



County of San Mateo - Planning and Building Department

ATTACHMENT C

March 1, 2024

MEMORANDUM

TO: County Decision Makers and Interested Parties

FROM: Steve Monowitz, Planning and Building Director

SUBJECT: Application of California Environmental Quality Act Exemption Established by AB 1449 to the Cypress Point Affordable Housing Project in Moss Beach. County File No. PLN 2022-00220 (MidPen Housing Corporation)

I. Background

In 2022 the MidPeninsula Housing Corporation (“MidPen”) applied for a General Plan Amendment, Coastal Development Permit, Design Review Permit and Grading Permit, and General Plan Amendment to construct a 71-unit affordable housing project at the corner of Carlos and Sierra Streets, in the community of Moss Beach. This application was made after the California Coastal Commission (CCC) certified the County’s Local Coastal Program (LCP) Amendments which revised the previously adopted Planned Unit Development zoning designation to the site. The change in zoning reduced the number of permitted housing units on the site from 148 to 71 units, with all 71 units now reserved for low-income households.

As discussed in the documents prepared in conjunction with the LCP amendments, the CCC’s LCP review process provides the functional equivalent of CEQA¹. In support of the amendments, MidPen submitted numerous technical documents that demonstrated that the LCP Amendments would not create an adverse environment impact, in conflict with the State Coastal Act. At that time, it was also identified that an Environmental Impact Report (EIR) would be prepared as part of the County’s review of the zoning permits and General Plan Amendment required to construct the project following LCP amendment certification.

Accordingly, following receipt of the 2022 applications, the County prepared a Notice of Preparation on December 1, 2022, and subsequently released a Draft EIR in August 2023. A 45-day public review period for the DEIR concluded on September 25, 2023. During the public comment period, the County received numerous comment letters.

During the preparation of a Final EIR and responses to these comments, Assembly Bill (AB) 1449 was signed into law on October 11, 2023, and took effect on January 1, 2024. The provisions of this law, and its application to the project, are detailed below.



¹ CCR Section 15251(f) (*CEQA Guidelines*)

II. Application of AB 1449 to the Project

The CEQA exemption established by AB 1449 (codified at Pub. Res. Code § 21080.40(b)) applies to the following actions:

- (1) The issuance of an entitlement by a public agency for an affordable housing project.
- (2) An action to lease, convey, or encumber land owned by a public agency for an affordable housing project.
- (3) An action to facilitate the lease, conveyance, or encumbrance of land owned or to be purchased by a public agency for an affordable housing project.
- (4) Rezoning, specific plan amendments, or general plan amendments required specifically and exclusively to allow the construction of an affordable housing project.
- (5) An action to provide financial assistance in furtherance of implementing an affordable housing project.

