



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 24-199

Board Meeting Date: 3/26/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Director of Planning and Building

Subject: Consideration of a General Plan Land Use Map Amendment, Coastal Development Permit, Design Review Permit, and Grading Permit for the Cypress Point Planned Unit Development in the unincorporated Moss Beach area

County File Number: PLN2022-00220 (MidPen Housing Corporation)

RECOMMENDATION:

Conduct a public hearing to consider a General Plan Land Use Map Amendment, Coastal Development Permit, Design Review Permit, and Grading Permit, County File Number PLN 2022-00220, to construct the Cypress Point Planned Unit Development in the unincorporated Moss Beach area:

- A) Open public hearing
- B) Close public hearing
- C) Adopt a resolution amending the San Mateo County General Plan Land Use Map to change the land use designation of APN 037-022-070 from Medium-High Density Residential to Medium Density Residential; and
- D) Approve the Coastal Development Permit, Design Review Permit, and Grading Permit by making the required findings and adopting the conditions of approval contained in Attachment A.

BACKGROUND:

PROPOSAL

The Project applicant, MidPen Housing, is proposing to construct an affordable housing community composed of 71 affordable housing units, contained in 16 two-story buildings, and a community building. Five different building layouts and unit configurations, all with a maximum building height of 28 feet are proposed. Public utility lines will be extended underground throughout the site.

The project will provide a mixture of one-, two-, and three-bedroom units, including a combination of two-story townhouses and Americans with Disabilities Act-accessible one-story flats. All units, except for the manager's apartment, will be affordable to households earning up to 80 percent of the Area Median Income. As part of the resident selection process, the project proposes to include a preference for individuals who live and/or work in the region for 75 percent of the units. Eligible households are those that include at least one member who lives or works in the City of Pacifica, the City of Half Moon Bay, and/or the unincorporated County region between the City of Pacifica and the City of Half Moon Bay ("MidCoast Area"). Twenty-five percent (25 percent) of the units will be set-aside for agricultural workers.

In addition to the housing units, the project will include an approximately 3,300-square-foot community building, which will contain the general office, the manager's office, a community room, kitchen, computer room, laundry, and maintenance and storage areas. The project also includes several outdoor recreational amenities, including a community garden, children's play area, and picnic areas.

Vehicular access to and from the project site will be provided by a new single driveway on Carlos Street. A second new access route, which will be restricted to emergency vehicles only, will connect with Lincoln Street. There will be 142 parking spaces on site, forming a ring around the central core of apartment buildings. Accessible walkways will provide internal pedestrian access to the site, and trails will be provided around most of the perimeter of the site for recreational use by both residents and the general public.

The applicant is also seeking an amendment of the County General Plan land use designation for the project parcel, from Medium-High Density Residential to Medium Density Residential. A General Plan land use designation of Medium Density Residential allows for development at densities of 6.1 to 8.7 housing units per acre. The Local Coastal Program (LCP) allows for development at densities of 6.1 to 8.0 housing units per acre in the Local Coastal Program.

Project construction will take place in one phase over a period of 18 months. The project will excavate approximately 9,506 cubic yards on site and import approximately 19,388 cubic yards of fill.

The applicant is also requesting authorization to erect temporary fencing along the street frontage of the property as is frequently seen at construction sites throughout the County. The fencing will be 6 feet tall and consists of chain link fencing with black vinyl screening and "No Trespassing" signage. The fence will have three gated access points. Two will be on the east side and one will be on the west side of the site to allow construction personnel to access the site. Montara Water and Sanitary District (MWSD) will also be provided access to their two large water tanks on the parcel. The fencing will be erected once the project has been approved, and the property has been acquired by the applicant, in order to secure the site, and will be removed once construction is complete.

Planning Commission: The Planning Commission considered the project on March 13, 2024. The Planning Commission voted 4-0 (Commissioner Ramirez absent) to recommend approval of the project.

Report Prepared By: Michael Schaller, Senior Planner

Applicant/Owner: MidPen Housing Corporation

Public Notification: Ten (10) day advanced notification for the hearing was mailed to interested parties and property owners within 500 feet of the project parcel and a notice for the hearing was posted in the San Mateo County Times.

Location: Corner of Carlos and Sierra Streets, Moss Beach

APN(s): 037-022-070

Size: 11.02 acres

Existing Zoning: PUD-140/CD

General Plan Designation: Medium-High Density Residential (8.8 - 17.4 d.u./net acre)

Local Coastal Plan Designation: Medium Density Residential (6.1 - 8.0 d.u./net acre)

Sphere-of-Influence: Half Moon Bay

Existing Land Use: Vacant

Water Supply: Montara Water and Sanitary District. Both LCP Policy 2.24 and Table 2.17 of the LCP identify the project site as a priority land use for which sufficient water supplies must be reserved.

Sewage Disposal: Montara Water and Sanitary District. Both LCP Policy 2.16 and Table 2.7 of the LCP identify the project site as a priority land use for which sufficient sewage treatment capacity must be reserved.

Flood Zone: Zone X (Areas of minimal flooding), FEMA Panel Number 06081C0117F, effective date August 2, 2017.

Environmental Evaluation: This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.40. An analysis of the exemption and the project's qualification for the exemption is included in Attachment C.

Setting: The proposed project site is located in a low-density residential neighborhood within the unincorporated urban community of Moss Beach. The westerly edge of the project site is approximately 750 feet due east from the nearest coastal bluff. The site slopes from east to west, with elevations ranging from approximately 77 feet above mean sea level (MSL) at the northwest corner to 189 feet MSL along the easterly boundary. Montara Creek, a perennial stream, is located approximately 250 feet to the northeast of the project site and runs parallel to the northern border of the project parcel. The creek sits approximately 100 feet lower in elevation from the area where residential development is proposed.

Vegetative communities on the project site consist primarily of grasslands and coastal scrub. Forest land comprised predominantly of Monterey cypress and Monterey pine is located along the northern boundary of the project parcel. The previously developed portions of the site are largely barren due to the presence of remnant concrete building foundations.

