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To: Commissioners and Interested Persons

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**Subject: San Mateo County LCP Amendment Number LCP-2-SMC-20-0054-1
(Cypress Point PUD)**

SUMMARY OF STAFF RECOMMENDATION

San Mateo County proposes to amend its Local Coastal Program (LCP) to redesignate an 11-acre parcel at the corner of Carlos and Sierra Streets in the unincorporated Moss Beach area of San Mateo County from Planned Unit Development (PUD)-124 to PUD-140 (reducing density from medium-high to medium), and to provide regulations for the potential future development of a 100% affordable housing project at the site. The site is inland of Highway 1, surrounded by medium density residential development and open space, and largely undeveloped (except for some remnant development from previous buildings and two water tanks). The proposal would amend both the LCP's Land Use Plan (LUP) and Implementation Program (IP) to allow for the development of up to 71 affordable dwelling units reserved for low-income households, as well as a community building, outdoor recreational uses, and publicly accessible open space. The site has been designated as an affordable housing site by the County since the 1980s but was previously envisioned as a larger, denser project (148 units) which would have provided for a mix of market rate and affordable units as directed by the previous PUD-124 regulations and associated site plan (i.e., accommodating 31 lower cost, 21 moderate cost, and 96 market rate units). The proposed amendment would reduce allowable project density, but it would actually *increase* the amount of affordable housing units that would be provided at the site to better conform with the surrounding development and County needs.

The Coastal Act generally directs new residential development to existing developed areas with adequate public facilities and services (including water, sewer, and traffic capacity), and where coastal resources will not be significantly impacted. In San Mateo County, affordable housing is an LCP-designated priority use, and the water and sewer providers for the area have specifically set aside public service allocations for this site at the higher density already identified in the LCP. Thus, the proposed LCP amendment would accommodate a project that could be served by water and sewer, including as less water and sewer would be necessary at the proposed reduced density. With regard

to traffic, the subject site would be accessible from existing roadways that connect to Highway 1 intersections that have noted traffic deficiencies during commute periods. However, a reduction in the density of the proposed site as compared to the existing LCP designations would reduce the potential traffic generated from any subsequent development. In other words, the existing LCP would allow for a larger project that could result in more traffic impacts than one that would be consistent with the proposed amended LCP. In addition, LCP policies require the development and implementation of a traffic impact analysis and mitigation plan for new development such as this through the CDP process, and thus traffic issues (including related to the potential intensity of development that could be appropriately accommodated under the amended LCP) can be adequately addressed through any such subsequent process. Further, the County is currently in the process of identifying potential transit and roadway improvements for this part of the coast through its 'Connect the Coastside' process, including as it relates to potential development of the site. In short, the proposed amended LCP appropriately reduces potential development intensity at this site as compared to the existing LCP, and allows for development that appears to be consistent with Coastal Act residential siting direction, where precise details can be readily addressed through a subsequent CDP process.

With respect to potential coastal resource impacts associated with projects that may follow from the amended LCP (e.g., related to public access, sensitive habitats, cultural resources, public views, etc.), the information provided about the site to date indicates that it appears that the kind, intensity and density of use proposed can be accommodated on site without impacts to such resources. In fact, the proposed reduced density allows for increased open space on the site relative to the existing LCP to provide adequate buffers from adjacent sensitive habitats, public roads, and viewing areas, and to protect significant trees. Potential fire risks from a future project can also be addressed through future siting and design efforts, which are likely made easier by the proposed reduced density. In any case, all LCP resource protection policies will also still apply through the CDP process to appropriately address coastal resource issues. And finally, the proposed amended LCP would require that any potential development onsite is 100% affordable for low-income households, resulting in an absolute increase of 40 affordable units (if a 71-unit project eventually follows this LCP amendment) as compared to the existing LCP, which would help achieve environmental justice objectives, including those that focus on encouraging a broad range of housing types, including affordable housing, in a manner that protects coastal resources.

In sum, the proposed LCP amendment can be found consistent with the Coastal Act (and the IP amendment that would implement the amended LUP consistent with the amended LUP for similar reasons). Thus, staff recommends that the Commission approve the proposed LUP and IP amendments as submitted. The two motions necessary to implement this recommendation are found on page 5 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on November 5, 2020. The proposed amendment affects both the LCP's LUP and IP, and the 90-working-day action deadline is March 22, 2021. Thus, unless the Commission extends the action

deadline (it may be extended by up to one year), the Commission has until March 22, 2021 to take a final action on this LCP amendment.

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EXHIBITS

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Exhibit 5: Potential Post-LCP Amendment PUD 140/CD Site Plan

Exhibit 6: BOS Resolution

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1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make two motions, one on the proposed LUP amendment and a second on the proposed IP amendment, in order to act on this recommendation.

