

IP Amendment Consistency Analysis

A. Applicable Policies

The LCP Land Use Plan consists of the Land Use Plans, Maps, and Policies adopted by the County and certified by the CCC as being consistent with the Coastal Act. Among other things, the Land Use Plan establishes the policy basis for regulating the type, intensity, and location of land uses within specific geographic areas of the Coastal Zone.

The ordinances, regulations, and zoning maps that implement the Land Use Plan, and that have been certified by the CCC as being adequate to do so, comprise the LCP Implementation Program. Proposed amendments to the LCP Implementation Plan must also be consistent with, and adequate to carry out, the LCP Land Use Plan.

In this case, the proposed amendment to the LCP Implementation Plan is the replacement of the existing PUD Zoning District with a new PUD Zoning District that reduces the maximum number of housing units that may be permitted on the site (subject to CDP approval), and that adjusts the site plan to ensure the protection of coastal resources and provide an effective means of carrying out long standing LCP Land Use Plan provisions that designate the site for housing affordable to people and families with low to moderate incomes.

Staff's analysis of the proposed Implementation Program amendment's consistency with, and ability to adequately to carry out the components of the LCP Land Use Plan is provided below.

Locating and Planning New Development Component

Policy 1.5 (*Land Uses and Development Densities in Urban Areas*) limits the type of land uses allowed by the LCP Land Use Plan Map, and restricts the maximum density of development to that which is specified in Table 1.2.

The LCP Land Use Map designates the subject site as "Medium High Density Residential", with a corresponding density of 8.1 - 16.0 dwelling units per acre. The proposed revision to the PUD results in a density of 6.5 dwelling units per acre, which is below the minimum densities permitted in the Medium High-Density Residential land use designation. The proposed amendment to the LCP Land Use Plan, which re-designates the site as Medium Density Residential, resolves this conflict.

Policy 1.18.c (*Location of New Development*) allows some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered. The proposed PUD amendment reduces the number of housing units that may be constructed on the site under the existing zoning, and preserves more of the site's open space. This will minimize the demands that future development will place on public

facilities and services, and avoid impacts to coastal resources. The site is within an area served by public facilities and services, including water, sewer, gas, and electricity, fire, sheriff, hospitals, and schools. The affordable housing units planned for the project site 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. Thus, the proposed rezoning is consistent 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 subject 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 affordable housing units planned for the project site qualify 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*. The proposed rezoning therefore complies with this policy.

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.

The applicant for this project - MidPen Housing - contracted with an outside consulting firm to survey the project site and prepare a Cultural Resources Report which found that the project site contains one potential archaeological resource. The consulting archaeologist noted that:

"A small area of prehistoric shell midden was noted during surface reconnaissance. The midden was sparse, and surface elements consisted of a scatter of Mussel shell fragments. Subsequently, an archaeological testing program was conducted at the midden site that concluded that this deposit is highly disturbed and possibly imported from outside the proposed project area during modern dumping activities. The midden material is not significant enough to warrant preservation, however it may contain significant isolated artifacts/remains and any construction activities carried out within the vicinity of the site should be monitored by an archaeologist."

The report concluded that a mitigation plan is necessary to ensure that any potential impact to resources is reduced to a less than significant level. The recommended measures that should be included as conditions of approval for future development on the site include:

- Conducting additional testing of the midden site to collect data on any resources present at the site, and cataloging and storing all resources obtained from the site;
- Conduct monitoring of construction on the project site;
- Specify actions to be taken to protect resources if any are identified during construction;
- Prepare a paleontological resource monitoring plan and conduct pedestrian surveys for paleontological resources on the project site; and,
- Implement procedures for handling any human remains that may be discovered during project construction.

It is anticipated that these mitigation measures will be included in the project description contained in a future CDP application. If they are not, the decision-making authority will have the ability to require them as conditions of CDP approval pursuant to the requirements of LCP Policy 1.25. The proposed PUD amendment is therefore consistent with this Policy.

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.

This policy mirrors Policy 1.19, discussed above. As previously described, 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 current zoning which allows 148 dwelling units. The proposed PUD amendment would reduce that dwelling unit count down 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. The proposed PUD amendment is therefore consistent with this LCP policy.