The proposed project area formerly made up a portion of the Point Montara Artillery Training Facility, a World War II era military complex in use between 1943 and 1945. Several structures within this complex were located within the current proposed project area, including barracks, offices, and a mess hall. In the late 1960's the proposed project area was in use as a training facility for firefighters. During this period, the structures within the proposed project area were razed by a controlled burn, leaving only exposed concrete foundations. The property has been vacant since 1970.

A geotechnical report prepared for the project has determined that the project site is not located in any identified earthquake fault zone; however, the Moss Beach area is susceptible to strong shaking from the nearby San Andreas Fault. The report concluded that the site is at a very low risk of surface faulting and ground failure. The report also determined that the potential for liquefaction and liquefaction-related hazards, such as lateral spreading, is almost zero; and the potential for land sliding at the site, under both static and seismic conditions, is deemed to be low.

DISCUSSION:

A. KEY ISSUES

1. Compliance with the San Mateo County General Plan

Urban Land Use Policies

Policy 8.14 (*Appropriate Land Use Designations and Locational Criteria for Urban Unincorporated Areas*). This policy requires the utilization of the densities and locational criteria contained within Table 8.1 when designating appropriate land uses for urban lands. The project parcel is currently designated as "Medium-High Density Residential" on the General Plan Land Use Map, which allows residential densities of 8.8 - 17.4 dwelling unit/net acre.

The proposed project has a density of 6.5 units per net acre, which is below the density allowed by the existing Medium High Density Residential designation. The proposed density maximizes the provision of affordable units in a manner that addresses other policy considerations and site constraints, for example by minimizing development on areas of the site with steep slopes. Accordingly, the applicant is requesting to amend the General Plan Land Use Designation to the Medium Density Residential designation, which allows 6.1 to 8.7 dwelling units per net acre. The proposed amendment is consistent with the change to the LCP previously approved by this Board of Supervisors and certified by the Coastal Commission.

The locational criteria for Medium Density Residential are:

a. *Next to existing medium density areas.*

The areas bounding the project site are also designated medium density residential (6.1 - 8.7 d.u./net ac) and are developed at roughly the same density if not slightly higher. The majority of parcels in the immediate surrounding areas are approximately 5,000 sq. ft. in size and developed with single family dwellings.

b. *Where there are adequate public services and facilities.*

The project site is within an area served by public facilities and services, including water, sewer, gas, and electricity, fire, sheriff, and schools. The affordable housing units planned for the project site qualify as a priority use in the LCP, and both water supply and wastewater capacity have been reserved for the project. The project site is within the service area of the Montara Water and Sanitary District (MWSD). In 2013, the Coastal Commission considered and adopted MWSD's Public Works Plan (PWP). The confirmation was predicated, in part, on the confirmation that "the PWP would protect all LCP-enumerated priority uses," including affordable housing.

c. *Along or near major transportation corridors.*

The project site sits close to Highway 1, the primary north-south transportation route for Coastal San Mateo County. Residents of the project will be able to access the Highway at the north end of Carlos Street, adjacent to the site, as well as at intersections to the south within the community of Moss Beach.

d. *Not within areas of high perceived noise levels.*

Noise sources near the project site include Highway 1, which is approximately 220 feet to the west of the project parcel. The environmental analysis contained in Attachment D analyzed potential impacts of noise upon the future residents of the project and determined that they would not be impacted by significant noise levels. Based upon this analysis, the project will not be within an area of high perceived noise levels.

2. Compliance with the San Mateo County Local Coastal Program (LCP)

The County's LCP is a subset of the County General Plan, and more specific than the General Plan with regard to issues raised by this project. Thus, the following analysis of the project's consistency with the LCP also addresses, by extension, the project's consistency with the County's General Plan.

a. Locating and Planning New Development Component

Policy 1.3 (*Definition of Urban Areas*). This policy defines urban areas as those lands suitable for urban development because the area is either: (1) developed, (2) subdivided and zoned for development at densities greater than one dwelling unit/5 acres, (3) served by sewer and water utilities, and/or (4) designated as an affordable housing site in the Housing Component.

The area surrounding the project site meets the first three criteria of this policy. The project site itself meets the requirements of the third and fourth criteria in that it is eligible to be served by municipal water and sewer service, and that it has been designated as an affordable housing site in the Housing Component of the LCP since 1982.

Policy 1.4 (*Designation of Urban Areas*). This policy designates as urban those lands shown inside the urban/rural boundary on the LCP Land Use Plan Maps. Such areas include Montara, Moss Beach, El Granada, Princeton, and Miramar. These areas were designated as urban with the adoption of the original LCP in 1980. The project site is located within the Moss Beach urban area.

Policy 1.5 (*Land Uses and Development Densities in Urban Areas*). This policy designates urban land uses as shown on the Land Use Plan map and at the densities specified in Tables 1.2 and 1.3 of the LCP. The project's density of dwelling units of 6.5 dwelling units per acre is consistent with the land use density designated by LCP Tables 1.2 and 1.3 and matches the density of the surrounding neighborhood to the south and east, which fall within a range of 6.1 to 8.0 dwelling units per acre. The project is consistent with this policy.

Policy 1.18 (*Location of New Development*). This policy directs new development to existing urban areas in order to discourage urban sprawl, maximize the efficiency of public facilities, services, and utilities, minimize energy consumption, and protect and enhance the natural environment. The project proposes concentrating structural development near the center of the parcel, leaving much of the site as open space. Walking paths are proposed throughout these open spaces and will be accessible to residents of the project and the surrounding community. The site is within an area served by public facilities and services, including water, sewer, gas, and electricity, fire, sheriff, hospitals, and schools. The project's affordable housing units are identified as a priority use by the LCP, and the water supply and wastewater treatment capacity required to serve this use have been reserved by the local service provider. The project complies with this policy.