A. Certify the LUP Amendment as submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the LUP portion of the amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion: *I move that the Commission **certify** Land Use Plan Amendment Number LCP-2-SMC-20-0054-1 as submitted by San Mateo County, and I recommend a yes vote.*

Resolution to Certify: *The Commission hereby certifies Land Use Plan Amendment Number LCP-2-SMC-20-0054-1 as submitted by San Mateo County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the amendment may have on the environment.*

B. Certify the IP Amendment as submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the IP portion of the amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present:

Motion: *I move that the Commission **reject** Implementation Plan Amendment Number LCP-2-SMC-20-0054-1 as submitted by San Mateo County, and I recommend a no vote.*

Resolution to Certify: *The Commission hereby certifies Implementation Plan Amendment Number LCP-2-SMC-20-0054-1 as submitted by San Mateo County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the amendment may have on the environment.*

2. FINDINGS AND DECLARATIONS

A. Description of Proposed LCP Amendment

San Mateo County's proposal would amend the Local Coastal Program (LCP) to redesignate an 11-acre parcel at the corner of Carlos and Sierra Streets, in the unincorporated Moss Beach area of San Mateo County, from Planned Unit Development (PUD)-124/CD to PUD-140/CD (reducing residential density from medium high to medium) and to provide regulations for the potential future development of a 100% affordable housing project at the site. The site is surrounded to the south and southeast by medium density residential development, to the north and northeast by open space, and to the west by Carlos Street and Highway 1. The site is accessible from Carlos Street, which parallels and connects to Highway 1 approximately 0.1 miles to the north and is approximately 0.5 miles from Moss Beach's main commercial district to the south. The subject site is undeveloped except for some foundation remnants from previous buildings, including slab foundations and retaining walls, and unpaved internal roadways that are largely overgrown with vegetation. Two existing water tanks, owned by Montara Water and Sanitary District, are also located on an easement area on the southwest portion of the property. See **Exhibit 1** for location maps and **Exhibit 2** for photos of the property.

The amendment proposes changes to the LCP's Land Use Plan (LUP) and Implementation Program (IP). The proposed LUP amendment would change the LUP land use designation for the site from Medium High Density Residential to Medium Density Residential, reducing maximum allowed density, and modify language in LUP Policy 3.15(d) to require that 100% of any allowed units developed at the site be affordable to low income households (an increase from the existing LUP language which required that only 21% of the units be reserved for low income households and 14% for moderate income households). In other words, the current LUP accommodates a project of 148 units where there would be 31 lower cost, 21 moderate cost, and 96 market rate units, whereas the proposed LUP would accommodate a smaller 71-unit project, but all of the units would be lower cost; an increase of 40 lower cost units.

The proposed IP amendment would rezone the parcel from PUD-124 to PUD-140 and eliminate the IP's existing PUD-124 regulations (which contained development standards and an associated site plan that would have accommodated the above-referenced 148-unit project), replacing them with new development standards associated with a smaller allowed project. These proposed PUD-140 regulations outline development plan requirements, permitted uses, density, height, setbacks, lot coverage, floor area, landscaping, outdoor lighting, and parking provisions, for the smaller affordable housing project at the site (see **Exhibit 3**), and includes a site plan with which any future development must be in substantial conformance (see **Exhibit 5**), where the site plan accommodates 18 two-story residential apartment buildings, an access driveway from Carlos Street, sidewalks and pathways for pedestrian access, and installation of underground utilities. The proposed regulations also specify permitted uses, which include multi-family low income housing, a community building, outdoor recreational uses, and publicly accessible open space; and other development standards (including a maximum density of 71 affordable dwelling units; a maximum

building height of 28 feet (and 2 habitable stories); landscaping subject to County water efficiency requirements and maintenance; limitations on light and glare and a requirement that all outdoor lighting be subject to review by the Coastside Design Review Committee; and maintenance of 142 uncovered parking spaces and open, internal vehicle access roads). The minimum setbacks, maximum lot coverage, and maximum floor area are also required to substantially conform to the above-referenced development plans, as modified or refined by any subsequent coastal development permit (CDP) terms and conditions associated with an actual project (i.e., the LCP amendment modifies what is allowed, but any project would still require its own CDP and CDP process). The amendment would also add the Design Review Zoning Overlay to the subject property.

In sum, the proposed amendment is intended to facilitate the development of a 100% affordable housing project that meets all above requirements, including it must be in substantial conformance with an accompanying site plan, where any future such development would require the County to approve an LCP-consistent (both the standards identified in the amendment and all existing LCP provisions protecting coastal resources otherwise) CDP, where County action may or may not be appealable to the Commission, depending on what it includes.¹

B. Evaluation of Proposed LUP Amendment

1. Standard of Review

The proposed amendment affects the LCP's Land Use Plan, and the standard of review for LUP amendments is that they must be consistent with and adequate to carry out the Coastal Act Chapter 3 provisions.

2. New Development

Applicable Coastal Act Provisions

The Coastal Act requires that new development be located in areas with adequate public services to accommodate it and where it will not have significant adverse impacts on coastal resources. It also requires that new development minimize energy consumption and vehicles miles traveled, and that new or expanded public works be designed and limited to accommodate needs generated by allowed development. These provisions include:

Section 30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...

¹ A County CDP approval (or even denial) may be appealable to the Coastal Commission if the resultant approved (or denied) CDP allows for development that meets the Coastal Act definition of major public works (e.g., if it includes qualifying public infrastructure components)(See Coastal Act Section 30603.)

Section 30253. *New Development shall do the following: ... (d) Minimize energy consumption and vehicle miles traveled.*

Section 30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

In addition, the Coastal Act also speaks to the consideration of environmental justice, to ensure that coastal development does not unduly burden any particular segment of the population with adverse environmental impacts, and reflects a focus on explicitly requiring fair treatment to all people in the application of the Coastal Act and LCPs as follows:

Section 30107.3. *“Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, and incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (b) “Environmental justice” includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people. (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process. (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.*

Section 30604(h). *When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.*

Consistency Analysis

Taken together, these Coastal Act provisions generally direct new residential development to existing developed areas with adequate public facilities and services (including water, sewer, and traffic capacity) where coastal resources will not be significantly impacted, and they require the fair treatment of all people in the application

of the Coastal Act and LCPs, including the “equitable distribution of environmental benefits throughout the state.”