Policy 2.42 (*Roadway Capacity Limits*) limits the expansion of roadways (i.e., -additional lanes) to a capacity which does not exceed that needed to accommodate commuter peak period traffic when buildout of the Land Use Plan occurs, and which does not exceed existing and probable future capacity of water and sewage treatment and transmission capacity or otherwise conflict with other policies of the LCP.

The proposed PUD amendment reduces the intensity of residential development that may be permitted on the site, and will thereby diminish the potential need to add additional lanes to exiting roadways in the future. Based on the modeling conducted to prepare the Connect the Coasts Transportation Management Plan, the development of 71 residential units on the subject site, when combined with other development that could occur within Half Moon Bay and the unincorporated Midcoast, will not require additional lanes on Highway One other than limited passing and turning lanes. What will be required are intersection controls at certain locations, such as at California Avenue and Highway One in Moss Beach.

There are a range of options available to provide the necessary intersection controls, including the installation of traffic signals or roundabouts. Connect the Coasts, which is currently in draft form and will be the subject of public hearings prior to the consideration of the CDP required to develop the subject site, describes these options, and provides a forum to identify the preferred method of needed intersection controls. The selected form of intersection controls, and the timing of their installation, will be decided prior to or concurrently with the County's consideration of a CDP for development of the subject site.

Irrespective of the type and timing of these intersection improvements the PUD amendment is consistent with this LCP policy because it does not propose or necessitate the expansion of roadways.

Policy 2.52 (*Traffic Mitigation for all Development in the Urban Midcoast*) requires applicants for new development that generates any net increase in vehicle trips on Highways 1 and/or 92 to develop and implement a traffic impact analysis and mitigation plan (TIMP), and to submit the TIMP and associated analyses and implementation measures prior to the approval of any CDP application that triggers this requirement.

The proposed PUD amendment will reduce potential new vehicle trips on Highways 1 or 92 by reducing the maximum density of development allowed on the site. As required by Policy 2.52, a TIMP will need to be submitted in conjunction with any future permit application, at which time a full analysis of necessary mitigation measures, and a plan for their implementation, must be provided.

The traffic analysis performed by MidPen to date shows that, under current conditions, the Etheldore Street and California Avenue intersections with Highway One operate at Level of Service (LOS) E or F during the morning and/or evening commute periods. The project will incrementally exacerbate these delays at the two intersections by approximately 1.4% percent. The traffic report identifies several potential mitigation

measures, which have been considered during the development of Connect the Coastside. These measures will be refined and presented to the Planning Commission and Board of Supervisors after public feedback on the draft Connect the Coastside plan is obtained, and prior to the consideration of a CDP application to develop the subject site. During its consideration of a future CDP application, the Planning Commission (and Board of Supervisors upon appeal) will have the opportunity to evaluate the effectiveness of the specific mitigations measures selected by Connect the Coastside, determine the project's appropriate fair share contribution to the necessary improvements, and establish timelines for their implementation in relation to project construction and occupancy. This approach is consistent with this policy, which requires that mitigation for traffic impacts be determined prior to the approval of a CDP.

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 proposed PUD Amendment is intended to enable the future construction of 71 affordable rental housing units that are reserved for low- and moderate-income households. Although there may be legal limits on the ability to restrict the rental of the future units to just those people who live or work in the Coastal Zone, MidPen Housing is working with the County Department of Housing, to explore the possibility of giving priority to qualifying renters who already live and/or work in the Midcoast area. Irrespective of MidPen's ability to establish such priorities, it is reasonable to assume that many of the future occupants will be existing Coastside residents and/or workers. The proposed amendment is therefore consistent with this LCP policy.

Policy 3.2 - Non-Discrimination: "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 proposed amendment will allow for the future development of housing units for low- and moderate-income households, at a lower density than that which is currently allowed. If permits for the construction of these units are granted in the future, the owners of the units will not be allowed to discriminate based upon age, race, sex, marital status or any other protected category. The proposed PUD site plan 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 proposed amendment is consistent with this LCP policy.