Policy 1.19 (*Ensure Adequate Public Services and Infrastructure for New Development in Urban Areas*) states that no permit for development in the urban area shall be approved unless it can be demonstrated that it will be served with adequate water supplies and wastewater treatment facilities. The project site is within the service area of the Montara Water and Sanitary District (MWSD). In 2013, the Coastal Commission considered and certified an amendment to MWSD's Public Works Plan (PWP) that was predicated, in part, on the confirmation that "the PWP would protect all LCP-enumerated priority uses," including affordable housing. Per LCP Policy 3.12, the project qualifies as a priority land use, and therefore, the water demand and sewer capacity must be supplied by MWSD's priority use reserves. The project site is specifically listed in the LCP as "North Moss Beach Site (11 acres)" in *Table 2.7: Sewage Treatment Capacity to be Reserved for Priority Land Uses-Montara Sanitary District*, and *Table 2.17: Amount of Water Capacity to be Reserved for Priority Land Uses-Montara Water and Sewer District*. MWSD has stated that they have the capacity to serve the project.

Policy 1.23 (*Timing of New Housing Development in the MidCoast*) states that if the number of issued building permits for any given year has reached the 40-unit maximum, building permits for affordable housing, including second dwelling units, may still be issued under the following circumstances:

- (1) The units are "affordable" as defined by Section 6102.48.6

of the certified zoning regulations and subject to income and cost/rent restrictions for the life of the development; and

(2) The growth rate average over the three-year period, that includes the year of building permit issuance and the following two years, does not exceed 40 units/year.

At the time that building permits are issued for the project, the number of building permits issued for the remainder of the calendar year and the following two years will be restricted so that the number of new building permits issued over that three-year period will not exceed 40 new residential units per year. For example, if building permits for the proposed 71 residential units are the first residential building permits issued in January 2025, the number of additional residential building permits issued within the MidCoast Urban area for the remainder of 2025, and during the years 2026 and 2027, cannot exceed 49 additional units. $((71+49) \div 3 = 40.)$

Policy 1.25 (*Protection of Archaeological/Paleontological Resources*) requires investigation of development sites for potential archaeological/paleontological resources. If it is determined that there is a high potential to uncover resources during construction, then a mitigation plan, prepared by a qualified professional must be implemented as part of the project. Appendix B (*Initial Study*) of Attachment D had the following discussion regarding archaeological resources:

“The 2018 combined cultural resource evaluation prepared by Archeological Resource Management (ARM) identified a portion of the proposed project site as containing potentially significant archaeological resources (a midden site). The report concluded that “based upon the lack of diagnostic artifactual material within the deposit, and its heavily disturbed nature, CA-SMA-431 does not appear to have the potential to yield important prehistoric or historic information, and thus does not appear eligible for either the CRHR or the NRHP. However, there is the possibility that isolated artifacts/remains are present.”

Archaeological testing for the purpose of determining the boundaries, depth, and constituents of the archaeological deposit within the proposed project site was recommended. In February 2018, ARM returned to the project site, and testing excavation was carried out. Testing determined that the proposed earthmoving activities at the project site have the potential to impact cultural materials. A treatment plan was designed to mitigate the specific impacts of earthmoving during the proposed project construction. Preservation in place was determined not to be feasible as the proposed project could not avoid the resource. The treatment plan has been included as Conditions Nos. 2 - 5 in Attachment A. With inclusion of these conditions, the project complies with this Policy.

Policy 1.35 (*All New Land Use Development and Activities Shall Protect Coastal Water Quality*). Specifically, new development is required to implement appropriate site design and source control best management practices (BMPs) during construction as well as minimize the amount of impervious surfaces in new development and, where feasible, maximize on-site infiltration of runoff. A condition

of approval (Condition No. 6) has been placed on the project requiring the submittal of an erosion and sediment control plan prior to the issuance of the grading permit. The erosion control plan must contain erosion and sediment controls, soil stabilization, dewatering, source controls, and pollution prevention measures to mitigate erosion and sediment impacts during the construction period.

Additionally, projects disturbing more than 1 acre of land during construction must file a Notice of Intent with the Regional Water Quality Control Board to be covered under the State's NPDES General Construction Permit for discharges of stormwater associated with construction activity. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit and must include Best Management Practices (BMPs) that will reduce impacts to surface water quality. While the SWPPP will include several of the same components of the Erosion and Sediment Control Plan, the SWPPP shall also include BMPs for preventing the discharge of other nonpoint source pollutants besides sediment (paint, concrete, etc.) to downstream waters.

The SWPPP must specify the location, type, and maintenance requirements for BMPs necessary to prevent stormwater runoff from carrying construction-related pollutants into nearby receiving waters (in this case, Montara Creek). BMPs must be implemented to address the potential release of fuels, oil, and/or lubricants from construction vehicles and equipment (e.g., drip pans, secondary containment, washing stations); release of sediment from material stockpiles and other construction-related excavations (e.g., sediment barriers, soil binders); and other construction-related activities with the potential to adversely affect water quality. The number, type, location, and maintenance requirements of BMPs to be implemented as part of the SWPPP depend on site-specific risk factors such as soil erosivity factors, construction season/duration, and receiving water sensitivity. The SWPPP will also incorporate measures to minimize dust control, stormwater runoff, and tracking of soil off-site. These recommendations include equipment decontamination and personal protective equipment. A condition of approval (Condition No. 7) requiring submittal of the approved SWPPP to the County for inclusion in the record has been included in Attachment A.

With regard to post-construction stormwater control measures, the project includes a comprehensive stormwater management system with four distinct drainage management areas (DMAs) based on stormwater flow patterns. Stormwater runoff on the project site will be collected by overland flow and directed away from buildings to three stormwater bioretention basins in the western portion of the project site. Per the recommendations of the project's geotechnical investigation, the bioretention areas will include underdrains and/or drain inlets and no exfiltration into the subgrade soil due to the low permeability of the near-surface soil. Drain inlets will also be located at low points throughout the hardscape and landscape areas to collect and convey large storm event overflow runoff. Storm drain lines ranging in diameter from approximately 12 inches to 21 inches will move runoff to two on-site catch basins along the western boundary. The project will install a new connection to the existing storm drain main on Carlos Street, which ultimately outfalls to Montara Creek. As designed and conditioned, the project complies with

the requirements of Policy 1.35.

b. Public Works Component

Policy 2.8 (*Reservation of Capacity for Priority Land Uses*) requires the reservation of public works capacity for land uses given priority by the LCP, as shown on Table 2.7 and Table 2.17 of the LCP, and states that all priority land uses shall exclusively rely on public sewer and water services.

