comment window. More later.

Growth is the Enemy of Sustainability,

--

Gregg A. Dieguez
P.O. Box 370404
Montara, CA 94037
650-544-0714

Janneth Lujan

From: Diana Crespo <dianacrespo485@gmail.com>
Sent: Tuesday, January 21, 2020 11:32 AM
To: Planning_Commission
Subject: Affordable Housing in Moss Beach

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Good Morning ,

I'm writing this email in support of the Moss Beach Affordable Housing .
It would wonderful to me able for me and my son to call a place Home .
I'm not that person that doesn't work and tries to get anything free that I can .
I'm the person how worked at Safeway for 10 years and now I have been at Petco for 10 years .
And of course my sons farther does not pay anything . He is claiming something for SSI , and now the \$42,000 he owes me , he does not have to pay . And moving forward he doesn't have to pay anything because if his " Condition " And he has not seen my son in 9 years .
So I don't tend to get many breaks from anything .
So , please go forward with this project . You would help my many people who would take care of the property and be proud to call a place home !!!

Thank you for your time .

Diana Crespo

Sent from my iPhone

To: San Mateo County Planning Commission
c/o Janneth Lujan, Secretary
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063
(650) 363-1859 T
(650) 363-4849 F
JLujan@smcgov.org
www.planning.smcgov.org

Re: Canyon Lane Roadway Project

Dear Commissioners,

As an owner of Emerald Lake Country Club, I wish to express my opposition to the above-named proposed project.

I have been a resident of Emerald Hills since 1991 and an active member of the Redwood City schools, having served as president of both Orion and North Star Academy. We chose this house in part due to the Lake, which we fell in love with the moment we saw it. Not only did my daughter learn to swim there, but it has been a source of much joy all these years. Many friends and family members have shared in it and appreciated this special oasis in the hills of Redwood City.

A housing development with a roadway and potentially 12 homes lying directly in the inundation path of the Lower Emerald Lake Dam No. 1 seems extremely unwise. The tragedy caused by the Oroville Dam failure in 2017 should still be fresh in our minds.

While I understand that the dam is regularly inspected and in satisfactory condition to operate, it does lie just 1.6 miles from a major earthquake fault. The draft environmental impact report states that in the event of a catastrophic dam failure, "**portions of the Canyon Lane roadway and future development parcels could be inundated by up to 20 feet of water... approximately 3 minutes after dam failure.**"

Additionally, I am concerned about the massive liability that could be incurred by Emerald Lake Country Club should the project be approved and built. Emerald Lake cannot continue to operate if no underwriter will provide liability insurance or if the premium becomes unaffordable. Emerald Lake has been a valuable recreational resource for families in San Mateo County for 100 years and also exists as a wildlife refuge for birds, turtles and fish and a potential source of water in the event of wildfire.

If allowed to go forward, this development will destroy a peninsula treasure, contribute to the climate crisis, and go directly against the goals set by the Office of Sustainability, Sustainable San Mateo County and the Board of Supervisors. As you know, the Board of Supervisors recently declared a climate emergency in San Mateo

So many of our natural spaces have already been comprised by development. There are other housing-dense areas in the County that make more sense to develop. Please take a stand for future generations, protect natural habitats and consider both the risk to prospective future homeowners in the canyon and the threatened existence of Emerald Lake Country Club by denying the applicant this dangerous proposal.

Thank you for your consideration.

Laurie Coe
607 Acacia Lane
Redwood City, CA 94062

Janneth Lujan

From: Dave Olson <dave.olson@gmail.com>
Sent: Monday, January 20, 2020 9:11 PM
To: Planning_Commission
Cc: Michael Schaller
Subject: Comments on PLN 2018-00264 Cypress Point Zoning Change to PUD-140

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

I write these comments as a private citizen.

I support the zoning change to all affordable units, and the reduced density to 71 units, as well as the decreased impervious surface.

I strongly urge that the height limit change (from 28 feet to 32-36 feet) not be included in this re-zoning from PUD-124 to PUD-140.

The increased height makes the development out of scale with the surrounding residential area, and increases the visual impact. Moreover, is not necessary for this development, because almost all of the buildings in the development are 20 feet high, without the roof (with some additional height due to grade).

