

Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors
representing Montara, Moss Beach, El Granada, Princeton, and Miramar
PO Box 248, Moss Beach, CA 94038-0248 | midcoastcommunitycouncil.org*

Gus Mattammal | **Gregg Dieguez** | **Scott Bollinger** | **Ann Rothman** | **Dan Haggerty** | **Claire Toutant** |
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Date: March 11, 2024
To: San Mateo County Planning Commission
From: Midcoast Community Council
cc: Michael Schaller, Project Planner
San Mateo County Board of Supervisors
Subject: March 13th meeting Agenda Item #2
File Number: PLN2022-00220
APN: 037-022-070
Owner/Applicant: MidPen Housing Corporation

Dear Planning Commission and staff,

Thank you for taking under consideration our review of MidPen's application for exemption of CEQA per AB1449. The Midcoast Community Council supports increasing our stock of affordable housing; however, the details of each project matters, and the health and safety concerns associated with the Cypress Point project are significant. In this letter, we detail our objections to exempting the Cypress Point project from the regular CEQA process and also list conditions of approval that should be required for the project to meet the health and safety concerns of both current and future residents of both the project and the surrounding community.

Upon careful inspection of AB1449 and the fact sheet published by CA Assemblymember David Alvarez, author of AB1449, we have concluded that this property does not meet the criteria for CEQA exemption. The stated intent of AB1449 is to provide CEQA exemptions only to projects that meet all of the requirements as stated on **Page 2, Section 1, Section 21080.40 (a)** (1) "Affordable housing project" means a project consisting of multifamily residential uses ... , and that satisfies all of the following requirements." (See Exhibit 2: Text of AB 1449.)

Paragraph 3 of Mr. Alvarez's Fact Sheet (Exhibit 1) states that "100% affordable housing developments are critical to helping the state reach its climate goals and to affirmatively further fair housing. By its nature and as a result of state and local funding priorities, affordable housing is higher density and built on location efficient sites close to services and amenities its residents need. The funding programs also prioritize housing in high

resource areas, which have been shown by research to support positive economic, educational, and health outcomes to low income families , particularly for families with children."

The proposed location is **not** in an area rich with amenities or resources, contrary to the stated intent of the legislation. The roads surrounding the proposed development have pedestrian and transportation hazards that cannot be mitigated per the draft EIR. AB1449 (Exhibit 2) provides a list of amenities that the project is supposed to be near 6 or more of according to page 2 of the Bill, Section C (iv). Pg 2 Section D (3) defines "Proximal" to an amenity to mean either of the following:

(A) within one half mile of any of the following amenities: A bus station or a ferry terminal. The project is not near either of these things.

(B) Within 1 mile of at least 6 of the following amenities:

(i) A supermarket or grocery store- There is no supermarket or grocery within 3 miles of the project. The coastsides market is a liquor convenience store/bodega in Moss Beach. It is not a grocery or supermarket.

(ii) A public park- Moss Beach Park is applicable but there are no safe ways to walk to the park. The only way to walk there is on the very narrow Carlos Street that has no safe pedestrian paths or bike lanes. Stetson and Kelmores Streets cross at California Avenue but the hill on California Avenue is too steep to try to walk down safely. Anyone who is handicapped or mothers with strollers cannot walk down California Avenue in a safe manner. Please see the photos in Exhibit 3.

(iii) A community center- Moss Beach does not have a community center.

(iv) A pharmacy or drugstore-The nearest pharmacy or drugstore is 5 miles away in Linda Mar.

(v) A medical clinic or hospital- Seton Coastsides Hospital is closed and was not a medical clinic or hospital. While there is medical care over 5 miles away in Half Moon Bay, there is no urgent care anywhere on the coastsides.

(vi) A public library- The nearest public library is 7.3 miles away in Half Moon Bay.

(vii) A school that maintains a kindergarten or any grades 1 to 12, inclusive. Farallone View School in Montara is K-5 not K-12 and is 1.4 miles away. There is no safe pedestrian route

from the project site to the school, no bicycle path to the school, and no bus service to the school.