As previously discussed, the project will rely upon water and sewer service provided by Montara Water and Sanitary District. The approved Public Works Plan for MWSD requires the district to reserve capacity specifically for this site. The amount of sewer and water capacity that is to be reserved is based on the previous zoning which would have allowed 148 dwelling units. The 2020 PUD amendment reduced the number of permitted dwelling units to 71 units, thus freeing up a corresponding amount of sewer and water capacity for other uses within the MWSD service area. The Sewer Authority Mid-Coastside has indicated that the wastewater treatment system has adequate capacity for growth anticipated in the region, including the development of 71 residential units on the subject site.

Policy 2.43 (*Desired Level of Service*) states that in assessing the need for road expansion, consider Service Level D acceptable during commuter peak periods and Service Level E acceptable during recreation peak periods.

As noted in the DEIR, the existing conditions of Highway One intersections near the project are below the acceptable levels during the specified peak periods. Currently, the intersection at SR-1 and 16th Street intersection operates at Level of Service (LOS) E during the weekday afternoon Peak period, as does the intersection at SR-1 and Etheldore Street/Vallemar Street intersection traffic operations are below the desired LOS D for the weekday p.m. peak hour at LOS E. The LOS at the SR-1 and California Avenue/Wienke Way intersection (No. 7) traffic operations are at LOS E during the weekday a.m. peak hour, LOS F during the weekday p.m. peak hour, and LOS F during the Saturday midday peak hour. Without intervention, the LOS at these intersections would be further reduced by the cumulative impacts associated with development in the area, including the proposed project.

As required by LCP Policy 2.43, the County has assessed the need to expand and/or otherwise improve these intersections to achieve the desired LOS as part of Connect the Coastside. As discussed below, the Moss Beach Corridor Improvement project, funded by the San Mateo County Transportation Authority, has analyzed alternative designs for these improvements, which will be used to complete the design and environmental analysis of these improvements. The County's commitment to implementing these and other circulation improvements within the Midcoast, and the project's fair share contribution to constructing these improvements, complies with the directive provided by LCP Policy 2.43.

Policy 2.52 (*Traffic Mitigation for all Development in the Urban MidCoast*) requires applicants for new development that generate any net increase in vehicle trips on

Highways 1 and/or 92 to develop and implement a traffic impact analysis and mitigation plan, which shall include both traffic mitigation measures (such as transportation demand management or “TDM”) and provisions to mitigate for any adverse cumulative impacts on beaches.

The project will generate a net increase in vehicle trips on Highway 1 of 37 weekday AM peak hour trips, 45 weekday PM peak hour trips, and 37 weekend Saturday midday peak hour trips. The applicant prepared a Transportation Impact Analysis and Mitigation Plan ([TIMP <https://www.smcgov.org/media/131296/download?inline=>](https://www.smcgov.org/media/131296/download?inline=>)), which includes strategies to reduce trips generated by the project. The applicant will comply with the C/CAG TDM Policy and has completed the required TDM [checklist <https://www.smcgov.org/media/131281/download?inline=>](https://www.smcgov.org/media/131281/download?inline=>), exceeding the target 25 percent trip reduction requirement. The project will implement measures consistent with this LCP policy, including providing transit subsidies, educational materials, secure bicycle storage, and family supportive amenities, among others. As described in the Proposal section, the resident selection process includes a preference for individuals who live and/or work in the region for 75 percent of the units. A condition of approval (Condition No. 24) has been included in Attachment A, requiring the project to comply with the C/CAG TDM policy, among monitoring, by obtaining approval of a final TDM plan, and by committing to ongoing maintenance, monitoring, and implementation of these TDM measures.

There are several coastal resources within close proximity (0.3 to 1.3 miles) of the site: Montara State Beach, Point Montara Lighthouse, Fitzgerald Marine Reserve, and Moss Beach. Use of local coastal access points by residents of the project site are likely to be dispersed and will not hinder the ability for visitors to access the coast. The project will provide homes to households earning up to 80 percent of the Area Median Income, and thereby increase equitable access to coastal resources. The TIMP assessed the effect of the project on anticipated cumulative traffic conditions and recommended public access improvements that will be provided by the project, and ensure compliance with Policy 2.52, as described further below.

Policy 2.53 (*Transportation Management Plan*) requires the County to develop a comprehensive transportation management plan to address the cumulative impacts of residential development on roads and highways in the MidCoast. Connect the Coastside: The San Mateo County MidCoast Comprehensive Transportation Management Plan, was adopted by the San Mateo County Board of Supervisors on July 26, 2022, in accordance with this policy. Connect the Coastside identifies a range of circulation improvements to address the cumulative traffic impacts of residential development on the Coastside, inclusive of those attributable to this project. Following the adoption of Connect the Coastside, the County obtained funds from the San Mateo County Transportation Authority to initiate the design work and regulatory coordination needed to implement the recommendations of Connect the Coastside in the Moss Beach corridor.

The Moss Beach SR-1 Congestion and Safety Improvements Project (“Moss Beach Project”, [<https://www.smcgov.org/planning/moss-beach-sr-1>](https://www.smcgov.org/planning/moss-beach-sr-1>)) has identified feasible intersection and roadway solutions to the circulation deficiencies

that already exist within the vicinity of the project, and that will be impacted by the project, as described by the TIMP. Implementation of these improvements will address the traffic and safety impacts that currently exist, and that will be otherwise exacerbated by project and cumulative development. Condition of approval No. 26 requires the applicant to contribute to the cost of constructing the circulation improvements being pursued by the County, in an amount that is proportional to the project's impact on these roads and intersections.

The TIMP also identifies a likely increase in pedestrian activity along Carlos Street and on residential streets in Moss Beach to reach bus stops and businesses. The County was recently awarded a technical assistance grant from the Metropolitan Transportation Commission to identify both near- and long-term options for bicycle and pedestrian access improvements on Carlos Street, which is identified as the preferred alignment for the Multimodal Parallel Trail in Connect the Coastside and will provide the most efficient and enjoyable pedestrian/bicyclist path for southbound travel for project residents once improved. The County is committed to implementing the feasible short-term improvements identified by this study as soon as possible, and Condition of approval No. 27 requires the applicant to contribute to the long-term objective of installing a multi-use recreation trail along this alignment, which will fill an important gap in the California Coastal Trail and improve mobility within the community in a manner that outweighs the impacts of the project.