Policy 3.3 (Balanced Developments) - "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 site that is the subject of the PUD amendment is located in an area with existing infrastructure and services, and that 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. The existing PUD for the site has already been determined to be consistent with this policy, and the proposed amendments maintain this consistency.

Policy 3.4 (Diverse Housing Opportunities) - "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 PUD zones the site for 71 housing units that will be restricted to low- and moderate-income households. The PUD 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 3.13 (Maintenance of Community Character) – this policy requires new development that provides significant housing opportunities for low- and moderate-income persons to contribute to maintaining a sense of community character by being of compatible scale, size and design. Accordingly, this policy limits the height of such development to two stories, and requires negative traffic impacts to be assessed and mitigated as much as possible.

As discussed previously, the PUD Amendment provides for the potential future development of the parcel at a density of 6.5 dwelling units per acre, which is consistent with the land use designation of the adjacent residential neighborhood. Because of the relatively large size of the subject parcel, in comparison to adjacent parcels, the proposed PUD calls for future development to be concentrated in the center of the parcel, preserving a significant portion of the parcel as open space. The PUD limits all proposed buildings to two stories, consistent with this policy. Please see the discussion of Policy 2.53, above, for an explanation of how traffic impacts of future development will be addressed. In summary, the height, density, and location of the residential development envisioned by the PUD is compatible with the surrounding neighborhood, and options for mitigating traffic impacts have been identified and will be required at the time that the County considers a CDP for development of the site. Thus, the PUD Amendment is consistent with this policy.

Policy 3.15.d (Designated Affordable Housing Sites) – this policy calls for the proposed development of the subject site to be evaluated according to the following criteria:

- a. *Twenty-one percent (21%) of the total units constructed on the site are to be reserved for low income households.*

- b. *In addition to the required low-income units, fourteen percent (14%) of the total units constructed are to be reserved for moderate income households.*

The applicant is proposing to amend this policy in a manner that requires all of the units to be affordable. This is consistent with MidPen Housing's intent to restrict occupancy of the units to persons and families with low and moderate incomes (defined as households earning up to 80 percent of the Average Median Income). This amendment 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, and is therefore consistent with the LUP Land Use Plan.

- c. *Development must comply with all of the regulations established for Structural and Community Features (Urban), as established in the Visual Resources Component.*

The consistency of the proposed PUD with the policies contained in the Visual Resources Component of the LCP is discussed below.

- d. *Require the provision of amenities including, but not limited to, landscaping and recreation facilities.*

The proposed PUD site plan 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 proposed project is consistent with this LCP policy.

- e. *Encourage the provision of community services, such as day care centers.*

The proposed PUD 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 PUD is therefore consistent with this LCP policy.

Policy 3.16 (*Phasing the Development of Designated Housing Sites*) – this policy limits the number of building permits that can be issued for the construction of affordable housing on designated sites to 60 during any 12-month period, in order to allow the development to be assimilated into the community a few at a time. However, it also allows the 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).

MidPen Housing is requesting that, in conjunction with its approval of the requested

amendments, the Board of Supervisors allow all of the proposed units to be constructed in one phase. The materials submitted in this regard state that: “The significant challenges of financing and constructing affordable housing, which include continued escalation of construction costs in the Bay Area, increases in interest rates over time, a shifting financial environment, and limited income from rental units, means that requiring the project to be approved and built over two years would significantly increase costs and jeopardize feasibility. Also, tight project deadlines and high competition for tax credit financing would not allow the project to be developed in two phases.”

Sensitive Habitats Component

Policy 7.3.a (*Protection of Sensitive Habitats*) – This policy prohibits any land use or development which would have a significant adverse impact on sensitive habitat areas. A biological resources report prepared by the applicant’s consultant - De Novo Planning Group identifies the potential for eight rare plant species and ten special status wildlife species to occur on the project site. However, detailed investigation by the project biologist found no evidence of these rare and special status species occurring on the project site:

“There has been no documented evidence that any special status species are currently occupying the project site or have occupied it in recent history. The proposed project would result in redevelopment of a largely disturbed urban site that has been naturalized to some extent. The ground- disturbing activities on the site will consist of demolishing the existing foundations and grading the site. Subsequently, new construction will result in new buildings, infrastructure, ancillary facilities (e.g., parking areas), and landscaping on the areas that are currently developed and those that are naturalized as grassland and coastal scrub. The parcel does not contain special status species or their habitat and is currently exposed to on-going human presence including some vehicle and pedestrian traffic (hiking/jogging).”