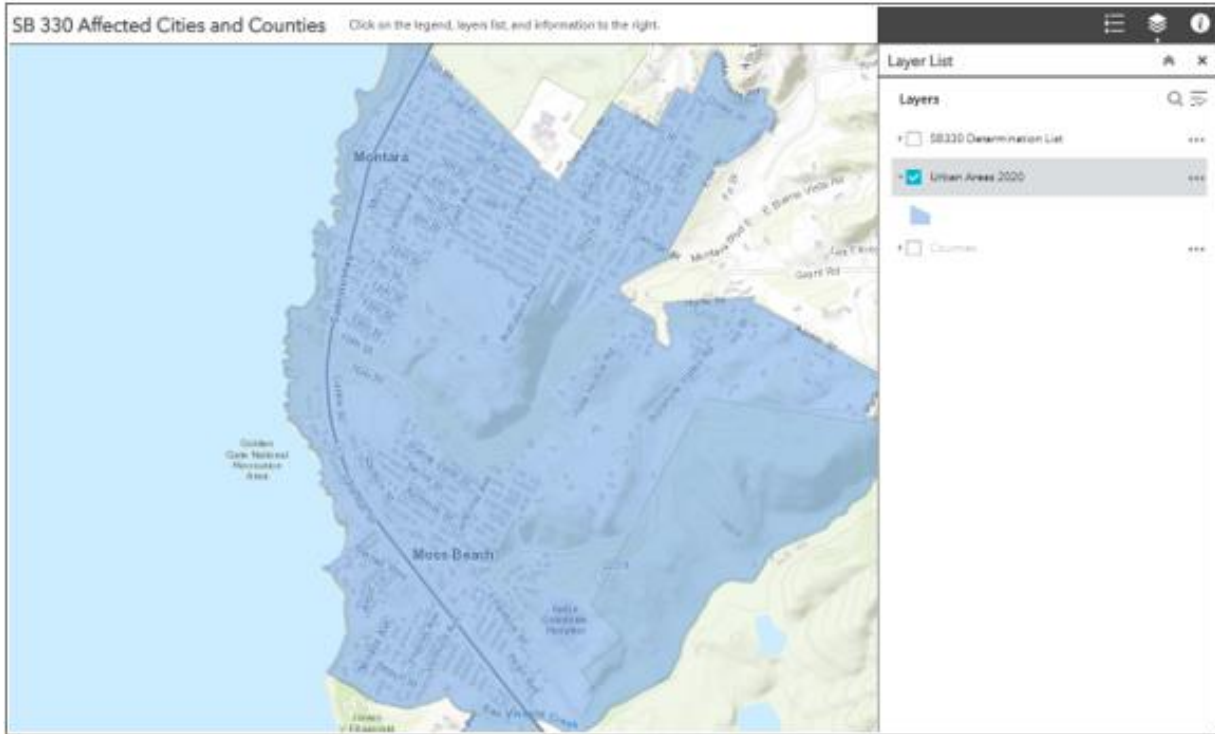
The exemption is a statutory exemption that is not subject to exceptions (Pub. Res. Code § 21080 et seq.). The sole question is whether the project fits within the language of the exemption. If a lead agency determines that an activity is eligible, the lead agency must file a notice of exemption with the Office of Planning and Research and the county clerk of the county (Pub. Res. Code §21080.40(d)). As the California Supreme Court has explained, exemptions from CEQA “promot[e] an interest important enough to justify foregoing the benefits of environmental review.” (*Napa Valley Wine Train, Inc. v. Pub. Util. Comm’n* (1990) 50 Cal.3d 370, 382.) “[T]he self-evident purpose” of a statutory exemption “is to provide an escape from the EIR requirement despite a project’s clear, significant impact.” (*CREED-21 v. City of San Diego* (2015) 234 Cal.App.4th 488, 506.) As a result, once a project is exempt from CEQA, there is no longer a legal obligation to disclose or mitigate a project’s environmental impacts under CEQA.

The following table documents the basis for and substantial evidence supporting the County’s determination that this exemption applies to the Cypress Point project:

Public Resource Code Requirement	Consistency Analysis
“Affordable housing project” means a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the project designated for residential use. (Section 21080.40(a)(1))	Compliant. This is a 100% multi-family residential project. (Draft Environmental Impact Report, Section 2.5.2)
All of the residential units within the project, excluding managers’ units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code. (Section 21080.40(a)(1)(A))	Compliant. All units, except for the manager’s apartment, will be reserved for affordable households earning up to 80% of the Area Median Income. (Draft Environmental Impact Report, Section 2.5.1.)

<p>The project meets the labor standards set forth in Section 65912.130 of the Government Code. (Section 21080.40(a)(1)(B)(i))</p>	<p>Compliant. The Applicant has indicated, in writing, that they will comply with this prevailing wage requirement, and compliance with such provisions will be made a condition of project approval.</p>
<p>For a project with 50 or more residential units, the project meets the labor standards set forth in Section 65912.131 of the Government Code. (Section 21080.40(a)(1)(B)(ii))</p>	<p>Compliant. The Applicant has indicated, in writing, that they will comply with the obligation to offer employment opportunities to state-registered apprentices and provide health insurance to construction workers and their dependents. Compliance with these provisions will be required as a condition of approval.</p>
<p>The project is located on a legal parcel or parcels in any of the following locations:</p>	
<p>(i) In a city where the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. (Section 21080.40(a)(1)(C)(i))</p>	<p>Compliant. The parcel is wholly within an urbanized area, as shown by the maps below.</p>

SB330 Affected Cities and Counties Map.