If the roofs of the buildings were designed with a lower pitch, there would be no problem fitting within the 28 foot limit of the surrounding R-1/S-17 zoned houses.

I also request that the west setback be maintained at 20 feet, rather than the less than standard 11 feet requested. The site is large enough to allow the two west-most buildings to be sited further north and/or east, maintaining the 20 foot setback. That would also reduce the visibility of these buildings from the highway, and from the hostel on the west side of the highway.

Thank you for your consideration of these changes.

Dave Olson
daveolson@gmail.com

Janneth Lujan

From: Chris Angeles <stevenady@comcast.net>
Sent: Friday, January 17, 2020 9:35 PM
To: Planning_Commission
Subject: Please support affordable housing in Moss Beach

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

I am writing to you in support of the affordable homes in Moss Beach. These 71 homes are highly needed. Please approve the current number of homes at your January 22nd meeting.

As a regular volunteer physician at the Half Moon Bay Rotacare clinic for many years, I can see that the affordable housing shortage on the coast is real. You have a unique opportunity, right now, to make a difference. There is a severe shortage of affordable homes on the coast and yet there is a concentration of lower income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families.

The more homes we can build, the more neighbors and diversity we'll have, the better off we'll be, as a community. Thank you for your courage and leadership on this proposal.

Respectfully yours,

Christine Angeles MD

Janneth Lujan

From: Milo Trauss <milotrauss@gmail.com>
Sent: Friday, January 17, 2020 6:01 PM
To: Planning_Commission
Subject: Please Approve 71 Affordable Moss Beach Homes

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

Please approve the 71 homes in Moss Beach. There is no reason why folks who need affordable housing should be confined to areas where it has customarily been built and not have the opportunity to live near the beach. The beach is a wonderful natural resource that should be accessible to all.

These 71 homes are highly needed. Please approve the current number of homes at your January 22nd meeting.

The affordable housing shortage is real and you have a unique opportunity, right now, to make a difference. There is a severe shortage of affordable homes on the coast and yet there is a concentration of lower income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families.

The more homes we can build, the more neighbors and diversity we'll have, the better off we'll be, as a community. Thank you for your courage and leadership on this proposal.

Respectfully yours,
Milo Trauss

Janneth Lujan

From: tclark@factpoint.com
Sent: Friday, January 17, 2020 3:29 PM
To: Planning_Commission
Subject: SUPPORT - 71 Affordable Moss Beach homes

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear San Mateo County Planning Commissioners,

I write as a resident of unincorporated San Mateo County to support of the affordable homes in Moss Beach. These 71 homes are highly needed. Please approve the current number of homes at your January 22nd meeting.

The affordable housing shortage is real and you have a unique opportunity, right now, to make a difference. There is a severe shortage of affordable homes on the coast and yet there is a concentration of lower income jobs. The live-work preference will help alleviate long-distance commuting and overcrowding as local workers and residents will have affordable, stable housing near their jobs. The variety of options, including one, two and three bedrooms, also provides flexibility for families.

The more homes we can build, the more neighbors and diversity we'll have, the better off we'll be, as a community. Thank you for your courage and leadership on this proposal.

Respectfully yours,

Tim

--

Tim Clark
tclark@factpoint.com
140 Lucero Way
Portola Valley CA 94028
650 208 6997

Janneth Lujan

From: Len Erickson <lenericksonmcc@gmail.com>
Sent: Tuesday, January 07, 2020 2:06 PM
To: Karen deMoor; MCC
Cc: Michael Schaller; Don Horsley; Planning_Commission; Martinez, Erik@Coastal; Rexing,; Steve Monowitz
Subject: Re: RD Letter to MCC re Cypress Point Moss Beach LCP Amendment and Agenda

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hi Karen,

A key point in your letter is whether the CDP for project will be appealable to the Coastal Commission. With regard to SMC Planning Commission meeting on Jan. 22, the interpretation of appealability hinges on the following:

The CDP is not appealable under the current LCP, or as the LCP is proposed to be amended, because the project site is not located within the CCC's geographically based appeals area, and because affordable housing is the "principally permitted use" designated for the site.