The proposed LUP changes would reduce the number of housing units that would be allowed on the site from 8.1-16.0 dwelling units per acre (Medium High Density) to 6.1-8.0 dwelling units per acre (Medium Density). In order to maximize affordable housing, the changes would also modify LUP Policy 3.15(d), which lays out affordable housing criteria for this site, to specifically require that 100% of any units be reserved for low-income housing (with the exception of the manager’s unit), as compared to the current policy which only requires 21% low income and 14% moderate income units with the rest market rate. In other words, the current LUP accommodates a project of 148 units where there would be 31 lower cost, 21 moderate cost, and 96 market rate units, whereas the proposed LUP would accommodate a smaller 71-unit project, but all of the units would be lower cost; an increase of 40 lower cost units. See **Exhibit 3** for full text of the proposed LUP amendments and **Exhibit 4** for map changes.

The subject site is surrounded to the east and southeast by medium density residential development and is located in an area served by existing water and sewer providers. The overall reduction in density would reduce the potential demands on these public services from any final project developed at the site, consistent with the surrounding residential density and associated demands. Further, the LCP designates affordable housing as an LCP “priority use” and requires the reservation of public service capacity for such uses, including specifically for the subject site. Thus, the water and sewer service providers for the subject site (Montara Water and Sanitary District and Sewer Authority Mid-Coastside) have indicated that there is enough water and sewer capacity to service an affordable housing project at the proposed density, including because they have already reserved capacity for such uses at the higher density associated with existing LCP requirements. Thus, the proposed amendment would provide for a kind, density, and intensity of use similar to that of the surrounding development, in an area with adequate water and sewer services to accommodate it, consistent with Coastal Act public service requirements.

With regard to road and traffic capacity, the project site would be accessible from existing roadways with primary access from Carlos Street and a second emergency-vehicle access point from Lincoln Street. There are existing noted traffic deficiencies in the surrounding area, including an existing Level of Service E or F for Etheldore and California Street intersections with Highway 1 during commute periods, that could be exacerbated by any development at the proposed location. However, the proposed reduction in density at the site, as compared to the existing land use designation, would reduce the potential traffic generated from any subsequent development. In addition, LCP policies require the development and implementation of a traffic impact analysis and mitigation plan through the subsequent CDP process, and thus traffic issues (including related to the potential intensity of development that could be appropriately accommodated under the amended LCP) can be adequately addressed through any such subsequent process. Further, the County is currently in the process of identifying potential trail and roadway improvements for this part of the coast as a part of its “Connect the Coastside” process, including as it relates to potential development of the

site. Connect the Coastside is intended to lay out a vision for specific transit and roadway improvements to be implemented, including potentially in conjunction with the future development of the site (e.g., improving pedestrian and bicycle routes between the site and downtown Moss Beach, and improving existing bus stops with benches or shelters, etc.), to help provide for enhanced traffic flow for both existing and planned development in the area. Lastly, the MidPen Housing Corporation, the current potential applicant to develop the affordable housing project should the LCP be amended, has stated that they would give preference to renters who are currently employed on the coast, to the extent allowed by federal and state law. Thus, the proposed amended LCP reduces allowed density for the site, which should only serve to better address traffic issues as compared to the existing LCP (including associated with reduced energy consumption and vehicle miles traveled), and the traffic mitigation details can appropriately be addressed through the remainder of the LCP (which requires that projects limit and mitigate for traffic impacts).

As indicated above, the site has been designated as an affordable housing site since 1980, but the current LCP allows for more market rate housing here than lower income housing. The proposed amendment requires that any potential development on site provide for 100% affordable units reserved for low income households (defined as households earning up to 80% of the area median income). This modification is consistent with environmental justice considerations that focus on encouraging a broad range of housing types, including affordable housing, in a manner that protects coastal resources. In March 2019, the Commission adopted an environmental justice policy (EJ Policy) to guide and inform its implementation of Section 30604(h) in a manner that is fully consistent with the standards in, and furthers the goals of, the Coastal Act and certified LCPs. Because affordable residential neighborhoods are in short supply, many underserved communities (including lower income communities, communities of color, and other historically marginalized communities) are forced to live farther from the coast. In fact, due to historic institutionalized geographic, economic, social, and cultural barriers, many marginalized populations (including lower income communities and communities of color) have essentially been denied access to affordable housing in the coastal zone. To address these issues, the Commission's EJ Policy calls for the Commission to increase efforts to encourage affordable housing and "work with local governments to adopt local coastal program policies that allow for a broad range of housing types, including affordable housing, ADUs, transitional/supportive housing, homeless shelters...in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act."² In this respect, the proposed amendment will help to further LCP and Coastal Act goals of providing affordable housing options for all San Mateo County residents, and greater coastal access opportunities for all income levels by increasing the percentage of affordable housing units required, and is therefore, consistent with Coastal Act directives to consider fair and equitable treatment of all.

² See EJ Policy page 8 at https://documents.coastal.ca.gov/assets/envjustice/CCC_EJ_Policy_FINAL.pdf

In short, the proposed amended LUP appropriately reduces potential development intensity at this site as compared to the existing LUP, and allows for development that appears to be consistent with Coastal Act residential siting direction and environmental justice considerations, where precise details can be readily addressed through a subsequent CDP process. Accordingly, the proposed LUP amendment can be found consistent with the Chapter 3 policies of the Coastal Act.