A component of the TDM measures included with the project is to install pedestrian and bicycle improvements that will provide a safer connection between the project site and central Moss Beach. These improvements include high-visibility crosswalks, curb ramps, sidewalk connections, and Class 3 bikeways that implement the goals of Connect the Coastside and the County's Active Transportation Plan, and that further the project's compliance with the requirements of Policy 2.52(b).

c. Housing Component

Policy 3.1 (*Sufficient Housing Opportunities*) states: *"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."* The project will provide 71 affordable rental housing units that are restricted to low-income households, in an area where none currently exist. Up to 75 percent of the proposed units will be reserved for renters who live and/or work in the MidCoast region. The project is consistent with this LCP Policy.

Policy 3.2 (*Non-Discrimination*) state: *"Strive to ensure that decent housing is available for low- and moderate-income persons regardless of age, race, sex, marital status or other arbitrary factors."* The project will construct residences for low-income households, at a density consistent with the surrounding neighborhood. By law, the applicant cannot discriminate based upon age, race, sex, marital status, or any other protected category. The project includes multiple unit types (one, two, and three-bedroom units), in order to provide housing for a broad range of potential

renters. Additionally, some of the units will include mobility and/or communications features to assist people with mobility, vision, and hearing impairments. The project is consistent with this LCP policy.

Policy 3.3 (*Balanced Developments*) states: “*Strive to provide such housing in balanced residential environments that combine access to employment, community facilities and adequate services.*” The purpose of this policy is to integrate affordable housing into the County’s existing coastal communities. The project site is located in an area with existing infrastructure, and with services in close proximity, and avoids the conversion of agricultural lands. The project site is within 1/2-mile of the Coastside Market grocery store and Moss Beach Park. It is within 1.4 miles of Farallone View Elementary School, and 0.8 miles of the Seton Coastside Medical Center.

Policy 3.4 (*Diverse Housing Opportunities*) states: “*Strive to improve the range of housing choices, by location, type, price and tenure, available to persons of low and moderate income.*” At the present time, there are no income-restricted affordable housing units in the Montara - Moss Beach - El Granada area. The proposed project consists of 71 housing units that will be restricted to low-income households. The project includes a mix of 1, 2, and 3-bedroom units designed to accommodate a range of housing needs that are not currently being met by the for-profit housing market. The proposed project is therefore consistent with this LCP policy.

Policy 3.15.d (*Designated Affordable Housing Sites*) requires the County to evaluate proposals to develop the designated or other appropriate sites according to the following criteria:

(1) For the total 11-acre North Moss Beach site, development must help meet LCP housing objectives by meeting the following criteria:

100 percent of the total units constructed on the site (with the exception of a manager’s apartment) are reserved for low-income households (defined as households earning up to 80 percent of the AMI).

The project is compliant with this policy. The applicant is proposing to reserve all of the units for low-income households. This project will further the LCP and Coastal Act goal of providing affordable housing options for all San Mateo County residents and greater coastal access opportunities for all income levels. The project is consistent with this policy.

(2) Require the provision of amenities including, but not limited to, landscaping and recreation facilities, and encourage the provision of community services, such as day care centers.

The project includes landscaping areas, a community garden, a children’s play area, BBQ areas, and a public trail through a portion of the site. The applicant has stated that the trail will be open to both project residents and the general public. The project also includes a community room and other common areas that will be used for after-school programs for

children, adult education and training opportunities, and programs to connect residents to a variety of social service providers in the area. The proposed project is consistent with this LCP policy.

Policy 3.16 (*Phasing the Development of Designated Housing Sites*) states:

(1) Limit the number of affordable housing units given building permits for construction on the designated sites to 60 during any 12-month period in order to allow the affordable housing units constructed on the designated housing sites to be assimilated into the community a few at a time.

(2) Allow the County Board of Supervisors to increase the number of affordable housing units permitted if they make the finding that the above phasing requirement threatens the implementation of affordable housing on a designated site by prohibiting the developer(s) from building when circumstances are uniquely favorable for a limited period of time (i.e., low interest rate financing or public subsidies are available).

The project proposes 71 residential units, which exceeds the 60 units that can receive a building permit in one year. The applicant is requesting that this Board of Supervisors authorize the issuance of all project related building permits within a 12-month period, as provided by section (2), because obtaining all permits will be necessary in order to secure the financing required to construct the project. Staff supports this request because it is required to obtain the financing needed to construct the project. In addition, staff notes that the number of building permits issued for new residential development in the MidCoast has not approached the limit of 40 per year since this limit was established in 2012. Thus, the issuance of more than 60 building permits within a 12-month period will not result in an amount of development that is more than would have been otherwise allowed to occur over the past few years pursuant to current growth limits.

d. Sensitive Habitats Component

Policy 7.1 (*Definition of Sensitive Habitats*). This policy defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable. Sensitive habitats include areas containing or supporting “rare and endangered” species as defined by the State Fish and Game Commission, all perennial and intermittent streams and their tributaries, and lakes and ponds and adjacent shore habitat. Further, Policy 7.3 (*Protection of Sensitive Habitats*) prohibits any land use or development which would have significant adverse impact on sensitive habitat areas. The following discussion addresses these two policies.

Vegetative communities on the project site fall into three categories: Monterey cypress-Monterey pine woodland stands, perennial rye grass fields, and coyote brush scrub. None of these habitat communities are considered “sensitive” habitats. There are no riparian or wetland habitat areas on the project site, though Montara

Creek (and its associated riparian habitat) lies approximately 250 feet north of the project site. No development activities will occur near this area.

Based on the existing biological conditions in and adjacent to the project site, a review of relevant literature, the known occurrences of special-status species in the area, and SWCA biologists' local knowledge of the region, 10 special-status plant species and eight special-status animal species were identified as having potential to occur within the project site. Of the 10 special-status plant species considered for potential occurrence, it was determined that only one special-status plant species - Choris's popcorn flower, has a moderate to high potential to occur on the project site. Of the eight special-status animal species identified, only one, the California red-legged frog, was determined to have a moderate potential to occur within the project site. The remaining species were determined to have either low or no potential to be present on the project site.