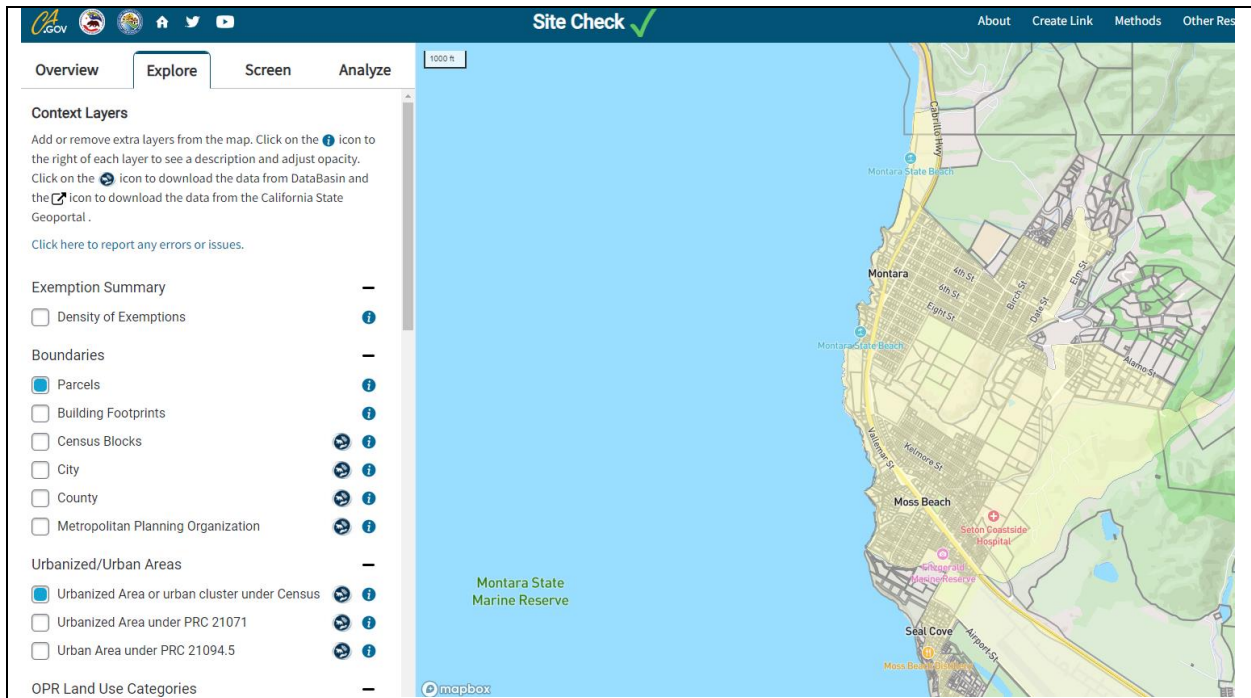


OPR, Site Check Map, Urbanized Area or Urban Cluster Under Census Layer.

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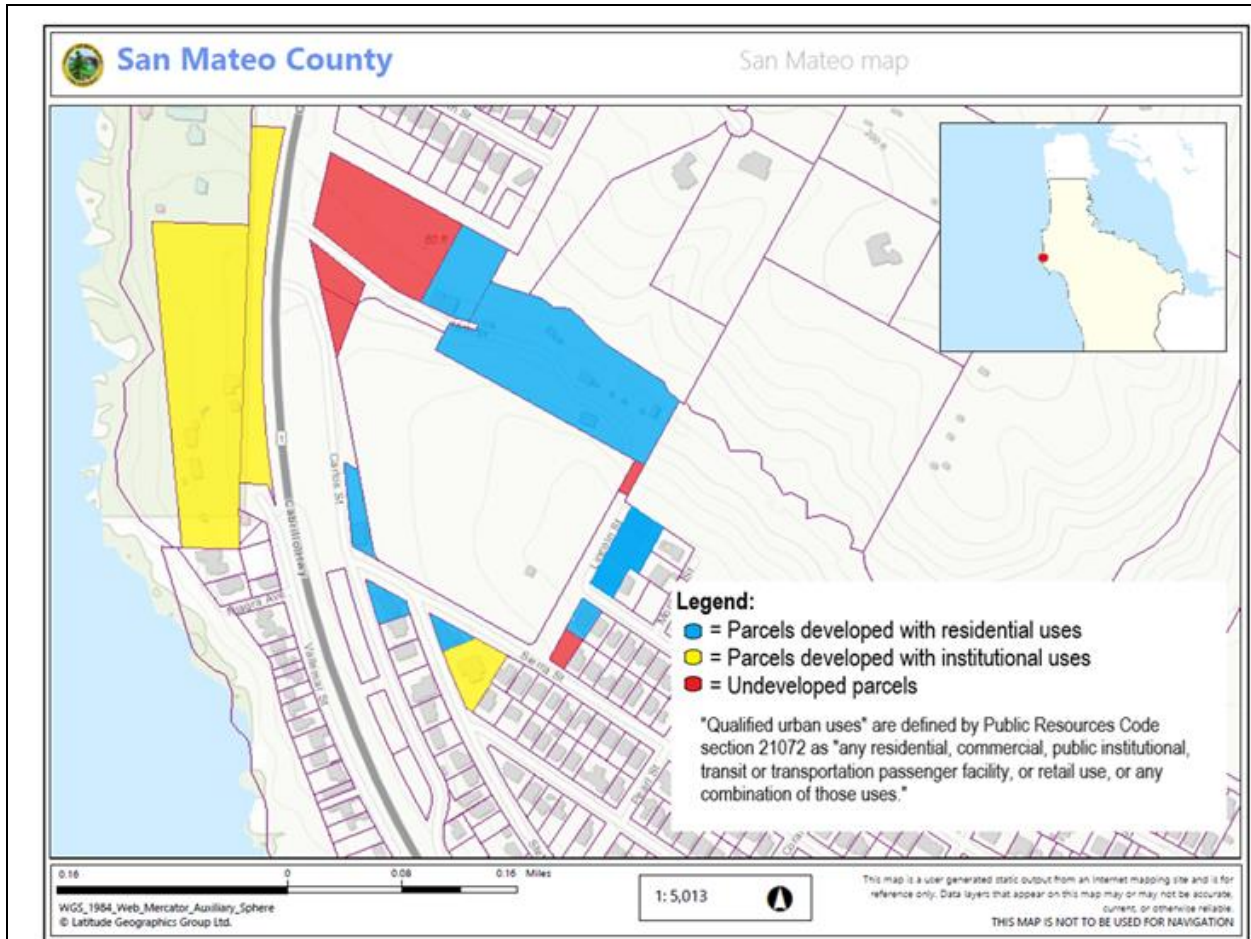
Federal Transit Administration Census Map, Census Urban Areas, Under 50K (2020).