That said, regardless of where one stands on the project, the consideration of the Cypress Point Project is an important project in the coming year. and as such can be discussed in the second item on the agenda for Jan. 8 or under the discussion of future agendas. The CTMP is also a topic with impacts tied to the Cypress Point Project.

Thank you for your active participation in the community.

Regards,

Len Erickson
PO Box 2905
El Granada, CA 94018
(Mobile: 650 400-3175)

From: Karen deMoor <karen@resistdensity.org>
Date: Monday, January 6, 2020 at 2:46 PM
To: MCC <midcoastcommunitycouncil@gmail.com>
Cc: Mike Schaller <mschaller@smcgov.org>, Steve Monowitz <smonowitz@smcgov.org>, Don Horsley <dhorsley@smcgov.org>, <planning-commission@smcgov.org>, Erik Martinez <erik.martinez@coastal.ca.gov>, "Rexing," <Stephanie.Rexing@coastal.ca.gov>
Subject: RD Letter to MCC re Cypress Point Moss Beach LCP Amendment and Agenda

Dear Members of the MCC,

Please see our attached letter regarding the upcoming 1/8/2020 MCC Meeting Agenda. We look forward to your timely response.

Thank you,



*Sensible planning and protection
for the San Mateo County Midcoast*

Date: January 6, 2020
To: Members of the Midcoast Community Council
Cc: Michael Schaller, Project Planner
San Mateo County Planning Commission
Steve Monowitz, Director Planning and Building
Erik Martinez, California Coastal Commission Planner
Stephanie Rexing, California Coastal Commission District Supervisor
San Mateo County Supervisor Don Horsley
From: Resist Density Board of Directors
Re: January 8, 2020 MCC Agenda and Proposed Cypress Point Project

Dear MCC Members,

We write to urge you to include in this Wednesday's 1/8/2020 meeting an agenda item on the proposed Cypress Point project in Moss Beach and its Local Coastal Program (LCP) amendment. (Please note that the MCC agenda for this January 8 is dated 2019.)

The timing is critical, as we understand that the Cypress Point project LCP amendment will be on the San Mateo County's Planning Commission agenda to be held in a special meeting in Half Moon Bay on January 22. The next MCC meeting is canceled due to this meeting. If this Planning Commission meeting is indeed a public hearing on this LCP amendment, the Midcoast community needs to be notified now and the full scope of what changes are being considered needs to be clarified.

Having the Planning Commission consider this project before the Midcoast Community Council is contrary to the information on the San Mateo County website for the project. <https://planning.smcgov.org/cypress-point-affordable-housing-community-project>. There the County has represented since at least April 2019 that "The applicant – MidPen Housing – submitted the application materials for this project on July 17, 2018. The next opportunity for public input will be when the project is formally brought before the Midcoast Community Council for their consideration and recommendation at a later date."

Through our Public Records Act (PRA) requests, Resist Density has uncovered information which raises major questions about the process surrounding MidPen Housing's proposed Cypress Point project in Moss Beach and its Local Coastal Program (LCP) amendment being presented as Phase One of the application.

We're including below an email chain we received through our PRA requests. These 2018 - 2019 communications are between MidPen's land use consultant, McCabe & Company, and the California Coastal Commission (CCC). In it, Renee Ananda of the CCC opines that the Coastal Development Permit (CDP) for Cypress Point would not be appealable to the CCC once the LCP is amended. We and the Midcoast community need to know if this CDP verdict by Renee



*Sensible planning and protection
for the San Mateo County Midcoast*

Ananda is correct and what it means to the process of the LCP amendment and the project approval. When will MidPen Housing be required to produce an Environmental Impact Report or CEQA equivalent addressing specific concerns raised by Agencies, the MCC, the public and Resist Density? Will MidPen Housing be exempt from addressing major environmental concerns regarding traffic, road safety and infrastructure in this Planning Commission hearing? Will this allow MidPen Housing to sidestep important procedures established to protect the Coastal community?