Choris's Popcorn Flower

Choris's popcorn flower is a special-status plant species that was determined to have a moderate potential to occur on the project site due to suitable coastal scrub habitat. Choris's popcorn flower is an annual herb in the borage family that blooms from March to June. A field survey (Appendix D (*Biological Impact Report*) of Attachment D) was conducted in April 2023, during the blooming window (March through June) for this plant. No Choris's popcorn flower were observed on the project site at that time. However, the biologist who performed the field reconnaissance recognized the potential that identification of the plant could have been missed at that time. Given that there is a moderate potential for the plant's presence on the site, additional pre-construction surveys for the plant, during the appropriate blooming period, are required to be performed prior to the beginning of construction activities. This recommendation has been included in Attachment A as Condition No. 8.

California Red-legged Frog

Seven California red-legged frog occurrences have been recorded within 2 miles of the project site between 2006 and 2019. The closest occurrence registered by the California Natural Diversity Data Base (CNDDB) occurred in 2012 and was recorded approximately 0.7 mile north of the project site. While no suitable aquatic breeding habitat was observed on-site, potentially suitable upland dispersal habitat for this species is present. Additionally, Montara Creek, which is located approximately 250 feet north of the project site and immediately north of the project site, may provide marginally suitable aquatic dispersal habitat during wet season periods of inundation. Although there is potentially suitable upland dispersal habitat within the project site, this species is more likely to utilize higher-quality suitable aquatic and non-breeding habitat within and adjacent to Montara Creek where there is also more woody debris available for refugia. In addition, the project site does not provide a suitable overland route to other aquatic breeding sites and no small mammal burrows were observed within the project site. No California red-legged frogs were observed on the project site during the April 2023 field survey.

In recognition of the moderate potential for the California red-legged frog to be present on the project site during construction, Condition No. 9 requires the implementation of standard protection measures such as exclusion fencing and oversight of construction and protection measures by a qualified biologist to prevent any adverse impacts to sensitive species.

Nesting and Migratory Birds

The project site contains suitable nesting and foraging habitat for avian species protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF) during the typical nesting season (February 15-September 15). Suitable nesting and foraging habitats include the non-native grassland areas, shrubs, and trees within and adjacent to the project site. Nesting is unlikely outside of the typical nesting season, although some avian species may forage year-round near the site. No nesting birds were observed during the field survey, which occurred during the typical nesting season. However, the biological reconnaissance report prepared for this project (Appendix D (*Biological Impact Report*) of Attachment D) recognizes the potential for the project to impact nesting birds, including their eggs or young due to vegetation removal. To prevent this potential impact, Condition No. 10 requires that a nesting bird survey be conducted prior to vegetation removal, and that construction activities be postponed as necessary to ensure protection of the nest.

With these conditions, the project will not have any adverse impacts on sensitive habitats or species as defined by Policy 7.1.

Policy 7.7 (*Definition of Riparian Corridors*) defines riparian corridors by the “limit of riparian vegetation”. Policy 7.11 establishes buffer zones around riparian corridors. In this instance, the nearest riparian corridor is Montara Creek, which is approximately 250 north of the project site. Montara Creek is a perennial creek, therefore its required buffer zone is 50 feet outwards from the limit of riparian vegetation. Policy 7.13 (*Performance Standards in Riparian Buffer Zones*) establishes standards to protect adjacent riparian habitat, including preventing off-site sedimentation from entering the buffer zone. No development activities are proposed in either the Montara Creek riparian corridor or the associated buffer zone. However, earth moving activities associated with construction of the project could result in the movement of sediment towards Montara Creek and other points off site if erosion control measures are not implemented. Condition of Approval No. 12 requires the implementation of erosion and stormwater control BMPs as part of the project’s construction and ensures that the project will be carried out in compliance with LCP policies protecting riparian corridors.

e. Visual Resources Component

Policy 8.5 (*Location of Development*) states that on urban parcels larger than 20,000 sq. ft. new development should be located on a portion of the parcel where the development is least visible from State and County Scenic Roads, is least likely

to significantly impact views from public viewpoints and consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall.

As discussed in Attachment D, the project is designed to cluster development in the northwestern portion of the project site. Approximately one-half of the project site will be developed and landscaped. The remainder of the site will be unaltered, with the exception of the removal of hazardous trees and the improvement of existing pedestrian/bicycle paths open to the community. While some trees on the project site will be removed as part of the project's construction, the trees and vegetation around the perimeter of the site and on the northwestern edge, between Highway 1 and the area to be developed, will not be removed. The project site is located approximately 160 feet east of Highway 1 and the westerly third of the project site is within the Cabrillo Highway County Scenic Corridor.

Views of the project site by travelers on Highway 1 are blocked by existing vegetation and changes in grade, neither of which would be modified by the proposed project. Together, vegetation and topography act to shield most of the project site from the view of travelers on Highway 1. In addition, screening vegetation will be planted as part of project landscaping that will further screen views of the project buildings from Highway 1.

The project locates development in an area that will not obstruct existing views of the ocean available to the public along Stetson or Carlos Streets. The proposed development will be partially visible from Lincoln and Buena Vista Streets, which are the two streets closest to the east side of the project site. Westerly scenic vistas from these two roads are currently dominated by the numerous trees surrounding the periphery of the site, which are to remain.

The buildings nearest Lincoln Street and Buena Vista Street will be set back approximately 230 feet from the nearest neighboring residences on those streets and will have building pads ranging from 183 feet above mean sea level (MSL) up to 186 feet MSL. The houses on Lincoln Street sit at approximately 205 feet MSL. All other building pad elevations on the project site will be lower than 183 feet MSL. Because of the differences in topography and the preservation of existing trees on the project site, the roofs of project buildings will be only partially visible from Lincoln Street and from the base of Buena Vista Street. They will appear similar in height and mass to the existing water storage tanks, and lower in height than the background vegetation. All other proposed buildings will be located at lower elevations and more distant from Lincoln and Buena Vista Street.