3. Other Coastal Resource Protections

Applicable Coastal Act Provisions

The Coastal Act is fundamentally a law for protecting coastal resources, including public access, environmentally sensitive habitat areas (ESHAs), archaeological resources, and scenic and visual qualities, including via minimizing the potential for adverse impacts from development. These provisions include:

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211. *Development shall not interfere with the public's right of access to the sea ...*

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30244. *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean*

and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253. *New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Consistency Analysis

Taken together, these Coastal Act policies require the protection of public access, sensitive habitats, scenic and visual qualities, and archaeological resources by siting development in a way that avoids and minimizes adverse impacts while ensuring the safety of new development. And the existing LCP includes a whole series of similar policies to protect coastal resources. Thus, any future development of the subject site would be required to meet such LCP policies, and thus would be required to protect coastal resources. In that sense, the question with the proposed LUP amendment is not whether that will happen, as it is already required to happen under existing LCP sections that would not be changed, rather it is whether there is anything in the proposed amended LUP language, designations, maps, and site plans as applied to the site in question that would suggest that a subsequent project might not be capable of adequately protecting coastal resources as required, and thus whether changes to (or even denial of) the proposed LUP amendment is required.

As indicated above, the proposed LUP changes are primarily intended to reduce the density allowed on site and provide for 100% affordable housing units as compared to the existing LUP. As discussed in the preceding finding, the potential for water, sewer, and circulation related coastal resource impacts, where circulation issues raise public access concerns, are adequately addressed by the proposed amendment and by the subsequent CDP process.

Regarding protection for ESHA, to date ESHA has not been identified on the property to which the LUP amendments apply, and the closest known ESHA is Montara Creek, a perennial stream, which is located approximately 250 feet to the northeast of the site running parallel to the site's northern border. However, some members of the public have asserted that there is the potential for sensitive species to occur on or adjacent to

the site. To the extent any such habitats are identified in subsequent analysis, the proposed reduction in density will help to provide greater opportunity to concentrate development away from such habitat areas compared to the existing LUP in any case. Further, all LCP habitat protections would continue to apply to future development proposed at the project site through the CDP process to appropriately address any ESHA and/or habitat issues, including through avoidance, required buffers and construction best management practices. The proposed amendment thus does not present ESHA concerns necessitating changes to it or denial.

With respect to potential cultural resources, surveys of the site describe it as highly disturbed, but do identify the potential for subsurface cultural materials to be present in undisturbed portions of the site, and also identify a potential mussel shell fragment midden (although the potential area was highly disturbed, and it was hypothesized that the shell fragments may have been imported to the site from more recent fill activities). Again, the proposed reduction in density would allow for a greater opportunity to concentrate development away from any significant cultural resource areas found on site as compared to the existing LCP. Further, all LCP cultural resource protections would continue to apply to future development proposed at the project site through the CDP process to appropriately avoid, lessen, and mitigate impacts to cultural resources discovered on site during construction activities. The proposed amendment thus does not present cultural resource concerns necessitating changes to it or denial.

With respect to public views, the County file includes a visual resource assessment that shows that a project at the proposed scale under the amended LUP can be developed in a manner that will not be visible from Highway 1, and that will not block views of the ocean available from public viewing points. In addition, as above, the proposed reduction in allowable density also helps to assure neighborhood compatibility as the reduced density will be compatible with and similar to surrounding, already developed residential areas. Additionally, the proposed development standards would not appear to require significant alteration of landforms, nor impact highly scenic areas, and will enable the preservation of significantly more open space areas than under the existing LUP, including in a manner that provides more opportunities for visual screening if needed. Further, all LCP public view protections would continue to apply to future development proposed at the project site through the CDP process, and these are sufficient in this context to ensure adequate protection of public views under the amended LUP. The proposed amendment thus does not present public view concerns necessitating changes to it or denial.

Lastly, regarding requirements that new development assure stability and structural integrity, not contribute to aggravated erosion, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, 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 also not adjacent to or within a flood hazard zone or an area of coastal cliff instability. Regarding fire risk, the site is located within a Community at Risk zone according to the County's Wildland Urban Interface Fire Threatened Communities Map. However, the proposed reductions in allowable development density, and the circulation improvements that will

be required in conjunction with any future development approvals, would provide greater opportunities for defensible space and improve the ability to evacuate the area in the event of a wildfire as compared to the existing LUP. Further, all LCP policies requiring the minimization of risk for new development would continue to apply to future development proposed at the project site through the CDP process to appropriately address any subsequently identified hazard risk. The proposed amendment thus does not present hazard concerns necessitating changes to it or denial.

In short, the proposed amended LUP appropriately reduces potential development intensity at this site as compared to the existing LUP, and allows for development that appears can be accommodated consistent with Coastal Act coastal resource protection requirements, where precise details can be readily addressed through a subsequent CDP process. Accordingly, the proposed LUP amendment can be found consistent with the Chapter 3 policies of the Coastal Act.

4. Conclusion

Accordingly, the proposed LUP amendments can be found consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act.

C. Evaluation of Proposed IP Amendment

1. Standard of Review

The proposed amendment affects the LCP's Implementation Plan (IP) policies, and the standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

2. New Development

Applicable Land Use Plan Provisions

The County's LUP contains objectives and policies designed to allow new development at certain set allowable densities (LUP Policy 1.5) and requires that new development prioritize affordable housing in a manner that will not have adverse impacts on coastal resources or on the availability of public services and infrastructure (LUP Policy 1.18(c)). These policies ensure that affordable housing is afforded development priority and is served with adequate water supplies and wastewater treatment facilities (LUP Policies 1.19, 2.8, and 3.12). Additionally, these policies ensure that the proposed development minimizes and mitigates for traffic impacts (LUP Policy 2.42 and 2.52), preserves the community character of the area by limiting heights (LUP Policy 3.13), while providing much needed housing opportunities for persons of low and moderate income, and that no discrimination occurs when providing housing opportunities (LUP Policies 3.1, 3.2, 3.3, 3.4, and 3.15(d)). Lastly, these policies ensure that development is limited and phased to allow the development to be assimilated into the community a few at a time (LUP Policy 3.16). See **Exhibit 7** for the full text of the above referenced policies.