As background, McCabe & Company describes itself: "McCabe & Company has helped hundreds of clients gain Coastal Commission approval for a wide variety of projects. Our effectiveness is evidenced by our proven track record of success." (For more information, visit <http://mccabeandcompany.net>)

MidPen Housing's April 15, 2019 application submission for an LCP amendment in conjunction with San Mateo County provided conflicting information about the project approval process. In May 2019, Resist Density submitted comments on the submission and asked for clarification on the process. Our questions have not been addressed to date.

The email chain below raises a very important concern that the community does not fully understand. We urge the MCC to consider the significance of the proposed LCP change and pursue clarification from the County on the process. With Supervisor Horsley attending this Wednesday's meeting, it is opportune to include him in the discussion. There must be transparency; the community needs to be informed and involved in such a significant project as this!

Thank you for your consideration. We look forward to your timely response,

- Resist Density Board of Directors

Begin forwarded message:

From: Anne Blemker <ablemker@mccabeandcompany.net>
Subject: FW: Cypress Point Question
Date: June 5, 2019 at 9:47:56 AM PDT
To: "Rexing, Stephanie@Coastal" <Stephanie.Rexing@coastal.ca.gov>

Hi Stephanie,

It was definitely Renee (not Ruby!) that I was talking to about this project last year. Please see our exchange below. She concurred that the project would not be appealable after certification of the LCPA.



*Sensible planning and protection
for the San Mateo County Midcoast*

I'll send the meeting request to you, Erik and Jeannine later today. The Planning Commission isn't expected to hear this until September/October, so a meeting sometime in the next month or so would be great.

Thanks,
Anne

Anne Blemker
McCabe & Company
10520 Oakbend Drive
San Diego, CA 92131
310.463.9888

From: "Ananda, Renee@Coastal" <Renee.Ananda@coastal.ca.gov>
Date: Wednesday, September 26, 2018 at 9:39 AM
To: Anne Blemker <ablemker@mccabeandcompany.net>
Subject: RE: Cypress Point Question

Hello Anne,

I just left you a voicemail message. Correct, it would not be appealable to the Commission. Thank you, RTA

From: Anne Blemker [mailto:ablemker@mccabeandcompany.net]
Sent: Wednesday, September 26, 2018 8:06 AM
To: Ananda, Renee@Coastal
Subject: Re: Cypress Point Question

Hi Renee,

Just wanted to follow up on my question below. Once the LCP is updated, would the project be appealable? I wouldn't think so (because the project would be in conformance with the LCP and be the "principal permitted use"), but wanted to confirm with you.

Thanks,
Anne

On Sep 20, 2018, at 10:24 AM, Anne Blemker <ablemker@mccabeandcompany.net> wrote:

Thanks for getting back to me. (Especially during mail-out for October!) One follow-up question: once the LCPA is approved, would the County-issued CDP be appealable? I would think not since the project would then be consistent with the LCP.



*Sensible planning and protection
for the San Mateo County Midcoast*

Anne

From: "Ananda, Renee@Coastal" <Renee.Ananda@coastal.ca.gov>

Date: Wednesday, September 19, 2018 at 6:04 PM

To: Anne Blemker <ablemker@mccabeandcompany.net>

Subject: RE: Cypress Point Question

Hello Anne,

The parcel is zoned PUD-124, and although the geographic location of the proposed project site is within the County's permit jurisdiction, MidPen's proposed project would require an amendment to the Local Coastal Program (LCP) because what they are pursuing, is not in conformity with the Development Plan specified in the March 11, 1986 PUD-124 ordinance (See No. 3089 below). The amendment will likely be a Major Amendment because the proposed project, although reduced from what is approved in the LCP, will change the intensification of land use.

PUD-124 Ordinance No. 3089-March 11, 1986

The following regulations shall govern use and development of a portion of the property commonly known as Farallon Heights in Moss Beach; Assessor's Parcel Number 037-022-040:

1. Purpose

The following PUD-124 regulations shall govern the land use and development of Farallon Vista, a residential complex for affordable and market rate housing, sited on an 11.02 acre parcel located east of Carlos Street and north of Sierra Street in Moss Beach.

2. Development Plan



Sensible planning and protection
for the San Mateo County Midcoast

All developments shall conform to the development plans for the property as approved by the Planning Commission on October 9, 1985, and by the Board of Supervisors on March 11, 1986, and on file in the Office of the County Planning Division. Determination of conformity with the plan shall be made by the County Planning Director.

