

Midcoast Community Council  
P.O. Box 64  
Moss Beach, CA 94038

An elected Municipal Advisory Council of the San Mateo County Board of Supervisors  
Serving 12,000 Coastal Residents

March 14, 2000

To: San Mateo County Planning Commission  
County Government Center  
455 County Center, 2nd Floor  
Mail Drop PLN122  
Redwood City, CA 94063.  
650/363-1859 - Facsimile 650/363-4849

re: Item 5 on your agenda of March 22, 2000 - Moss Beach Highlands  
PLN1999-00452 - 1181 Etheldore Street, Moss Beach - APN: 037-320-270

Dear Chairman Bomberger and Commissioners Goff, Kennedy, Nobles, & Silver;

At our meeting of March 8, 2000, The MidCoast Community Council voted  
unanimously to pass the following resolution:

The Council hereby recommends to the San Mateo County Planning Commission that  
the EIR for the Moss Beach Highlands project not be accepted or certified  
on the basis of non-compliance with LCP policies concerning (1) visual  
impact, (2) community character and compatibility, (3) availability of  
affordable housing to coastal residents and workers and (4) inadequate  
consideration of alternatives,

and that the council recommends to the Planning Commission and the County  
that, in conjunction with further development of this project, coordinated  
work be done on establishing studies and corrective actions concerning (1)  
the flooding problems along Etheldore St., (2) the overall health of the  
natural habitats of San Vicente Creek watershed, (3) the planned  
availability of affordable housing for service workers on the Coastside and  
(4) the improvement of mobility infrastructure (vehicular traffic,  
pedestrians, equestrians, cyclists, etc.) in the project area,

and that the Council adopt the attached list of issues and concerns derived  
from the series of public meetings and hearings with the MidCoast Community  
as a basis for these recommendations.

On behalf of the Council, I wish to thank the Planning Commission and County staff for the time  
and attention that has been dedicated to this proposal. This is a critical development project within

our community, and our concern is that it be accomplished correctly and beneficially for all those concerned.

Thank you again for your attention and your careful consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read "April Vargas", written in a cursive style.

April Vargas  
Chair, MidCoast Community Council  
PO Box 64, Moss Beach CA 94038

The following compilation of comments from the MidCoast Community Council is arranged into 5 areas:

- (1) Drainage
- (2) Project Compatibility and Integration with the Community
- (3) Affordability
- (4) Environment
- (5) Process & Performance

Most of the items pertain to issues of contention or inadequacy of the project EIR, and serve as the basis for the Council's recommendation of not accepting or certifying the document. But also of prime concern is that the project, as proposed and situated in the present-day Moss Beach Community, lacks the necessary supporting infrastructure and reliable environmental data that would validate a decision on whether to proceed.

While many issues in this area do not directly relate to the project or the EIR, they are extremely relevant to the ability to make a decision as to whether it would be feasible to construct this project at this time. These items form the basis for the recommendation that the Commission and the County study and take corrective actions in these areas before giving any further serious consideration to this proposal.

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#### **I. Drainage:**

The issues of drainage in the area of the project seem to break down into three issues:

- 1a. Flooding on Etheldore:** In the strict sense of how much water is running onto Etheldore, the project would seem to decrease the amount of water that would flow north on Etheldore, at least from the subject parcel (refer to FEIR Appendix H, Hydrology Analysis.)

What is not specified is what percentage (of the water that floods Etheldore) comes from the project parcel, and what overall effect this change might have in the flooding. If the amount of flooding is not significantly decreased, then the situation on Etheldore would present a serious safety issue to the residents of the proposed development, especially the seniors in the affordable units. It would seem logical that this project should be part of an overall effort by the County to improve drainage in the area and alleviate the existing flooding problems. Also not documented is where this water goes after it heads north on Etheldore. See related comments in **1b.** below.

- 1b. Effect on San Vicente Creek:** With the alteration of the drainage described above, 11 acres of the project site will now drain directly into SVC, either out from the southeastern corner as it had before, or mostly down through the project storm drain system and out through the stormwater management pond at the southwestern corner of the project. According to the EIR, this would result in an overall increase of .1 - .6% in the volume of water carried by SVC during a two-year storm event.

The pond is designed to hold .32 acre-feet of runoff from the project, presented by the EIR as a capture goal of 90%. Volume was calculated on a project of 45% impervious surfaces and rainfall data from Oakland airport. See related comments in **Environmental Issues** section.