Because of the change in elevation between onsite building pads, the distance of the buildings from public viewing points (Lincoln and Buena Vista Streets), and intervening vegetation that will not be affected by the project, vistas of the Pacific Ocean would not be blocked. The proposed location of development therefore complies with this policy.

Policy 8.9 (*Trees*) requires new development to be designed and located to

minimize tree removal as much as possible. There are 488 identified trees on the project site, of which 295 will be removed during project construction. All trees within the grading area will be removed. In addition, 40 of the 61 trees within 30 feet of the planned grading area will be removed, either because grading will impact the trees' roots or because the trees are in poor condition. Most of the 193 trees to be preserved on the site are more than 30 feet from the planned grading area. Of the 295 trees proposed for removal, 193 are considered Significant trees (i.e. - 12" in diameter or greater). Of these 193 trees, approximately 97 trees, or 51 percent, are in poor condition and only 20 trees, or 10.5 percent are in good condition, with the remainder being in fair condition. The project has been designed to reduce tree removal as much as possible by concentrating development in the westerly third of the parcel and leaving the majority of the site undeveloped. To minimize impacts on the trees to remain on the site, Condition No. 13 requires the implementation of a tree protection plan. To offset the visual impact associated with the project's tree removal, the applicant has proposed an extensive tree replanting and landscape plan, consistent with the requirements of Policy 8.10 - *Vegetative Cover*. Implementation of this plan will ensure the long-term preservation of the area's visual resources by planting new, healthy trees which will be maintained by the project.

Policy 8.13 (*Special Design Guidelines for Coastal Communities (for Montara-Moss Beach-El Granada-Miramar)*) calls for structures to be designed to fit the topography of the site, to employ colors and materials that blend with the vegetative cover of the site, use pitched roofs with non-reflective materials and design structures that are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urbanscape.

The project is designed to minimize alteration of the site's natural landforms as much as possible and be visually compatible with surrounding areas. It will cluster development, provide greater than the minimum required setbacks, minimize grading, and retain the majority of screening trees along the site perimeter. Approximately one-half of the project site will be developed and landscaped. The remainder of the site will be left unaltered, with the exception of the removal of hazardous trees and the improvement of existing pedestrian/bicycle paths open to the community. The majority of the forested areas on the northern portion of the site will be preserved.

The project is in the Highway 1 County Scenic Corridor and is designed to minimize its visibility from Highway 1, consistent with the requirements of Policy 8.32 (*Regulation of Scenic Corridors in Urban Areas*). Access roads and parking areas will be integrated into the site, with multiple small parking lots around a ring road, and screened with landscaping. All new distribution lines will be underground. Landscaping with native trees and plant materials will have an informal character and be used to screen the project and reduce visual impacts. Landscaping will include additional trees planted between the project and the single residence on Carlos Street to shield the residence from views of the project.

Although the existing visual character of the site will be altered by construction of

the project, the change will not result in conditions causing significant visual degradation. Site grading to construct building pads, roadways, and parking areas, and install utilities, will not be visible or apparent from areas outside of the project site. The only site features visible to viewers from surrounding areas will be the proposed buildings themselves. As noted above, the buildings will be set back at a minimum of 20 feet from the property line so that their apparent mass will be reduced. Furthermore, the project site represents additional residential use within an already developed residential area that already includes many two-story buildings. Consistent with the County Community Design Manual, the buildings have been designed to include natural colors and materials and non-reflective materials, including wood-look cement board siding in shades of dark red and brown and gray composite shingle roofing materials. These materials match the neighborhood vernacular and are compatible with the prevailing design features of the surrounding single family residential neighborhood.

f. Hazards Component

Policy 9.1 (*Definition of Hazard Areas*) defines hazardous areas as “*fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire, and steep slopes (over 30 percent).*” The project site is not within a known fault zone, nor does it have steep or unstable slopes or soils subject to liquefaction. The subject site is not adjacent or within a flood hazard zone or an area of coastal cliff instability. The project site is not within a mapped Fire Hazard Severity Zone and is at no greater risk from wildfire than the surrounding neighborhood.

Policy 9.4 (*Definition of High-Risk Fire Areas*) defines “fire hazard areas” as those having a high potential for catastrophic fire. Policy 9.5 (*Designation of High-Risk Fire Areas*) designates high risk fire areas in the Coastal Zone as those delineated by the State Division of Forestry and shown on the Hazards Map for the Coastal Zone. As discussed in the Wildfire Section of Attachment D, the project site and the surrounding neighborhood are not within a mapped Fire Hazard Severity Zone as designated by the California Department of Forestry and Fire Protection (CalFire).

Policy 9.6 (*Regulation of Development in High-Risk Fire Areas*) requires residential development in high-risk areas to be reviewed and conditioned by the County Fire Warden to ensure that building materials, access, brush clearings and water storage capacity are adequate for fire flow and fire protection purposes. The project site is not within a designated High Risk Fire Hazard area. Nevertheless, the project’s buildings will have fire suppression sprinklers, will utilize fire resistant materials, and will maintain a 30-foot fire break area and a 100-foot reduced fuel zone surrounding the development as part of the project design pursuant to Public Resources Code Section 4291.

Policy 9.10 (*Geological Investigation of Building Sites*) requires the County Geologist or an independent consulting certified engineering geologist to review all building and grading permits in designated hazardous areas for evaluation of potential geotechnical problems and to review and approve all required investigations for adequacy. As appropriate and where not already specifically

required, require site specific geotechnical investigations to determine mitigation measures for the remedy of such hazards as may exist for structures of human occupancy and/or employment other than those considered accessory to agriculture as defined in Policy 5.6.

As part of their application submittal, the applicant submitted an extensive geotechnical investigation which was reviewed by both the County Geotechnical Engineer and the consulting engineer that contributed to the Draft EIR (Attachment D). The project is not located on a geologic unit or soil that is unstable or would become unstable as a result of the project. The site-specific geotechnical investigation contains recommendations and design parameters to ensure that the project has suitable foundations and stability. Those parameters will be incorporated into building plans for the proposed structures. The soil on the site has a low expansion potential and will not impact the proposed grading or construction of buildings on the site.