With regard to the potential presence of raptors on the project site, the project biologist found:

“There were no active or remnant nests observed within the project site. Additionally, there were no individuals or pairs observed overhead in the immediate vicinity of the project site during the field surveys. Although no raptors or raptor nests have been identified on the project site, the forested areas in the northern portion of the site could become occupied by raptors in the future prior to the initiation of project construction.”

To mitigate potential impacts, the biologist recommended pre-construction surveys and the placement of tree protection fencing prior to and during construction to prevent intrusion into the forested north portion of the project site.

The biological information provided to date demonstrates that there are no sensitive habitats on the site, and that potential construction impacts to raptors can be avoided.

The proposed PUD is therefore consistent with Policy 7.3.a.

Section b of Policy 7.3 requires development in areas adjacent to sensitive habitats to be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses must be compatible with the maintenance of biologic productivity of the habitats.

As discussed above and in greater detail in the biological report, the subject site does not contain any wetlands, riparian or other sensitive habitats. Montara Creek is approximately 330 feet north of the proposed areas of development on the project site. Existing residential development and the paved portion of 16th Street lie between the project parcel and the banks of Montara Creek. There is no evidence to suggest that the PUD Amendment will degrade sensitive habitats or reduce their biological productivity. The project is therefore consistent with LCP Policy 7.3.b.

Visual Resources Component

Policy 8.5 (*Location of Development*) states: “On rural lands and urban parcels larger than 20,000 sq. ft.:

Require that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to significantly impact views from public viewpoints; and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which, on balance, most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.”

A Scenic Resources Analysis (Attachment I) of the proposed PUD found that the project will generate only minor visual impacts that are consistent with the general urban residential character of the surrounding neighborhood. The proposal to reduce the number of units allowed by the existing PUD minimizes the visual impact that future development will have, and the location of the development proposed by the PUD is not visible from the nearest County Scenic Road (Cabrillo Highway) due to intervening topography and vegetation. The proposed site plan also 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 PUD site plan locates development in areas that would 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.

The PUD site plan identifies that the building pads nearest to Lincoln Street will range from 183 feet above mean sea level (MSL) to 186 feet MSL. All other building pad elevations on the site will be lower. Buildings nearest Lincoln Street and Buena Vista Street will be set back approximately 230 feet from the nearest neighboring residences on Lincoln Street or Buena Vista Street. Within this setback area, existing trees will be

retained, as will trees along the northerly portion of the project site. As a result, 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*) states:

- a. *Locate and design new development to minimize tree removal.*
- b. *Protect trees specifically selected for their visual prominence and their important scenic or scientific qualities.*

The proposed PUD amendment reduces the amount of the development that may be permitted on the site, thereby reducing the need for tree removal, and improving the ability to protect any trees that have important scenic qualities.

Major vegetation on the subject site consists of a scattering of Monterey Pine and Cypress trees, with a larger concentration of trees along the northern property line and dropping down slope from there to 16th Street. The proposed location of future residential buildings is clustered near the center of the parcel; in an area that was previously occupied by military barrack buildings. Clustering the buildings in this location will minimize their visibility from surrounding areas and reduce the potential need for tree removal. The proposed PUD amendment is therefore consistent with this policy.

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%).*”

The subject site is not within or immediately adjacent to 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. Therefore, the policies of the Hazards Component are not applicable to this PUD Amendment.

B. Analysis

Cypress Point LCP Amendment Certification

In summary, the County believes that the proposed re-zoning succeeds in providing much needed affordable housing to the MidCoast area while minimizing impacts to Coastal Resources in the project area. For all the reasons discussed above, the County believes that the proposed IP amendment can be found consistent with and adequate to carry out the County's certified LCP.