<p>(ii) Within one-half mile walking distance to either a high-quality transit corridor or a major transit stop. (Section 21080.40(a)(1)(C)(ii))</p>	<p>Not applicable. A location need only comply with one of the four requirements (i, ii, iii, or iv). In this instance, the project complies with requirement (i) and (iv), independently.</p>
<p>(iii) In a very low vehicle travel area. (Section 21080.40(a)(1)(C)(iii))</p>	

<p>(iv) Proximal to six or more amenities pursuant to paragraph (3) as of the date of submission of the application for the project. (Section 21080.40(a)(1)(C)(ii-iv))</p>	<p>Compliant. A location need only comply with one of the four requirements (i, ii, iii, iv). In this instance compliance with both (i) and (iv) each provide independent basis for compliance. The parcel is within 2 miles of at least seven of the specified amenities, including public parks, medical clinics or hospitals, and schools among others. Parcels located in “rural areas” need only be located within 2 miles. Section 50199.21 of the Health and Safety Code defines a “rural area” to be an area that “is eligible for financing under the Section 515 program, or successor program, of the Rural Development Administration of the United States Department of Agriculture.” The parcel location is eligible for such financing and is there within a rural area as defined by the US Department of Agriculture. The parcel is located within 2 miles of the following six amenities, as demonstrated in the map below:</p> <ol style="list-style-type: none"> 1. Moss Beach Park (County Park) – 0.37 miles 2. James V. Fitzgerald Marine Reserve (County Park) – 0.61 miles 3. Rancho Corral de Tierra (National Park) – 0.83 miles 4. Pillar Point Bluff (County Park) – 1.21 miles 5. Seton Coastside Hospital (Hospital) – 0.57 miles 6. Farralone View Elementary School (School) – 0.70 miles 7. Coastside Market (Grocery Store) – 0.36 miles
<p>Parcels that are developed with urban uses adjoin at least 75 percent of the perimeter of the project site or at least three sides of a four-sided project site. For purposes of this paragraph, parcels that are only separated by a street or highway shall be considered to be adjoined. (Section 21080.40(a)(1)(D))</p>	<p>Compliant. “Qualified urban uses” are defined in CEQA as “any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or</p>