Consistency Analysis

Taken together, these LUP objectives and policies seek to prioritize affordable housing and facilitate its development at relatively high densities in areas where it can be

accommodated by adequate public facilities and where it will not have adverse impacts to coastal resources. In addition, the LUP designates specific locations, including the subject site, for priority affordable housing projects, requires water and sewer capacity reservations for such development sites, and requires that such projects be developed compatible with the surrounding scale, size and design of surrounding neighborhood to maintain community character.

As described above, the proposed IP amendment replaces the existing PUD Zoning District (PUD-124) with a new PUD Zoning District (PUD-140) that reduces the maximum number of housing units that may be allowed on the site (subject to CDP approval) and provides for a new conceptual site development plan. The new proposed standards would update the development plan requirements (originally adopted in 1985 by the Planning Commission and in 1986 by the Board of Supervisors) to allow for the construction of 18 two-story residential apartments to be restricted to low income households, a community building, a minimum of 142 uncovered surface parking spaces, a driveway from Carlos Street into the subject parcel, sidewalks and pathways to provide pedestrian access, landscaping for the parcel, and the installation of all new utilities underground. The total maximum number of dwellings would be 71 units (at a density of 6.5 units/acre) and the maximum building height would be 28 feet. Setbacks, lot coverage, floor area, maintenance of landscaping, and outdoor lighting would also be required to substantially conform to a new site plan, including as refined/modified through the required CDP process (see **Exhibits 3, 4, and 5** for the proposed text, map, and site plan changes).

LUP Policy 1.5 limits the type of land uses and development densities in urban areas to those allowed by the LUP's Land Use Map, and restricts the maximum density of development to that shown in LCP Table 1.2 (which specifies 6.1-8 dwelling units per acre for medium density development). The proposed IP amendment would allow for 71 dwelling units at the 11-acre site resulting in a density of 6.5 dwelling units per acre, consistent with the Medium Density Residential land use designation of the amended LUP as discussed and analyzed above, and consistent with the density limitations identified in LUP Policy 1.5.

LUP Policies 3.1 through 3.4 require that affordable housing opportunities be prioritized and provided for persons of low and moderate income who reside, work or will work in the coastal zone regardless of age, race, sex, marital status, or other arbitrary factors. Further, LUP Policy 3.15(d), as amended, requires that development of the site provide 100% of its units for low-income households. The proposed IP amendment prioritizes and provides affordable housing consistent with these LCP requirements. While not specifically defined in the proposed IP amendment language, the applicant for the potential development that could follow this LCP amendment (Midpen Housing Corporation) has indicated that these rental units would be prioritized for qualifying renters who already live and/or work in the Midcoast area as there are currently no income-restricted affordable housing units in the Montara-Moss Beach-El Granada area, furthering the goals of the LCP. Specifically, in response to public comment on this topic during the County LCP amendment proceedings, MidPen Housing Corporation indicated that it has been coordinating with the California Department of

Housing and Urban Development (or HUD) to determine the largest local worker preference ratio that could be applied to the project through the CDP process (which at this point appears to be up to 75%).

LUP Policy 3.13 requires that new development providing significant housing opportunities for low- and moderate- income persons contribute to maintaining a sense of community character by being of compatible scale, size, and design with the surrounding neighborhood. 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. The proposed IP amendment would provide specific development regulations to ensure future development of the site fits with the community character of the surrounding area as it allows for future development of the parcel at a density of 6.5 dwelling units per acre, consistent with the density of the surrounding neighborhood. Additionally, per the proposed IP regulations, all development will be limited to two stories and 28 feet. Further, the reduction in overall density will reduce potential traffic generated by the proposed development as compared to the existing LCP, and development standards have been incorporated to specifically address neighborhood circulation and traffic issues, including a driveway off of Carlos Street and 142 off-street parking spaces. Thus, the proposed IP amendment would be consistent with LUP Policy 3.13 with respect to density, height, and traffic mitigation, including as will be refined through the requisite CDP process.

LUP Policies 1.18(c), 1.19, 3.12, 2.8, 2.42, and 2.52 require that new development be adequately provided with water supplies and wastewater treatment facilities and limit the expansion of roadways (i.e., adding additional lanes) to a capacity that does not exceed that needed to accommodate commuter peak period traffic under LCP buildout. The LUP also requires water and sewer capacity reservations for designated affordable housing sites, including the subject site, as shown in LUP Tables 2.7 and 2.17. As stated above, the water and sewer service providers for the subject site (Montara Water and Sanitary District and Sewer Authority Mid-Coastside) have indicated that there is enough water and sewer capacity to service an affordable housing project at the proposed density, including because they have already reserved capacity for such uses under existing LCP zoning requirements which specified 148 dwelling units for the subject site. Thus, a reduction in density would potentially free up more water already reserved for other Coastal Act or LCP priority uses in the County's coastal zone as compared to the existing LCP. Therefore, the proposed IP amendment, reducing the dwelling unit count to 71, further ensures that there is adequate sewer and water capacity for the kind, density and intensity of use proposed, consistent with the LUP as amended, including as will be refined through the requisite CDP process.