AB1449 **Page 2 (D)** “Parcels that are developed with urban uses adjoin at least 75 percent of the perimeter of the project site.” The Cypress Point project fails to meet this standard since less than 75% of the parcels surrounding the project are parcels developed with “urban uses.” When you look at the aerial view it is clear that 2 of the 4 sides fail to meet the standard as set forth in the statute. First, on the north side of the parcel is Montara Creek. Second, Carlos Street has only 1 house and across Carlos street is an undeveloped hillside. According to section D of the bill “parcels that are only separated by a street shall be considered adjoined”. This means that the undeveloped area across the Street from Carlos is adjoined as well as the north side of the property. (When you view the aerial shot it is clear that there is development only on 2 sides of the property - See Exhibit 3.)

MidPen’s argument that the Cypress Point project is exempt from CEQA review hinges most on the assertion that the project meets the conditions set forth on **Page 2(C)(i)**. However, **Page 2(C)(i)** does not apply due to AB1449’s wording that states “in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area.” As noted in the previous paragraph, less than 75% of the parcel is surrounded by areas developed with urban uses. **Page 2(C)(ii)** does not apply since the parcel is not within ½ mile walking distance of a high quality transit corridor or a major transit stop, **Page 2(C)(iii)** does not apply since the project is not in a very low vehicle travel area. Finally, **Page 2(C)(iv)** does not apply since the project is also not proximal to 6 or more amenities.

The draft EIR pointed out the negative traffic impacts that will occur and the hazards to pedestrians around the proposed development that cannot be mitigated. It would result in a cumulatively considerable transportation impact related to VMT and consistency with State CEQA guidelines Section 15064.3(b). Various sites were evaluated as alternatives and the El Granada location was found “to meet most of the project objectives and would lessen the significant transportation impacts related to pedestrian safety.”

For all of the reasons above the proposed development does not meet the requirements for exemption from CEQA, and the project should be subject to full CEQA review. Furthermore, there are hazards concomitant with the increased demand for parking, the increased traffic on the roads, and the increased population that would need to be evacuated in an emergency. Among these hazards is the potential impedance of emergency response from Fire Station 44, which is the area’s only source of urgent care. Because there are very limited healthcare services on the coast, every minute counts when it comes to emergency response.

The Midcoast Community Council supports increasing our stock of affordable housing; however, the details of each project matter, and the health and safety concerns associated

with the Cypress Point project lead us to insist that if the project should go forward, then at a minimum the following list of conditions of approval should be mandated for this project:

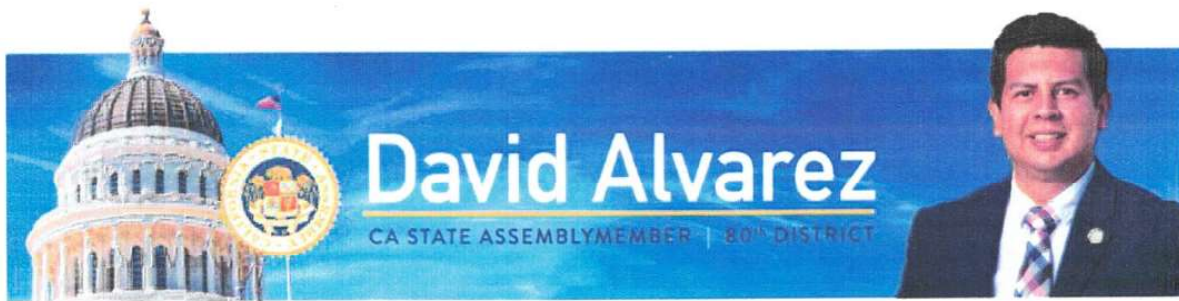
1. Traffic and mobility mitigations for safe access to and from the project should be added before the project is built, given that the cost of these mitigations will go up significantly once the project is completed and fully populated. These mitigations include:
 - a. A multi-use trail for safe pedestrian and bicyclist use.
 - b. Mitigation measures to make sight distance safe at Carlos Street's northern intersection with Highway 1.
 - c. Expanded ingress and egress to Moss Beach from Highway 1.
 - d. A nearby safe pedestrian crossing of Highway 1.
 - e. A safe path north of the project entrance to Montara and implementation of a safe walking route to Montara's Elementary School.
 - f. Direct access to Sierra/Stetson for fire/emergency.
2. San Mateo County should assume responsibility for maintenance of all roads surrounding the development.
3. Add sufficient parking to preclude on-street parking by Cypress Point residents.
4. Add spaces for delivery parking, especially given that there are no services in the area.
5. CFPD certification that the project has adequate fire fighting water storage.
6. County to waive any water charges to MWSD for use of Airport wells.
7. Require stormwater management sufficient to handle the current level of Midcoast storms (which annually exceed the outdated 100 year storm metrics) including the uphill acres which currently drain to the project site.
8. Adequate protection for Montara Creek and the Fitzgerald Marine Reserve from toxins and overflow during storms consistent with current and future weather patterns.
9. Lighting plan should be DarkSky International and wildlife-friendly compliant.
10. Eliminate synthetic turf due to evidence of adverse effects on human health and the environment.