3. Use

The following uses only shall be allowed:

- a. Residential development and related parking facilities for affordable and market rate housing as defined in Policies 3.19, 3.28 and 3.29 of the County Local Coastal Program.*
- b. Recreational uses for residents of the housing complex, i.e., exercise course, play area, tot lots, barbecue areas, etc.*

...

Hope this answers your question. Sorry I couldn't reply sooner. I am in the middle of preparing for the October hearing. Thank you, RTA

*Renée T. Ananda, Coastal Program Analyst
California Coastal Commission – North Central Coast District
45 Fremont Street, Suite 2000
San Francisco, CA 94105*

*Phone: Main (415) 904-5260 Direct (415) 904-5292
renee.ananda@coastal.ca.gov*



*Sensible planning and protection
for the San Mateo County Midcoast*

From: Anne Blemker [<mailto:ablemker@mccabeandcompany.net>]

Sent: Wednesday, September 19, 2018 12:20 PM

To: Ananda, Renee@Coastal

Subject: Cypress Point Question

Hi Renee,

Hope all is well. Just wanted to follow up on my voicemail to you. Susan and I were recently brought on to help with the Cypress Point affordable housing project in Moss Beach. I'm getting up to speed and going through all of the materials now. My primary question is: why would the local CDP be appealable? It doesn't seem to meet the typical criteria and I can't find a post cert map for this area of the County.

Thanks very much,

Anne

Anne Blemker
McCabe & Company
10520 Oakbend Drive
San Diego, CA 92131
310.463.9888



Via Email

May 21, 2019

Midcoast Community Council
PO Box 248
Moss Beach, CA 94038
midcoastcommunitycouncil@gmail.com

Dear Midcoast Community Council Members,

Resist Density writes in regards to MidPen's April 15, 2019 updated application submission and the draft comment letter by Midcoast Community Council (MCC) dated May 22, 2019.

Insufficient Time for Adequate Community Review

As an initial matter, we believe that the short timeframe for MCC's response on this updated application is thwarting public involvement and understanding of the revised project analysis. We understand that the purpose of the MCC is to provide the local community with a more effective means to express its views to the County of San Mateo, particularly on matters of concern to the community. We understand that this item was added to the agenda just last Friday May 17. The updated application consists of over 1,500 pages. The alternatives analysis alone consists of 39 pages; the community does not have adequate time to consider and discuss the 6 newly presented alternatives. In addition, we understand that two of the MCC council members will not be attending the May 22 meeting. For these reasons, Resist Density believes it would be in the best interest of MCC and of the community to put this agenda item off at a minimum until MCC's next meeting on June 12.

Support for MCC's Draft Comment Letter

We have reviewed MCC's draft comment letter dated May 22, 2019. Resist Density supports a number of MCC's comments, including that

- (1) the height of the proposed MidPen project will constitute a significant adverse aesthetic impact and be inconsistent with community scale and existing PUD zoning,
- (2) MidPen has changed the local live-work project preference and that MidPen, not San Mateo County, is in control of this dimension of the project,
- (3) the cumulative impacts document is out of date and missing numerous other projects necessary for an adequate cumulative impact analysis, and
- (4) that there has been inadequate analysis of the impacts of 7,000 cubic yards of imported fill, including the construction-phase traffic and air quality impacts.

Contradictory and Confusing Information about the Project Approval Process

The MCC's draft May 22, 2019 comment letter also requested that MidPen list all changes proposed to the PUD Zoning. We would point out that MidPen and San Mateo County are providing conflicting information about the project approval process for this proposed project.



San Mateo County's website (<https://planning.smcgov.org/cypress-point-affordable-housing-community-project>) describes the "first phase of the project" as involving "consideration of the LCP amendment," but doesn't mention any County consideration of zoning changes, or amendment to the County's General plan.

MidPen's April 15, 2019 updated application submission, in the document entitled "Introduction And Project Description" states that MidPen is requesting that the California Coastal Commission – *not* San Mateo County - amend the LCP Implementation Plan and existing Planned Unit Development, and amend the LCP Land Use Plan and San Mateo County's General Plan to change the site's zoning designation.