Further, the reduction of intensity of residential development as compared to the existing LCP also potentially diminishes the need to add additional lanes to existing roadways in the future. In particular, modeling conducted by the County (in connection with the Connect the Coastside Transportation Management Plan) indicates that projected development in Half Moon Bay and the unincorporated Midcoast, including the 71 units that would be allowed through the proposed IP amendment, would not require additional lanes on Highway 1 other than limited passing and turning lanes.

However, as shown by County analysis to date, what will likely be required are intersection controls at locations such as California Avenue and Highway 1 in Moss Beach, and additional mitigation measures to address the increase in traffic (while lower than the resulting traffic from the original PUD) on Etheldore Street and California Avenue intersections with Highway 1, in order to ensure public safety and improve traffic flow for both existing and proposed development in the area, including at the subject site. These options will be further analyzed in Connect the Coastside, which is currently in draft form and will be subject to public hearings prior to CDP consideration for any subsequent affordable housing development. The selected form of controls and timing of installation will be decided prior to or concurrently with the County's consideration of the affordable housing project CDP for the subject site, which, per LCP requirements, will also require a Traffic Impact Analysis and Mitigation Plan. Thus, information about the subject site submitted to date indicates that the kind, intensity, and density of use proposed through the IP amendment can be accommodated consistent with LUP traffic requirements, as refined through the CDP process.

LUP Policy 3.16 limits the number of affordable housing units 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, LUP Policy 3.16 also allows the County Board of Supervisors to increase the limit if such phasing threatens the timely provision of affordable housing options. In this case, if a subsequent CDP application for a 71-unit affordable housing project were to be approved, it would require a finding like this.³ Thus, the proposed IP amendment can be found consistent with LUP Policy 3.16, whether ultimately in phases or through a Board identified increase in units, including as will be refined through the requisite CDP process.

In short, the proposed IP amendments are consistent with and adequate to carry out the LUP, including as amended, and including as will be further refined through the requisite CDP process.

3. Other Coastal Resource Protections

Applicable Land Use Plan Provisions

The County's LUP contains objectives and policies designed to protect coastal resources, including public access, sensitive habitats, archaeological resources, and public views. These provisions include:

LUP Policy 7.3 Protection of Sensitive Habitats. (a) *Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.* (b) *Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive*

³ And indeed the potential applicant for a CDP for such subsequent project has already noted the need for such an increase to allow for all units to be constructed in one phase due to the challenges of financing and constructing affordable housing, potentially affecting project feasibility.

habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

LUP Policy 1.25 Protection of Archaeological/Paleontological Resources. *Based on County Archaeology/Paleontology Sensitivity Maps, determine whether or not sites proposed for new development are located within areas containing potential archaeological/paleontological resources. Prior to approval of development proposed in sensitive areas, require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist/paleontologist be submitted for review and approval and implemented as part of the project.*

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

a. 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.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

LUP Policy 8.9 Trees. *A. Locate and design new development to minimize tree removal. B. Employ the regulations of the Significant Tree Ordinance to protect significant trees (38 inches or more in circumference) which are located in urban areas zoned Design Review (DR). C. Employ the regulations of the Heritage Tree Ordinance to protect unique trees which meet specific size and locational*

requirements. D. Protect trees specifically selected for their visual prominence and their important scenic or scientific qualities. E. Prohibit the removal of trees in scenic corridors except by selective harvesting which protects the existing visual resource from harmful impacts or by other cutting methods necessary for development approved in compliance with LCP policies and for opening up the display of important views from public places, i.e., vista points, roadways, trails, etc. F. Prohibit the removal of living trees in the Coastal Zone with a trunk circumference of more than 55 inches measured 4 1/2 feet above the average surface of the ground, except as may be permitted for development under the regulations of the LCP, or permitted under the Timber Harvesting Ordinance, or for reason of danger to life or property. G. Allow the removal of trees which are a threat to public health, safety, and

Consistency Analysis

These LUP provisions require that coastal resources (including public access, sensitive habitat areas, archaeological artifacts, and public views) be protected in new development projects. These provisions aim to site development in a manner that both avoids and, when necessary, mitigates any potential impacts to these resources.

With respect to public access, the LUP protects public access much like the Coastal Act, including with respect to Highway 1 along the Coastsides that provides the primary means of access in the County's coastal zone, including ultimately to the immediate shoreline areas. Although the site in question does not by itself raise any significant public access concerns, including as it is located inland of Highway 1 and away from the shoreline, any project that emanates from the proposed IP amendment here could have impacts on Highway 1 traffic, which is a public access issue. However, and as described earlier, several things suggest that the proposed IP changes will not lead to public access problems of the type that would necessitate changes to it or denial. First, the reduction in allowable intensity and density of density use of the site as compared to the existing IP would reduce the potential traffic generated from any subsequent development. In other words, the existing IP would allow for a larger project that could result in more traffic impacts than one that would be consistent with the proposed amended IP. Second, LCP policies require the development and implementation of a traffic impact analysis and mitigation plan for new development such as this through the CDP process, and thus traffic issues (including related to the potential intensity of development that could be appropriately accommodated under the amended LCP) can be adequately addressed through any such subsequent process. Finally, as indicated earlier the County is currently in the process of identifying potential transit and roadway improvements for this part of the coast through its 'Connect the Coastsides' process, including as it relates to potential development of the site, which should help to provide tools to address any potential circulation issues. The proposed IP amendment thus does not present public access concerns necessitating changes to it or denial.