	<p>any combination of those uses.” (Public Resources Code 21072)).</p> <p>APN 037-022-210, 037-022-250, 037-022-240, 037-022-020, and 037-062-110 are undeveloped. Combined, these parcels comprise approximately 545 linear feet of the property’s perimeter. The property’s entire perimeter is 2,840 linear feet. This means approximately 19.2 percent of the perimeter is not developed with urban uses, while 80.8 percent is developed with urban uses, largely with single family homes and public institutional uses including a fire station and the Montara Water & Sanitary District and its supporting facilities.</p> <p>In addition, three of the parcel’s four sides have been developed with defined urban uses. MidPen’s analysis demonstrating that 3 of 4 sides are urban/residential uses was accepted by HCD in its award of <u>Multifamily Housing Program</u> and <u>Joe Serna, Jr. Farmworker Housing Grant Program</u> funds. The acceptance of the project’s eligibility by an expert agency is independent substantial evidence that the parcel complies with this criterion.</p>



It is noted that AB 1449 provides that parcels that are only separated by a street or highway shall be considered to be adjoined (Pub. Res. Code § 21080.40(1)(D)). The Montara Water & Sanitary District (along with associated parking and driveway) is adjoined on the west side of Highway 1. The Montara Water & Sanitary District is an institutional and, therefore, urban use.



<p>The affordable housing project will be subject to a recorded California Tax Credit Allocation Committee regulatory agreement. (Section 21080.40(c)(1))</p>	<p>Compliant. The project will be required to secure such an agreement prior to the issuance of building permits.</p>
<p>The affordable housing project site can be adequately served by existing utilities or extensions. (Section 21080.40(c)(2))</p>	<p>Compliant. Potable water and wastewater treatment will be provided by the Montara Water and Sanitary District (MWSD), and electricity will be provided by PG&E.</p>

	(Draft Environmental Impact Report, Section 2.3.5.)
A public agency confirms all of the following:	
(A) The project site satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code. (Section 21080.40(c)(3)(A))	Compliant. Analysis is provided below.
Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction. (Section 65913.4(a)(6)(B))	Compliant. The appropriate inventory does not categorize this land as farmland. See California Department of Conservation Important Farmland Finder . (Draft Environmental Impact Report, Section 4.4.1.1.)
Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). (Section 65913.4(a)(6)(C))	Compliant. This site does not contain wetlands. See National Wetlands Inventory, Surface Waters and Wetlands, USFWS . (Draft Environmental Impact Report, Section 3.3.1.9: “No potentially jurisdictional waters or wetlands were observed.”)
Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. (Section 65913.4(a)(6)(D))	Compliant. The site is not in a mapped fire hazard zone. See Fire Hazard Severity Zone Map Viewer . (Draft Environmental Impact Report, Section 3.6.1.6: “The project site is not located within a California Department of Forestry and Fire Protection (CAL FIRE)–designated very high, high, or moderate fire hazard severity zone (FHSZ).”)

<p>A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code. (Section 65913.4(a)(6)(E))</p>	<p>Compliant. This site is not a hazardous waste site. See EnviroStor Database, Department of Toxic Substances Control. (Draft Environmental Impact Report, Section 3.6.5.)</p>
<p>Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. (Section 65913.4(a)(6)(F))</p>	<p>Compliant. This site is not in an earthquake fault zone. See Earthquake Zones of Required Investigation. (Draft Environmental Impact Report, Section 3.4.5.)</p>
<p>Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. (Section 65913.4(a)(6)(G))</p>	<p>Compliant. This site is not within a special flood hazard area. See FEMA Flood Map Service Center. (Draft Environmental Impact Report, Section 3.6.1.7)</p>
<p>Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. (Section 65913.4(a)(6)(H))</p>	<p>Compliant. This site is not within a regulatory floodway. See FEMA Flood Map Service Center.</p>
<p>Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan. (Section 65913.4(a)(6)(I))</p>	<p>Compliant. This site is not within a natural community conservation plan or a habitat conservation plan. See California Natural Community Conservation Plans. (Draft Environmental Impact Report, Section 3.3.5)</p>
<p>Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California</p>	<p>Compliant. This site does not contain critical habitat. See Critical Habitat Maps, United States Department of Fish and Wildlife. Further, Draft Environmental Impact Report, Figure</p>