That same document at Section 1.2.2 falsely claims that "San Mateo County has analyzed the full range of environmental conditions so that other agencies can rely upon it for CEQA compliance." Further confusing to the public is the assertion at Section 1.2.3 of the Introduction and Project Description that "the San Mateo County Planning and Building Department is acting as the applicant for the LCP Amendment before the Coastal Commission."

If San Mateo County has already analyzed the full range of environmental conditions and has determined that the Planning Department will be the applicant, what is the MCC being asked to do now after the fact? Moreover, how did San Mateo County reach this decision to be the project applicant without advising MCC and the public that it was prepared to do so?

Need for More Thorough Analysis of Traffic Impacts and Mitigations

We would ask MCC modify the draft letter's statement that there has been a "more thorough evaluation of traffic impacts and mitigations."

The proposed project will *still* result in five significant and supposedly "unavoidable" traffic impacts. That an environmental impact is unavoidable should be reason enough to recommend disapproval of this project as currently proposed. We are particularly concerned with the significant and unavoidable pedestrian safety impacts from this project. MidPen fails to mention that Carlos Street has no sidewalk, and that pedestrians who use the Sierra and Stetson Street sidewalks to follow MidPen's recommended route to the market or bus stop will face a steep slope on California Street and significantly more distance to and from the project site. Moreover, whereas a few months ago to address pedestrian safety, MidPen proposed rerouting bus lines. That modification has been dropped and no bus alternative is proposed by MidPen.

MidPen's mitigation analysis is still unnecessarily truncated and does not explain how the proposed mitigations will reduce the severe traffic impacts.

MidPen has not considered how the expected traffic delays will affect traffic circulation on adjoining neighborhood streets or pedestrian safety. The traffic delay at California/Wienke/Highway 1 is expected to reach over 124 seconds, 112 seconds at Vallemar/Etheldore Street/Highway 1, and 114 seconds at 16th Street/Highway 1. (Kittelson April 2019,



Table ES 2.) In addition, Carlos Street is proposed to be the only access point for non-emergency vehicles, i.e. everyday traffic. Clearly, this project will result in gridlock on neighborhood streets.

MidPen to date has failed to consider the obvious mitigation of reducing the proposed 71 residences and 213 residents in order to reduce traffic impacts. Nor has MidPen proposed to pay for the traffic signals and roundabouts being considered; MidPen seeks to have taxpayers pay for its poor planning.

We understand CEQA to require analysis of mitigations prior to project approval. Yet here MidPen continues to impermissibly defer mitigation analysis until after it gets its approvals. MidPen proposes to push an intersection control evaluation onto Caltrans, and to be completed after project approval during the design phase. Likewise, MidPen has impermissibly deferred discussion of mitigations in its proposed Mitigation Measures TRAF-1A and TRAF-1B.

TRAF-1B consists of a vague "Transportation Demand Management plan" which will not even be formulated for public review or MCC consideration until after project approval. TRAF-1B is proposed as the mitigation measure for seven of the identified significant traffic impacts, and the sole mitigation for "unavoidable" impacts TRAF-4, TRAF-3C, TRAF-3B, TRAF-3A and TRAF-2B. This poorly thought through measure includes one grocery cart that residents would walk one-mile round-trip coming back up a steep street, as little as one car share parking space, bus schedules, and the illusory "additional measures that may become available." As MidPen is forced to acknowledge, the effectiveness of this plan can "not" be guaranteed.

We also understand that CEQA requires all phases of a project be reviewed for environmental impacts, including the construction phase. As MCC recognizes, importing 7000 cubic yards of fill will result in over 690 truck trips. There has been no analysis of the impacts of these trips either on Highway 1 traffic or on local roads.