The project's hydrology studies maintain that peak flow from the project site would occur about 50 minutes after the start of a rainstorm, while peak flow from the rest of the SVC watershed would take 2 hours and 6 minutes to reach the Etheldore bridge. The model used in the study supposedly takes into account what happens when it rains for more than 2 hours and 6 minutes, and for conditions later in the winter when full soil saturation has been reached and the creek receives much more runoff in a shorter time from the entire watershed, and would rise in volume much quicker.

Issues concerning the drainage and the creek yet to be addressed adequately in the EIR:

- (1) Following the flow of water down Etheldore (see **1a** above), it would seem to eventually work its way down to Highway 1, into culverts beneath the road and eventually into SVC west of the highway - this volume of water does not seem to be accounted for in the hydrology model presented -
- (2) the existing inadequacy of culverts (Etheldore, Highway 1, Cypress St. west of the Highway, etc.) to handle existing storm flows of SVC, many which back up in times of heavy rain, and how this may affect the drainage system and the stormwater management pond operation -
- (3) Is the data from the Oakland airport sufficiently parallel to what might be expected for the Moss Beach area, and
- (4) Does the model used accurately deal with excessive and lengthy rainfall and late season saturation flow rates?

- 1c. Effect on residential wells:** The EIR claims that groundwater recharge loss from the project would be about 1.7% worst case (2.5 Acre-feet lost/144 Acre-feet w/36% impervious surface) for the entire Moss Beach sub-unit.

Numbers are based on the 11 year old Kleinfelder report, which is not reprinted or quoted in the EIR, and has not had many of its recommended and needed verification processes implemented.

A description of the geographical boundaries, hydrological range, or groundwater distribution of the "Moss Beach sub-unit" is not given, nor is there any discussion of how this is relevant to the wells within the immediate area.

Groundwater quality is minimally addressed, with only citations of "generally low concentrations" and vague descriptions of unexplained chemical breakdown in the soil column.

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## 2. Project Compatibility and Integration into neighborhood:

Suggestions on alternatives from the MCC DEIR Comment letter of 6/18/99 (addressed collectively as C1-166 in the FEIR) included many items that sought to integrate the project better into the existing community and create less of an "enclave" design. These included extending the upper streets past the hospital, maintaining existing trail use patterns, utilizing agricultural resources on the parcel, encouraging community-based facilities, encouraging "neighborhood-serving" small businesses, creating PUD zoning standards more in accord with the surrounding RI/S-17 district, and so on. Taken collectively, it was felt that these constituted a true and viable alternative to the project that was economically feasible and would meet the goals for the project of both the County and the Applicant. The response to C1-166 was that the proposed Reduced Density Alternative met the requirements for alternatives, and that no further consideration of other alternative was necessary and that "many" of the items suggested in the alternative were to possibly be included as mitigations. And that as the proposed project's impacts were mostly listed as "less-than-significant" after mitigation, it was not necessary to further pursue alternatives.

Listed below are a number of these suggestions which it was felt were not adequately addressed in the EIR:

- 2a. Issue of community integration - no consideration in EIR of extended project streets at top into existing neighborhoods to create less of an "enclave".
- 2b. Described PUD specifications have smaller lots, reduced setbacks, and smaller street widths than surrounding residential zoning. Parking and utility easements are on private lots, resulting in further reduction of usable lot size and setbacks. This, along with repetitive design of houses presents an incompatible project with existing surrounding neighborhoods in Moss Beach. Specific information on range of lot sizes is requested rather than an average.
- 2c. Parking for the affordable housing section of the project has 1 parking space per unit. There is no accommodation for overflow parking - any extra vehicles from visitors or multiple-tenet occupancy will force overflow parking onto Etheldore, which is an unimproved street with no shoulders.
- 2d. The accelerated building schedule proposed by the applicant would result in an almost 10% increase in the population of Moss Beach, far beyond any other rate of growth in the County, and much faster than any planned infrastructure improvements to accommodate it.
- 2e. Clarification is needed on how the shuttle service would be implemented, including financial responsibility and information on similar project by K&B, and guarantees of its continuation during the life of the affordability component. See **Performance Issues** below.
- 2f. There not a Fire Department/Emergency Vehicle turnaround on the proposed Vista street. Why doesn't this street have the same design as the cul-de-sac section of Palisades? The suggested option of connecting Vista to the Seton Medical Center parking lot, for both general and emergency access, was not considered or addressed adequately in the responses.