<p>Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). (Section 65913.4(a)(6)(J))</p>	<p>3.3-2 shows there is no critical habitat on the site. Draft Environmental Impact Report Section 3.3 explained that the biological report included an extensive literature search of the 2-mile area surrounding the project site, followed by a field survey conducted on April 3, 2023. The field survey included the project site and a 200-foot buffer surrounding the site.</p>
<p>Lands under conservation easement. (Section 65913.4(a)(6)(K))</p>	<p>Compliant. There is no conservation easement encumbering the property. (Draft Environmental Impact Report, Section 2.3.3.)</p>
<p>For a vacant site, the project site does not contain tribal cultural resources that could be affected by the development that were found pursuant to a consultation described in Section 21080.3.1 and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2. (Section 21080.40(c)(3)(B))</p>	<p>Compliant. This is not a vacant site. It was developed by the U.S. Navy in 1945 and has been in disuse since 1970. Recommended conditions of approval will effectively mitigate any potential impacts to cultural resources. (Draft Environmental Impact Report, Section 2.3.2.)</p>
<p>The development proponent has completed a phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code. If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. (ii) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements. (iii) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of</p>	<p>Compliant. The <i>Phase I Environmental Site Assessment Report, Carlos Street at Sierra Street, Moss Beach, San Mateo County, California 92038</i>, was completed by AEI Consultants (AEI) on November 10, 2015. It found recognized environmental conditions (RECs) on-site which included the potential presence of lead-based paint in soils surrounding the building foundations, the “drill field,” which may have been used for weaponry or as a shooting range, concrete pad areas potentially used for firefighter training, and an incinerator. Additional Phase II testing was conducted. A Draft Site Management Plan (SMP) has been prepared for the project. The recommended conditions of approval will require a final SMP to be</p>

<p>insignificance in compliance with current state and federal requirements. (Section 21080.40(c)(3)(C))</p>	<p>submitted with the building permit applications. These conditions will effectively mitigate any potential impacts associated with the potential release of hazardous materials into the environment consistent with current federal and state requirements.</p>
<p>For a project site where multifamily housing is not a permitted use, all of the following are met: (i) None of the housing is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code. (ii) None of the housing is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas. (iii) The project site is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 or as designated pursuant to subdivisions (a) and (b) of Section 51179 of the Government Code. (Section 21080.40(c)(3)(D))</p>	<p>Not Applicable. Multifamily housing is a permitted use on this site. (Draft Environmental Impact Report, Section 2.3.1)</p>

III. Standard of Review for the Project

In order to approve the MidPen Cypress Point Affordable Housing Project in Moss Beach (project), the relevant decision makers must find it to be consistent with the applicable provisions of the San Mateo County General Plan, Local Coastal Program, and Zoning and Grading Regulations. A detailed analysis of the project’s compliance with these policies and regulations is contained in the staff report prepared for the Planning Commission’s and Board of Supervisors’ consideration.² This analysis incorporates information contained in the Draft EIR prepared for the project, and addresses comments received in response to the Draft EIR that are relevant to the project’s compliance with County policies and regulations. Additional discussion of the project’s consistency is included in the Draft EIR, including, for example in Section 3.8.5 which analyzes and finds the project consistent with the land use plan, policies and regulations.

IV. Response to Comments on the DEIR

² Consistency analyses have been conducted throughout the planning and entitlement process. For example, see Cypress Point Affordable Housing Community Project - 2019 LCP Amendment Policy Consistency Analysis here: <https://www.smcgov.org/media/104101/download?inline=>

Because the project is exempt from CEQA, the County is not required to respond to comments regarding the Draft EIR. Nevertheless, County staff has prepared the following responses to the primary issue areas and concerns raised by the public comments received. These responses, in part, describe the level of significance of potential impacts for purposes of CEQA analysis. However, the responses and discussion of potential impacts are for information purposes only, and do not provide a basis to approve or deny the requested permits, except as they relate to the project's compliance with relevant County policies and regulations, which are addressed in further detail in the staff report prepared for the Planning Commission's and Board of Supervisors' consideration. (See, e.g., *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 490 (error in an analysis not required by CEQA cannot constitute prejudicial noncompliance with CEQA)).

A. Scale, Compatibility, and Character of Project

Several commentors asserted that the proposed project is out of scale with the neighborhood.

While an aesthetics analysis under CEQA is not required, the County's General Plan and Local Coastal Program contain numerous policies related to visual effects that are applicable to the Project. Visual effects are also regulated through the County of San Mateo Design Manual and the County of San Mateo Zoning Code Design Review Overlay.

The allowable size and scale of the project site has been established by the Local Coastal Plan (LCP) and the County of San Mateo General Plan. In 1980, the project site was designated "Affordable Housing" by both the County and the California Coastal Commission (CCC) and had a land use designation of Medium-High Density Residential. The Medium-High Density Residential designation allowed for development at densities of between 8.8 to 17.4 housing units per acre. In the LCP, the site is designated as infill and as a priority development site for affordable housing. The site is also designated as an affordable housing opportunity site under the San Mateo County Housing Element.