The site-specific geotechnical investigation concluded the potential for landslides at the project site under both static and seismic conditions is low due to the lack of evidence of historical slope instability on-site, the high shear strength of the soil, weathered bedrock underlying the site, and the absence of any significant seepage on the slope faces.

3. Conformance with PUD-140 Zoning Regulations

- a. **DEVELOPMENT PLAN:** All development shall substantially conform to the plans presented to the San Mateo County Planning Commission on January 22, 2020. On July 14, 2022 the applicant submitted their application for this Coastal Development Permit with the plans included as Attachment B. These plans match the conceptual plans reviewed by the Planning Commission in January 2020, specifically with regards to the number and location of the proposed residential and community buildings, number of parking spaces, and landscaping.
- b. **PERMITTED USES:** Only multi-family housing for low-income households, a community building, outdoor recreational uses for residents, and publicly accessible trails are permitted. There have been no changes in the proposed uses on the project site. The proposed housing continues to be reserved for low-income households.
- c. **DENSITY:** The total number of dwelling units shall not exceed 71 dwelling units. There has been no change in the number of proposed dwelling units, which remains at 71.
- d. **HEIGHT:** The maximum building height shall be 28 feet, not to exceed two habitable stories. There has been no change in the design of the buildings, which comply with this standard.
- e. **SETBACKS:** The minimum setbacks of the proposed buildings shall conform to those shown on the plans reviewed by this Board of Supervisors on July 21,

2020. There has been no change in the location of proposed buildings. The project complies with this standard.

f. LOT COVERAGE AND FLOOR AREA: The maximum lot coverage and floor area of all proposed buildings shall comply with that shown on the plans reviewed by this Board of Supervisors on July 21, 2020. There have been no changes in the design or size of the proposed buildings. The project complies with these two standards.

4. Compliance with Design Review District Overlay

Section 6565.1 of the Zoning Regulations states that in any district which is combined with the "DR" District, the regulations specified in Chapter 28.1 shall apply. Section 6565.17 of the Zoning Regulations establishes the standards for review for multi-family dwellings within Design Review Districts located in the Coastal Zone. In accordance with these standards, the project was reviewed by the Coastside Design Review Committee which found that the project has been designed and situated to ensure adequate space for light and air by proposing greater setbacks to adjacent residences than are required by the Zoning Regulations. The applicant has proposed contoured grading of the site rather than harsh cutting or terracing of the site. The applicant has also proposed an extensive landscaping plan to both offset the loss of existing trees on the site and to provide screening from adjacent land uses. The Design Review Committee recommended utilizing more articulation and secondary roof forms to break up the mass of the larger buildings, as well as changing the color palette to darker tones to help integrate the structures into the site. The applicant has responded to these suggestions with changes in the building designs and proposed color palette. These changes are reflected in the updated plans which are included as Attachment B of this report.

5. Conformance with County Grading Regulations

The project proposes approximately 28,894 cubic yards of grading (9,506 cy of cut and 19,388 cy of imported fill) to accommodate the proposed development. The following findings must be made pursuant to Section 9290 of the San Mateo County Ordinance Code to approve the grading permit:

a. *The granting of the permit will not have a significant adverse effect on the environment.*

The project is in conformance with the applicable General Plan, LCP, and Zoning District policies and standards that seek to minimize impacts to soils, sensitive habitats, hazards, and visual quality as discussed previously in this report. The proposed grading is necessary to support redevelopment of the property for affordable multi-family residential use. Implementation of the proposed grading plans prepared by a licensed civil engineer, including the erosion and sediment control plan, and associated conditions of approval will ensure the project will not have a significant adverse effect on the environment.

b. *The project conforms to the criteria of Chapter 5, Division VII, of the San Mateo County Ordinance Code, including the standards referenced in Section 9296.*

The project will conform to standards in the County Grading Regulations, including those relative to an erosion and sediment control plan, dust control plan, fire safety, and the timing of grading activity.

c. *The project is consistent with the General Plan.*

The project has been reviewed against the applicable policies of the San Mateo County Local Coastal Plan which is a subset of the County's General Plan and found to be consistent with its goals and objectives. See Section A.2 of this report for a detailed discussion regarding the project's compliance with applicable Local Coastal Plan policies.

B. ENVIRONMENTAL REVIEW

This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.40. An analysis of the exemption and the project's qualification for the exemption is included in Attachment C.

Based on the CEQA requirements in effect at the time this Coastal Development Permit application was submitted, the County prepared a Notice of Preparation of an Environmental Impact Report (EIR) on December 1, 2022 and subsequently released a Draft EIR in August 2023. The required 45-day public review period for the Draft EIR expired on September 25, 2023. During the public comment period, the County received numerous comment letters. While preparing responses to these comments, Assembly Bill 1449 was adopted (in October 2023) creating a new statutory exemption for qualifying affordable housing projects. AB 1449 was codified at Public Resources Code Section 21080.40 and took effect on January 1, 2024. Staff has determined that the project is statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.40, as discussed in detail in Attachment C of this staff report.

C. REVIEWING AGENCIES

County Building Inspection Section
County Department of Public Works
County Environmental Health Services Coastside Fire Protection District
Montara Water and Sanitary District MidCoast Community Council
California Department of Fish and Wildlife
Caltrans, District 4
California Coastal Commission
U.S. National Park Service (GGNRA)
U.S. Department of Transportation (Federal Transit Administration)
U.S. Fish & Wildlife Service
U.S. Postal Service
Association of Bay Area Governments (ABAG)
Bay Area Air Quality Management District

CA Coastal Conservancy
City/County Association of Governments of San Mateo County
San Mateo County Department of Housing
Committee for Green Foothills
PG&E (Land Services)
Cabrillo Unified School District

The resolution, findings, and conditions of approval have been reviewed and approved by the County Attorney's Office as to form.

FISCAL IMPACT:

The County has previously awarded \$5,500,000 in Measure A, Measure K, HOME, and RDA funds to MidPen Housing Corporation for project planning and site acquisition.

ATTACHMENTS:

- A. Recommended Actions, Findings, and Conditions of Approval
- B. Project Plans
- C. AB1449 Statutory Exemption Statement
- D. Cypress Point Affordable Housing Community DEIR background information
- E. Public Correspondence from March 13, 2024, Planning Commission Hearing