- 2g. Improvements to Etheldore seem to be limited to the area immediate adjacent the project. Etheldore is a narrow, not-very-well-paved road with no sidewalks and mud shoulders. The EIR does not address how the remainder of the street would handle the increased vehicular and pedestrian traffic that would result from the project.
- 2h. It is not specified whether the tot lot playground or other facilities be available for community use. The EIR indicates that this decision will be left up to property management and/or homeowners' association.
- 2i. The FEIR does not respond adequately to the question of whether the project meets park requirements of San Mateo County Subdivision Ordinance, and if not, why it is not required to do so.
- 2j. Requests for examination of historic use and agreement for trail uses across property were not addressed fully in FEIR, and the document's interpretation of prescriptive rights is subjective and contestable. Project should maintain levels of access and trails that currently exist. This is a community integration issue as passage across the property on existing trails is a common way of getting from one part of Moss Beach to another.
- 2k. New photo-simulations of views show that some of the proposed houses will break the ridgeline as seen from the highway or from the airport, in apparent conflict with LCP policies on new development location, location of new parcels created within a subdivision, and protection of visual resources. **The EIR lists this as an unmitigatable impact.**
- 2l. There is no dedicated parking area for the tot lot playground area, which will contribute to on-street parking in this area and act as an exclusionary deterrent to use of the facility by community members outside of the project area.

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### 3. Affordability:

The issue of the need for affordable housing would certainly not be contested by anyone on the Coastside. It has been made very clear that we are in need of affordable and moderate income housing options for our core service workers (police, fire fighters, emergency personnel, school teachers, etc.) and that housing prices and rents have risen dramatically in the past few years to exclude many seniors, residents and local workers from being able to live on the coast.

It also seems that many people were under the impression that this project would provide affordable housing to a greater extent than what is being proposed, and the Council has heard a lot of disappointment to that effect from service workers that the houses on this project would all be market-rate and probably priced beyond their means.

There is a well-intentioned (and hopefully successful) effort being made by housing advocate organizations to pull together funding and assistance packages for moderate-income residents. But this effort, though it may help some buy into some of the market-rate housing units in this proposal, is not a part of this project. The attempts to arrange "some sort" of monetary assistance for an unspecified segment of buyers cannot be used as a justification for proceeding with this project, when it is neither guaranteed nor conditioning in any way to the applicants and the project's projection of available affordable housing.

Other points concerning affordability issues:

- 3a. The EIR does not explain the County-wide plan for affordable housing and how this project fits in. This is an unexamined characteristic of this project - if the affordable component is not in line with projections, a possible impact would be increased pressure for higher density development in other parts of the Coastside.
- 3b. LCP policy 3.5 defines the coast's "Regional Fair Share" of assisted housing allocation *"... as that which provides housing opportunities for low and moderate income households who reside, work, or can be expected to work in the Coastal Zone."* Policy 3.6 continues on to describe the allocation of affordable units *"... In order to reduce home-to-work travel distance within the Coastal Zone ..."*

The EIR does not give any guarantee that the affordable units in this project will be available to coastal residents (response C1-20, page IV-91, FEIR), but instead deflects the point by referring to Government Code section 65584 (which is not quoted or cited), ABAG's role in determining regional shares of needed housing, and how the project complies with the County's General Plan Housing Chapter.

It should be noted that the County's General Plan Housing Chapter states the Montara-Moss Beach-El Granada Community Plan, and its recommendations for providing housing for a range of income levels, is incorporated into the General Plan. The chapter also states on page 14.67: *"Technically, ABAG has assigned the housing needs of the urban unincorporated areas to the cities in whose sphere of influence the area is located. However, until these urban areas are annexed, County government has an obligation to plan for them, as well as the rural areas of the County."* Table 14.20 shows the projections for Half Moon Bay and the County's share of that projection, based on ABAG's determination of existing need of that jurisdiction.

The EIR does not adequately address the question of whether availability and restrictions could be placed on the Market Rate housing to increase the affordable percentage component of the project, such as low-cost loans for qualified residents and low rate financing tied to deed restrictions that would keep house prices at an affordable level.

- 3c. The EIR fails to clarify the target population and projected price range of the Market Rate housing.
- 3d. If there is set financing/profit margin target for Kaufmann & Broad, can the number of Market Rate units decrease (and lot size increase) as prices for the Market rate units rise? Estimates in DEIR of \$340-390,000 range are now outdated and very low in today's housing market. Prices that have been mentioned at previous hearings have been as high as \$600,000. If some of the individual houses were set as moderate-income housing, how would available financing packages help offset the cost by the developer? Can the County ask for a fiscal analysis of the project to determine the economic feasibility of a variety of mixes and amounts of affordable and market rate units?