LUP Policy 7.3 prohibits any land use or development which would have significant adverse impacts on sensitive habitat areas and requires that development in areas adjacent to sensitive habitats be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. As described in the preceding findings,

there is no documented evidence to date that any special status species are present on the project site, either currently or historically, including as the site has been exposed to on-going human presence including some vehicle and pedestrian traffic. In addition, the site is largely disturbed, and otherwise occupied by ruderal vegetation, and any future development on site (including as shown by the PUD site plan, see **Exhibit 5**) would largely result in the redevelopment of these existing disturbed and ruderal areas. In addition, no wetlands, riparian or other sensitive habitats have been identified on site. Montara Creek is the closest sensitive habitat, and it is located approximately 250 feet from the northern property line, and there is sufficient space to provide any necessary habitat buffers as required by LUP Policy 7.3(b). Further, all LCP habitat protections would continue to apply to future development proposed at the project site through the CDP process to appropriately address any ESHA and/or habitat issues, including through avoidance, required buffers and construction best management practices. The proposed amendment thus does not present ESHA concerns necessitating changes to it or denial.

LUP Policy 1.25 requires that new development protect archeological resources found on site. As previously discussed, prior assessment of the site describe it as highly disturbed, but do identify the potential for subsurface cultural materials to be present in undisturbed portions of the site, and also identify a potential mussel shell fragment midden (although the potential area was highly disturbed, and it was hypothesized that the shell fragments may have been imported to the site from more recent fill activities). The current proposal to develop the site will consider and require an appropriate mitigation program for any such resources encountered, including: conducting additional testing of the resources present, monitoring during ground disturbing activities, and establishing required actions to protect resources should they be found on site. The County has stated that these mitigation measures will be included in the project description contained in a future CDP application, but should they not be, the decision-making authority will have the ability to require them as conditions of CDP approval pursuant to the LUP requirements, assuring the proposed amendment is consistent with LUP Policy 1.25 regarding protection of archeological resources. Thus, the archeological information about the subject site provided to date suggests that the proposed amendment does not present archeological concerns necessitating changes to it or denial.

Further, LUP Policy 8.5 requires that proposed development be sited where it is least visible from State and County Scenic Roads, least likely to impact views from public viewpoints, and where it best preserves the visual and open space qualities of the parcel. The proposed amendment is consistent with LUP visual resource protection policies in a number of ways. First, the proposed amendment reduces the number of units allowed by the existing PUD and limits the height to 28 feet (specified to be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above to address public concerns on this topic) consistent with the surrounding land uses and development densities, thereby minimizing the visual impact that future development may have. Second, the location of the development proposed by the PUD, including as shown in the conceptual development plan, can be developed so that it will not be visible from the nearest

County Scenic Road (Highway 1) due to intervening topography and vegetation, and in an area that will not obstruct views of the ocean available to the public along Stetson or Carlos Streets. In addition, setbacks from Carlos street were increased to larger than 20 feet consistent with the setback requirements for the surrounding residential zoning district to address public concerns on this matter. Third, the proposed amendment reduces the amount of the development that may be permitted on the site as compared to the existing LCP, thereby reducing the need for tree removal and providing more opportunity to protect any trees that have important scenic qualities. Fourth, as shown on the conceptual development plan, buildings nearest to Lincoln Street and Buena Vista Street would be setback approximately 230 feet from the nearest neighboring residences, and existing trees would be retained within this setback area, as well as the trees along the northerly portion of the site, in order to help screen the proposed development as much as possible. Fifth, the clustering of the proposed buildings in the center of the parcel will minimize their visibility from the surrounding areas and reduce the potential need for tree removal. Sixth, specific development regulations incorporated into the amended IP would help ensure visual resource protection and community character compatibility, including through limiting building height to a maximum of 28 feet (and 2 habitable stories), requiring landscaping and associated maintenance, and limitations on light and glare and a requirement that all outdoor lighting be subject to review by the Coastside Design Review Committee. Lastly, in response to public comments on this matter, the County also proposes to add the Design Review Overlay to the site, making the development subject to all requirements of Design Review District. And again, any subsequent project would be required to go through a CDP application process to ensure that it was consistent with all LCP policies, including those that protect coastal resources.

In short, the proposed amended IP appropriately reduces potential development intensity at this site as compared to the existing IP, and allows for development that appears can be accommodated consistent with LUP coastal resource protection requirements, where precise details can be readily addressed through a subsequent CDP process. Accordingly, the proposed IP amendment can be found consistent with the LUP's coastal resource protection requirements.

4. Hazards

Applicable Land Use Plan Provisions

The LUP defines hazardous areas as fault zones and land subject to dangers from liquefaction and other seismic impacts, unstable slopes, landslides, cliff instability, flooding, tsunamis, fire and steep slopes, and states:

LUP Policy 9.1 Definition of Hazard Areas. Define 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%).

Consistency Analysis

LUP Policy 9.1 aims to define areas subject to hazards (such as liquefaction, unstable slopes, landslides, or other seismic considerations, as well as areas prone to flooding and fire), and other LUP policies (e.g., LUP Policy 9.3) further regulate development within such hazard areas. The project site is located on the inland side of Highway 1, sloping east to west with elevations ranging from approximately 77 feet above mean sea level (MSL) at the northwest corner to 189 feet above MSL along the eastern boundary. 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 to or within a flood hazard zone or an area of coastal cliff instability. In terms of fire risk, the site is located within a Community at Risk zone according to the County's Wildland Urban Interface Fire Threatened Communities Map. However, the proposed reductions in allowable development density, and the circulation improvements that will be required in conjunction with any future development approvals, would provide greater opportunities for defensible space and improve the ability to evacuate the area in the event of a wildfire as compared to the existing IP. Further, all LCP policies requiring the minimization of risk for new development would continue to apply to future development proposed at the project site through the CDP process to appropriately address any subsequently identified hazard risk. The proposed amendment thus does not present hazard concerns necessitating changes to it or denial. Accordingly, the proposed IP amendment can be found consistent with the LUP's hazard requirements.