In July 2018, the County received an LCP Amendment application from MidPen for the proposed Cypress Point Affordable Housing Community Project. This application proposed revising the previously approved Planned Unit Development zoning designation in a manner that would reduce the total number of units to be developed and increase the amount that must be affordable. Following the CCC's certification of the LCP Amendment, MidPen submitted the current application for a coastal development permit to construct 70 affordable housing units and one manager's unit on the 11.02-acre parcel. As part of project approval, a General Plan Amendment to amend the site designation from Medium-High Density Residential, which permits 8.8-17.4 units per acre, to Medium Density Residential, which permits 6.1-8.7 units per acre, is proposed. The project will assist the County in meeting its regional fair share of housing allocation for the 6th cycle of the RHNA plan.

The project is consistent with LCP and County General Plan policies and zoning regulations. The project is designed to minimize alteration of the natural landforms and be visually compatible with surrounding areas. It will cluster development, increase setbacks, minimize grading, and retain the majority of screening trees along the site perimeter, as feasible. Approximately one-half of the project site will be developed and landscaped. The remainder of the site will be left unaltered, with the exception of the removal of hazardous trees and the

improvement of existing pedestrian/bicycle paths open to the community. The majority of the forested areas on the northern portion of the site will be preserved. Approximately 295 trees are proposed for removal, including approximately 190 Significant or Heritage Trees. The project has been designed to fit the topography of the site and use smaller buildings with a maximum height of 28 feet to reduce massing, consistent with the County LCP's Visual Resources Component.

The project is in the Highway 1 County Scenic Corridor and is designed to minimize its visibility from Highway 1, in compliance with the LCP. Access roads and parking areas will be integrated into the site, with multiple small parking lots around a ring road, and screened with landscaping. All new distribution lines will be underground. Landscaping with native trees and plant materials will have an informal character and be used to screen the project and reduce visual impacts. The project will be primarily visible from Carlos Street at the vehicular entrance along the western boundary. These views will be partially screened by proposed landscaping (see Figure 2.5-10 in EIR Chapter 2, Project Description). Views of the project from the southern end of Carlos Street will include the project entrance and views of many of the project buildings. Landscaping will include additional tree planting between the project and the single residence on Carlos Street to shield the residence from views of the project.

Although the existing visual character of the site will be altered by construction of the project, the change will not result in conditions causing significant visual degradation, as the site is surrounded by urban uses. Site grading and fill to construct building pads, roadways, and parking areas, or install utilities will not be visible or apparent from areas outside of the project site. The only site features visible to viewers from surrounding areas will be the proposed buildings themselves. As noted above, the buildings will be set back at a minimum of 20 feet from the property line so that their apparent mass will be reduced. Furthermore, the project site represents an additional residential use within an already developed residential area that already includes many two-story buildings.

Regarding character, consistent with the County Community Design Manual, and Zoning and General Plan regulations, the buildings have been designed to include natural colors and materials and non-reflective materials, including wood-look cement board siding in shades of dark red and brown and gray composite shingle roofing materials that are compatible with the coastal environment (see Figure 2.5-2 in Chapter 2, Project Description). These materials match the neighborhood vernacular and are subject to design review through the Design Review process (see analysis of Design Review requirements and Land Use and Zoning history, below). Further, the project would be clustered on-site to minimize tree removal and allow for open space uses, including trails. Open space areas would be planted with low-water-intensive, and native species appropriate to the soils and climate, consistent with the Community Design Manual. The project is thus consistent with County standards related to aesthetic effects.

B. Design Review Requirements

With further regard to project scale and compatibility of the project, many commenters raised issues regarding the compliance with Design Review requirements. Development on-site is subject to the policies of the County General Plan, the County LCP, and Section 6565.17 of the County Zoning Regulations. The project must comply with all applicable County visual quality policies, which "promote and enhance good design, site relationships, and other aesthetic

considerations,” and “promote visually attractive development.” To ensure compliance with County visual resource policies, the project is subject to review by the Coastside Design Review Committee. The Coastside Design Review Committee has reviewed the project, and the applicant has prepared revised plans that respond to the input received from the Committee and that achieves compliance with applicable policies, as detailed in the staff report regarding the permit applications. The project is thus consistent with County standards related to aesthetic effects.