We urge you to take into consideration the strong objection of the Midcoast community to exempting this project from CEQA and instead subject this project to full CEQA review. The spirit of CEQA is to identify and mitigate the impacts of projects, and we ask that the conditions of approval listed above be instituted.

Sincerely,
MidCoast Community Council

s/ Gus Mattammal, Chair

Exhibit 1.



AB 1449 (Alvarez) CEQA Exemption for Affordable Housing

Bill Summary

This bill will facilitate the development of affordable housing by exempting from CEQA certain 100% affordable housing projects throughout California.

Problem

Despite the well-established need, affordable and supportive housing projects face vocal opposition across the state, making these projects more difficult to site, more time-consuming to approve, and more costly to build. Current law provides numerous protections for proposed affordable and supportive housing developments seeking local approval, including many by right approvals or CEQA exemptions for certain affordable housing projects.

Unfortunately, the existing tools have many limitations and prevent access to CEQA streamlining for many 100% affordable housing developments. Examples include:

- Unit caps
- Building size caps
- Population density requirements
- Site limitations
- Subjective standards
- Broad discretion to the lead agency to not grant the exemption

100% affordable housing developments are critical to helping the state reach its climate goals and to affirmatively further fair housing. By its nature and as a result of state and local funding priorities, affordable housing is higher density and built on location efficient sites close to services and amenities its residents need. The funding programs also prioritize housing in high resource areas, which

have been shown by research to support positive economic, educational, and health outcomes to low-income families, particularly for families with children.

Solution

This bill would exempt from CEQA 100% affordable housing projects that meet rigorous labor standards and comply with specified environmental requirements. This bill balances the need of California's two most pressing issues in housing and homelessness with the environmental and labor concerns to ensure more affordable homes are built quickly for those most in need. Projects would still be required to receive local approvals.

Support

- California Housing Consortium (sponsor)
- California Housing Partnership (sponsor)
- Housing California (sponsor)

For More Information

Vincenzo Caporale, Legislative Aide
Assemblymember David Alvarez, District 80
Office: 916-319-2080
Vincenzo.Caporale@asm.ca.gov

Exhibit 2.

AB-1449 Affordable housing: California Environmental Quality Act: exemption. (2023-2024)

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Date Published: 10/12/2023 09:00 PM

Assembly Bill No. 1449

CHAPTER 761

An act to add and repeal Section 21080.40 of the Public Resources Code, relating to housing.

[Approved by Governor October 11, 2023. Filed with Secretary of State
October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1449, Alvarez. Affordable housing: California Environmental Quality Act: exemption.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes the lead agency, if the lead agency determines that a project is exempt from CEQA, to file a notice of exemption with the Office of Planning and Research or the county clerk of each county in which the project is located.