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#### 4. Environment:

- 4a. The amount of drainage into San Vicente Creek (SVC), what will happen to it and where it will go was discussed at length at the last MCC P&Z meeting on 3/1/00 with

the project's environmental consultant. Quantities and such are discussed above in the drainage section.

The EIR does not supply detailed information on the effect of this water on the habitats of SVC - the amount may be small (less than 1% of total flow during 2 year storms), but the effects on the chemistry and temperature of the creek are yet to be determined. This water will arrive at the creek from the stormwater management system at a faster rate and higher quantity than is normally expected.

SVC is a potential salmonoid habitat stream, and known habitat for Red-legged Frogs (at the project site) - the San Francisco Garter snake has an historic population in the upper reaches of the San Vicente and Denniston watersheds. The creek has never had any regular monitoring to establish a baseline of its water quality and flow, and is currently the subject of investigate by various local and state agencies regarding the high levels of contaminants found in its waters.

The waters of SVC flow directly into the tidal areas of the Fitzgerald Marine Reserve and the waters of the Monterey Bay National Marine Sanctuary.

With such an unknown state of affairs and potentially fragile balance of the creek's habitats, any further disruption of its natural flow pattern or further contamination of its chemistry, however insignificant they may seem in a numeric analysis, should be studied fully and in light of the cumulative impact of other activities presently along the watershed.

- 4b. Responses to the DEIR have not been received from County Parks (Fitzgerald), NOAA (Sanctuary), or Fish & Game and Fish & Wildlife. Some of these agencies will need to review the project for permitting purposes somewhere along the way. As these are highly regarded natural resources, these permits should be clarified if not finalized before project approval, both for the protection of the County and the applicant as well as to allow these agencies to properly review the proposal in light of resource protection without the implied political and bureaucratic pressure of an approved project.
- 4c. The drainage to the "seep" area, to the southeast of the property, will be affected by the grading. Much of the water that is currently drained into the seep will be diverted to the storm water system of the project, depriving this area of the flow of water that has defined it as an area of special concern in this EIR.
- 4d. To the immediate south of the property, the land slopes sharply downhill to a dirt road and the SVC channel and riparian habitat. The vegetation and habitat of this hillside appear to be the benefactor of the drainage pattern of the area as it exists, receiving a good quantity of water absorption as drainage moves to the channel at the southeast portion of the property.

The proposed grading and stormwater drainage for the project would deprive this area of much of that water, instead channeling it into drains. It would eventually wind up in SVC anyway, but without the benefit to the hillside habitats. Although not a wetlands or officially designated ESHA, this hillside is an integral part of the larger environment that makes up the SVC watershed, and the potential degradation from loss of natural water flow should be studied.



**5. Process & Performance:**

Many issues have been raised about how the process will work itself out and how various aspects of the projects, in whatever form it finally takes, would be guaranteed and enforced. The listing below (and some of the issues above) are examples:

- 5a. As this is to be the EIR for the water supply pipeline also, the final configuration should be determined before certification (currently, it could be anything from two 12" pipes to one 10" and one 4" pipe), the current status of availability of supply from CCWD should be examined, and the EIR should contain a comprehensive examination of alternatives such as supply from other sources and the use of storage tanks for either fire-fighting or redundant supply capacities.
- 5b. The EIR lacks clarification of fiscal arrangement, responsibility/liability, and inspection/enforcement of sedimentation/retention pond facility. Are there similar projects that Kaufmann & Broad have undertaken?
- 5c. The question has been raised if it is necessary for the Planning Commission to vote on the entire project at once, or is it best to begin with just certification of the EIR and hear the other issues (Re-zoning, LCP amendments, grading, etc.) separately? The issue has been brought up that the project may require further LCP amendments than have been applied for, and the potential impacts of these may need to be incorporated into the EIR.
- 5d. It was felt that some responses did not address issues in the same level of detail as request as required by CEQA, as mentioned in various items earlier in this document.
- 5e. Clarification is needed on how the shuttle service would be implemented, including financial responsibility and information on similar project by K&B, and guarantees of its continuation during the life of the affordability component.
- 5f. For outstanding issues that need to be monitored over the life of the project (pond maintenance, keeping the shuttle running, other required mitigation), it was suggested the applicant post a performance bond or maintain an escrow account to guarantee performance in these areas.
- 5g. The possibility should be explored of awarding construction jobs and other project contractor aspects to local San Mateo County firms and workers.

cgk - 3/14/00