MidPen's Responses to Prior MCC Comments

We have also reviewed MidPen's responses to MCC prior comments of August 22, 2018 and September 26, 2018. Resist Density notes the following:

1. We support MCC's comment that "approving more than the annual limit of 40 residential units/year cannot be justified if many of those units will go to residents commuting to jobs out of the area," and notes that MidPen has failed to provide any response to this comment.
2. We support the MCC's comment that the proposed project ignores the need for safe crossing of Highway 1, and notes that MidPen has failed to provide any response to this comment or the need for a Parallel Trail.
3. MidPen has not responded to MCC comments that the proposed project height will be inconsistent with existing PUD zoning.
4. MidPen proposes to impermissibly defer analysis of existing building pad asbestos until after project approval. That analysis can occur now, and by law should.



5. MidPen refuses to use the "Connect the Coastside" a.k.a. the Comprehensive Transportation Management Plan as traffic thresholds, but elsewhere in its Traffic Impact Analysis relies on the draft Connect the Coastside report when it serves MidPen's purposes.
6. MidPen has side-stepped MCC's comments about inconsistent statements regarding income requirements for residents.

Resist Density's Prior Comments to MCC

Resist Density submitted comments to the MCC about this proposed project on September 6, 2018, which are attached. MidPen's April 2019 updated application submission does not change the relevance of Resist Density's prior comments.

Thank you for your careful consideration of these important issues.

Resist Density Board of Directors

CC:

San Mateo County Board of Supervisors

Michael Schaller, Project Planner

San Mateo County Planning Commission

Steve Monowitz, Community Development Director

Stephanie Rexing, CA Coastal Commission

Jeannine Manna, CA Coastal Commission

Board of Directors, Montara Water and Sanitary District

Beverli Marshall, SAM

Joe LeClair, Connect the Coastside

Katie Yim, Lance Hall, Stephen Haas, Elliot Goodrich, Mohammad Suleiman, Aye Myint, Teblez

Nemariam, Ken Puth, Department of Transportation

Jill Ekas, Community Development Director of City of Half Moon Bay

Half Moon Bay City Council

Lennie Roberts, Committee for Green Foothills



*Sensible planning and protection
for the San Mateo County Midcoast*

September 6, 2018

Midcoast Community Council
PO Box 248
Moss Beach, CA 94038
midcoastcommunitycouncil@gmail.com

Dear Council Members,

Resist Density promotes the sensible planning and protection of the San Mateo County Midcoast. We also recognize the need for affordable housing in the County. However, MidPen's current Cypress Point multi-unit housing proposal would result in significant environmental impacts because it proposes to jam too many units into the wrong location.

MCC should oppose the project as currently proposed for the following reasons:

DANGEROUS TRAFFIC IMPACTS

The project application reveals that the project - as currently proposed - will result in numerous significant "and unavoidable" traffic impacts:

- 1) Project traffic will critically delay traffic at Highway 1 and California/Wienke.
- 2) Project traffic will critically delay traffic at Highway 1 and Carlos Street- the main access point to the Project from Highway 1. The project will make turns into and out of Carlos Street, as well as through traffic on Highway 1, substantially more hazardous.
- 3) Project traffic will critically delay traffic at Highway 1 and Vallemar/Etheldore.
- 4) Project traffic will critically delay traffic at Highway 1 and 16th Street.
- 5) Pedestrians crossing Highway 1 to access the coast or public transit are at great risk of being hit by oncoming traffic.

The Project - as currently proposed - will result in increased congestion and negative traffic impacts in violation of the Local Coastal Plan, and to the detriment of both the community and the new MidPen residents.

INCREASED DEMAND ON ALREADY FAILING SEWAGE PIPES

Over 100 sewage spills have occurred since 2011 according to review of public records. Even without MidPen's proposed development, the sewage pipe system serving this area has been grossly inadequate during storm events. Over 557,103 gallons of raw sewage have spilled into the Pacific Ocean and Half Moon Bay - almost entirely because of structural pipe failures. Further, tens of thousands of gallons of inadequately treated sewage has been released onto streets in residential neighborhoods within the City of Half Moon Bay, El Granada, Montara, Miramar, Moss Beach, and Princeton by the Sea.

The Project - as currently proposed - will add new sewage lines which only exacerbate the serious problems of the existing sewage lines.