This bill would, until January 1, 2033, exempt from CEQA certain actions taken by a public agency related to affordable housing projects, as defined, if certain requirements are met. The bill would require the lead agency, if the lead agency determines an action related to an affordable housing project is exempt from CEQA under this provision and approves or carries out the project, to file a notice of exemption with the Office of Planning and Research and the county clerk of each county in which the project is located. By increasing the duties of a lead agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21080.40 is added to the Public Resources Code, to read:

21080.40. (a) For purposes of this section, the following definitions apply:

The people of the State of California do enact as follows:

SECTION 1. Section 21080.40 is added to the Public Resources Code, to read:

21080.40. (a) For purposes of this section, the following definitions apply:

(1) "Affordable housing project" means a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the project designated for residential use, and that satisfies all of the following requirements:

(A) All of the residential units within the project, excluding managers' units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code.

(B) (i) The project meets the labor standards set forth in Section 65912.130 of the Government Code.

(ii) In addition to clause (i), for a project with 50 or more residential units, the project meets the labor standards set forth in Section 65912.131 of the Government Code.

(C) The project is located on a legal parcel or parcels in any of the following locations:

(i) In a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(ii) Within one-half mile walking distance to either a high-quality transit corridor or a major transit stop.

(iii) In a very low vehicle travel area.

(iv) Proximal to six or more amenities pursuant to paragraph (3) as of the date of submission of the application for the project.

(D) Parcels that are developed with urban uses adjoin at least 75 percent of the perimeter of the project site or at least three sides of a four-sided project site. For purposes of this paragraph, parcels that are only separated by a street or highway shall be considered to be adjoined.

(2) "High-quality transit corridor" has the same meaning as set forth in subdivision (b) of Section 21155.

(3) "Proximal" to an amenity means either of the following:

(A) Within one-half mile of any of the following amenities:

(i) A bus station.

(ii) A ferry terminal.

(B) Within one mile, or for a parcel in a rural area, as defined in Section 50199.21 of the Health and Safety Code, within two miles, of any of the following amenities:

(i) A supermarket or grocery store.

(ii) A public park.

(iii) A community center.

(iv) A pharmacy or drugstore.

(v) A medical clinic or hospital.

(vi) A public library.

(vii) A school that maintains a kindergarten or any of grades 1 to 12, inclusive.

(4) "Vacant site" means a site without any houses, offices, buildings, or other significant improvements on it.

(5) (A) "Very low vehicle travel area" means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita.

(B) For purposes of subparagraph (A), "area" may include a travel analysis zone, hexagon, or grid.

(C) For the purposes of determining "regional vehicle miles traveled per capita" pursuant to subparagraph (A), a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

(b) Subject to subdivision (c), this division does not apply to any of the following:

(1) The issuance of an entitlement by a public agency for an affordable housing project.

(2) An action to lease, convey, or encumber land owned by a public agency for an affordable housing project.

(3) An action to facilitate the lease, conveyance, or encumbrance of land owned or to be purchased by a public agency for an affordable housing project.

(4) Rezoning, specific plan amendments, or general plan amendments required specifically and exclusively to allow the construction of an affordable housing project.

(5) An action to provide financial assistance in furtherance of implementing an affordable housing project.

(c) Subdivision (b) applies if the action described in subdivision (b) requires the affordable housing project to meet all of the following requirements:

(1) The affordable housing project will be subject to a recorded California Tax Credit Allocation Committee regulatory agreement.

(2) The affordable housing project site can be adequately served by existing utilities or extensions.

(3) A public agency confirms all of the following:

(A) The project site satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.

(B) For a vacant site, the project site does not contain tribal cultural resources that could be affected by the development that were found pursuant

to a consultation described in Section 21080.3.1 and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2.

(C) (i) The development proponent has completed a phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code. If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

(ii) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

(iii) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

(D) For a project site where multifamily housing is not a permitted use, all of the following are met:

(i) None of the housing is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code.