5. PUDs

While not necessarily the standard of review for the proposed amendment, the LCP IP outlines requirements necessary during the establishment of a PUD district. Public concerns have been raised regarding the adequacy of the proposed PUD regulations and their consistency with the requirements of IP Section 6191. This section requires that no PUD district shall be enacted for any area unless the Planning Commission has reviewed a precise plan to ensure that the proposed zoning for the area is in harmony with the specified plan and that there are no conflicts with the County's Master Plan or any other land use plans. Further, Section 6191 requires that findings be made regarding the PUD district under consideration including that the proposed PUD be a desirable guide for future growth, will not be detrimental to the character and social and economic stability of the area, is in harmony with the zoning of the adjoining unincorporated area, ensures public safety as it relates to traffic movements along highways, sites development in a manner that is safe from undue risk from fire, inundation and other dangers while providing adequate light, air, privacy and convenience of access, and that it must not result in intensified land use due to higher population. Section 6191 states:

Section 6191. Review and Findings. No PUD District shall be enacted for any area unless and until the Planning Commission shall first have:

A. Reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would

not be in conflict with the County Master Plan, or with any other current land use plan for a sub area of the County previously adopted by the Commission.

B. Made the findings after special notice direct to any unincorporated area that the specific PUD District under consideration: (1) Is a desirable guide for the future growth of the subject area of the County. (2) Will not be detrimental to the character and the social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas. 3. Will be in harmony with the zoning in adjoining unincorporated area. 4. Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways. 5. Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers. 6. Will not result in overcrowding of the land or undue congestion of population.

The site in question has been designated as an affordable housing site via a PUD since the 1980s. The proposed IP amendment includes replacing the prior PUD with a revised PUD, in large measure to help reduce the intensity and density of residential use allowed on the site to a level comparable to the surrounding neighborhood, and to help better cluster future potential development in a manner that provides more open space on the parcel as compared to the existing PUD. The proposed PUD-140 sets zoning standards that will enable the County to fulfill the long-term objective of providing affordable housing on the Coastside, in a manner that is compatible with its surroundings, protects natural resources, and is consistent with LCP policies. The PUD therefore addresses the pressing need for affordable housing, including facilitating a 100% affordable housing project, in a desirable way. The proposed reduced intensity and density of development in the new PUD also lessens the demands on infrastructure and public services and provides more open space as compared to the existing PUD. Additionally, the proposed PUD would accommodate a future development project that would provide trails and recreation areas to the benefit of existing and future residents, and that would be accompanied by transit and circulation improvements to benefit the greater community, protecting the character, social and economic stability of the Coastside while providing safe and convenient access.

Further, by decreasing the number of units that may be allowed on the site, the new PUD reduces the impacts that future development of the site might have on Highways 1 and 92 compared to the existing PUD. At the time a CDP application for development of the site is being considered, the specific actions that will be taken to address the project's impacts on traffic, safety, and circulation will be identified and appropriately mitigated. The County's Connect the Coastside process also provides a forum to address these needs, and will inform future decisions on any CDP application for this site, including in order to ensure that the development will be accompanied by measures that protect public safety and minimize traffic congestion.

In addition, the new proposed PUD-140 sets appropriate development standards for the subject parcel by identifying allowable and appropriate uses for the site; establishing maximum development densities, heights, setbacks, lot coverage and floor areas; setting standards for establishment and maintenance of appropriate landscaping; restricting outdoor lighting; and ensuring minimum parking requirements. The term “precise plan” required as part of PUD review is not defined in the County’s zoning ordinance. However, the conceptual development plan provided as part of the proposed amendment provides sufficient information to assess the design of the project and potential impacts to the site and surrounding environment. Finally, the site plan for the proposed PUD clusters future development near the center of the site and not in an area known to be prone to flooding or other hazards, while providing adequate light, air, and privacy to neighboring uses. By amending the PUD in this way, the County assures that any future development for this site is desirable given the development goals of the County, is not detrimental to surrounding areas, assures appropriate traffic considerations are taken into account, minimizes risks, and will not result in overcrowding or congestion consistent with the requirements for new PUD Districts outlined in LCP Section 6191. Accordingly, the IP amendment can also be found consistent with to the IP PUD requirements.

6. Conclusion

The IP amendment can be found consistent with and adequate to carry out the certified LUP.

D. California Environmental Quality Act (CEQA)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission; however, the Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)). In fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that approval of the proposed LCP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A). In addition, the proposed amendments include all feasible measures to ensure that potentially significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act and the San Mateo County LCP. These findings represent the Commission's analysis and consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendment, as well as potential alternatives to the proposed amendment.

Appendix A – Substantive File Documents⁴

- Board of Supervisors LCP Amendment Resolution
- Preliminary Environmental Evaluation – Update, April 2019
- Biological Resource Assessment
- Cultural Resource Evaluation of the Cypress Point Project in Moss Beach, County of San Mateo
- Cypress Point Traffic Impact Analysis

Appendix B – Staff Contact with Agencies and Groups

- San Mateo County Planning and Building Department
- Resist Density
- MidPen Housing Corporation
- County of San Mateo - Public Works

⁴ These documents are available for review from the Commission's North Central Coast District office.