PRESENCE OF HAZARDOUS MATERIALS

Historically, Cypress Point was a World War II military facility. An onsite incinerator may have been used to burn waste, without regard for the chemical composition of the substances being burned. A preliminary investigation of potential soil contamination revealed that there may be lead-containing

or other residues onsite from cartridges, gunpowder or munitions. Also, buildings which burned to the ground likely contained lead-based paint which may be present in soils on site. This, and the historic presence of an incinerator, represent a "recognized environmental condition." Subsurface sampling was recommended and a limited Phase II subsurface investigation was conducted.

Lead was detected at concentrations between 4.5 and 230 mg/kg in surface soils. Diesel petroleum was detected at a concentration of 1.3 mg/kg. Metals, including arsenic, barium, chromium, cobalt, copper, molybdenum, nickel, vanadium, and zinc, were detected at concentrations between 1.0 and 44 mg/kg. Total hexafurans were detected at a concentration of 2.78 picograms/gram. Further soil sampling has been recommended to further assess the horizontal extent of lead-impacted surface soils around 2 identified locations.

MidPen's preliminary environmental evaluation doesn't opine on whether the soil contamination constitutes a significant impact or not, but does reveal that the transport and use of hazardous materials during construction of the proposed project would be a significant impact requiring mitigation.

MIDPEN IGNORES THE NEED FOR PHASED DEVELOPMENT

The Local Coastal Plan limits the number of new dwelling units built in the urban Midcoast to a maximum of 40 units per year. The reason for this limit is to ensure that roads, utilities, public works facilities and community infrastructure are not overburdened by rapid residential growth. To date, there is no comprehensive transportation management plan for this area, and there is no evidence that sewage pipe reliability is adequate to avoid sewage overflows and water quality violations.

MidPen attempts to use a loophole for affordable housing, but the Local Coastal Plan is clear that this is not a guarantee that a proposed development is entitled to be approved.

INADEQUATE ENVIRONMENTAL REVIEW

MidPen's reports for its current proposal read more like advocacy pieces, rather than impartial environmental review.

Traffic Analysis

- 1) The traffic analysis avoids any consideration of the traffic impacts of proposed restrictions on traffic movements (roundabouts, new signal lights, closing Carlos St., left turn restrictions) proposed as mitigations.
- 2) Impacts are called "unavoidable" rather than including an adequate range of alternatives and mitigations.
- 3) There is no consideration of creating a multi-use path adjacent to Highway 1 or of creating high visibility Highway 1 crosswalks.

Sewage Analysis

The sewage analysis is artificially constrained to "dry weather flow" in evaluating the system's capacity to handle growth. MidPen proposes to add new users in a concentrated time period, yet the MidPen technical reports do not even acknowledge the troubled state of the existing sewage pipes.

Hazardous Materials

Assessment for the presence of asbestos containing materials was "out of [the] scope" of MidPen's Phase I report. However, asbestos materials were commonly used for buildings constructed in the 1940s. Most of the building foundations are still present on the project site and the site appears to be littered with building materials. Thus, the project site should be tested for asbestos in soil and groundwater.

To deal with the acknowledged significant impact of hazardous materials during construction, MidPen's preliminary evaluation promises a "Site Management Plan" will later be developed, but no details are provided regarding what standards this plan meet or why it will bring the impacts down to

a level of insignificance.

MCC is Being Asked to Make Recommendations Without the Benefit of Required Environmental Analysis

Amendments to the Local Coastal Plan (LCP) must comply with CEQA even though a technical EIR need not be prepared. As detailed above, MidPen has not provided analysis that complies with CEQA. Thus, the MCC is in the untenable position of making recommendations without knowledge of the full impacts of the proposed project, and potential mitigations.

Moreover, MidPen's proposal will require more than changes to the LCP: changes are required to San Mateo's County Zoning Map and zoning text amendment, an amendment to San Mateo County's General Plan, and proposed changes to the Planned Unit Development designation for this site. These zoning and General Plan changes are not merely technical changes; they will result in foreseeable physical environment changes, i.e. development of the site. Thus, adequate environmental review in the form of an EIR is needed for the public and MCC to evaluate the proposed project.

An EIR's purpose is to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of a proposed project. The technical reports which MidPen has prepared to date do not provide an adequate evaluation of potential project significant impacts, mitigations and alternatives.

Thank you for your consideration,

Resist Density Board of Directors