(ii) None of the housing is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

(iii) The project site is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 or as designated pursuant to subdivisions (a) and (b) of Section 51179 of the Government Code.

(d) If a lead agency determines that an activity is not subject to this division pursuant to this section and determines to approve or carry out the activity, the lead agency shall file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the activity will occur in the manner specified in subdivisions (b) and (c) of Section 21108 or subdivisions (b) and (c) of Section 21152.

(e) This section shall remain in effect only until January 1, 2033, and as of that date is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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Exhibit 3.



6. ALTERNATIVES

As required by CEQA, this EIR examines alternatives to the proposed project. Studied alternatives include the following four alternatives. Based on the alternatives analysis, Alternative 4 was determined to be the Environmentally Superior Alternative.

- Alternative 1: No Project
- Alternative 2: Reduced Residential Units
- Alternative 3: South Moss Beach Site
- Alternative 4: El Granada Site

Alternative 1: No Project. In the No Project Alternative, implementation of the project would not occur, and any future buildout of the project site would need to be consistent with the allowable uses and density under the existing Planned Unit Development zoning. This alternative would not meet any of the Project objectives, and the project site would remain undeveloped. Current safety- and transportation-related constraints at the project site and on the immediate road network would remain unchanged. Under the existing General Plan zoning of Medium-High Density Residential, the project site could ultimately accommodate the development of up to 191 residential units (8.8–17.4 units per acre); any project would be subject to a similar environmental review as the proposed project.

Alternative 2: Reduced Residential Units. The Reduced Residential Units Alternative would achieve some of the Project objectives. This alternative would only create 30 units of affordable housing, and a manager's unit, which would only partially meet Objectives 1 through 4, and would not meet County Regional Housing Needs Allocation goals. This alternative would not avoid the significant and unavoidable vehicle miles traveled (VMT) impact because of location and would not avoid the pedestrian safety impact because of existing conditions near the site. This alternative would partially meet County, State, or Applicant's goals.

Alternative 3: South Moss Beach Site. The South Moss Beach site is designated for affordable housing in the San Mateo County Midcoast Local Coastal Program (LCP). This alternative is zoned R-3-A High Density Affordable Housing and Coastal Zone (R-3-A/S-5/ DR/CZ). Approximately half of the South Moss Beach site has a zoning district associated with the Half Moon Bay Airport Safety Zone overlay zoning district, which limits development to one unit per 2 acres. With this overlay, three units could be constructed on this half of the site. The remaining half of the South Moss Beach site outside of the airport safety zone overlay zoning district could be developed at the same density as the proposed project, which would accommodate approximately 63,374 square feet of residential housing configured within 71 residential units. The portion of the site in the airport district could remain as open space to meet project objectives. However, there is a notable slope that could possibly exceed 30 percent on the portion of the site that is not covered by the airport safety zone overlay zoning district and which would necessitate excessive grading near a wetland area. MidPen does not own the site, and the individual does not appear receptive to selling the site.

Alternative 4: El Granada Site. The El Granada site is designated for affordable housing in the LCP. The parcel is owned by the Cabrillo Unified School District. This alternative is zoned R-3-A/S-5/DR/CZ. Approximately 71 housing units could be constructed on this property if the entire parcel were developed. Although the project site has environmental constraints including steep slopes, Alternative 4 meets most of the project objectives and would lessen the significant transportation impacts related to pedestrian safety.

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Environmentally Superior Alternative: Alternative 4: El Granada Site would reduce the magnitude of most environmental impacts because it would result in the least land developed while meeting the proposed 71 units developed. This alternative would be the Environmentally Superior Alternative.

However, the El Granada Site does not meet Objective 6, which states to provide open space on-site as an

**Route to Bus Stop
suggested in draft EIR
at Stetson Street and
California Ave**

**Extreme incline of hill
makes walking to bus
stop hazardous and not
in accordance with ADA
accessibility**





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Carlos St



**Bus Stop at
Etheldore and
California Ave**

**No sidewalk,
bench or
protection**



Entire downtown
Moss Beach corridor