C. Light and Glare

Among the comments received regarding visual and biological resources, the impacts of project lighting was identified as a significant concern. Such impacts are dependent upon the location of the viewing point, the breadth of the viewshed, the contiguousness of scenic views, the character of the surrounding neighborhood, the distance and intervening vegetation between sources of light and sensitive habitat areas, and the type of light fixtures proposed. San Mateo County evaluates aesthetic impacts in comparison to the potential for conflict with relevant policies and regulations contained in the General Plan, LCP, and Zoning Regulations. All proposed lights are dark sky lighting compliant and no lights will point outwards in the neighborhood’s direction.

The proposed project will introduce additional sources of controlled lighting and reflective surfaces to the project site. New lighting sources include outdoor street lighting, security lighting, and indoor lighting. The project will also generate light by vehicle headlights. Prior to the issuance of building permits to construct the project buildings, the applicant shall submit a detailed lighting plan for review and approval by the Director of Planning and Building, consistent with County requirements. The lighting plan shall prohibit light spillover across property lines and limit lighting to the minimum necessary for security and exterior lighting purposes, as determined by the Director of Planning and Building. Project lighting shall be compliant with LCP Policy 8.18(a): “Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed, and shielded so as to confine direct rays to the parcel where the lighting is located,” and General Plan Policy 4.60 *Outdoor Lighting*: “Minimize exterior lighting in scenic corridors and, where used, employ warm colors rather than cool tones and shield the scenic corridor from glare.” Compliance with these two policies will avoid spillover and light pollution for the project surroundings, including the night sky and Montara Creek.

Project compliance with these standards ensures that there will be no new source of substantial light or glare which would adversely affect day or nighttime views in the area and the project is thus consistent with County standards related to visual effects associated from light and glare.

D. Views and Scenic Vistas

With regard to comments regarding the project’s impact on views and scenic vistas, it is noted that although the County General Plan and the County Local Coastal Program (LCP) do not define or identify scenic vistas, the plans do include policies to protect public viewpoints and vistas. “Scenic vistas” are generally considered to be high-quality views displaying good aesthetic and compositional value that can be seen from public viewpoints and possess visual qualities of high value to a community.

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The project is in the Highway 1 County Scenic Corridor and is designed to not be visible from Highway 1, in compliance with the LCP. Access roads and parking areas will be integrated into the site, with multiple small parking lots around a ring road, and screened with landscaping. All new utility distribution lines will be underground. Landscaping with native trees and plant materials will have an informal character and be used to screen the project and reduce visual impacts.

The County General Plan defines ridgelines as: “the tops of hills or hillocks normally viewed against the background of other hills.” Meanwhile, skylines are defined as: “the line where sky and land masses meet.” Views to the east from portions of the project site include both ridgelines and skylines, but views from most of the site do not include these features, due to the presence of slopes and vegetation. The project site is lower in elevation when viewed from Lincoln Street and would not appear as a ridgeline or skyline to residences along Sierra Street south and east of the project. For viewers south of the project on Sierra Street, the project site will appear at a higher elevation; however, the site would not qualify as either a ridgeline or skyline.

Although some of the buildings will be visible from surrounding areas, they will generally be lower in height than existing vegetation and will not interfere with views of the Pacific Ocean or other scenic vistas available from public locations. This is due to the distance of the proposed buildings from public viewpoints, the strategic placement of the building pads to minimize visual impacts, the presence of intervening vegetation, and the proposed installation of screening landscaping. The project is therefore consistent with County standards related to visual effects on views and vistas.

E. Air Quality and Greenhouse Gas Emissions

Commenters also identified concerns regarding emissions associated with the project, and its impact on air quality. Questions were raised regarding the methodology used to analyze these issues, and the models that were applied to this analysis. Concerns were also raised regarding the cumulative impacts of these emissions, their impact on climate change, and an asserted reduction in carbon sequestration associated with the removal of trees. Additional concerns were identified regarding the potential for toxic air contaminants on the site.

The County General Plan and 2022 Community Climate Action Plan contain standards designed to reduce the carbon emissions from development projects. As described further below, the project is consistent with these policies in addition to regulations of the Bay Area Air Quality Management District.

1. Methodology for Air Quality Assessment

While not required by County policies, an air quality assessment was prepared for the project. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and Greenhouse Gas (GHG) emissions associated with both construction and operation of a variety of land use projects. The model uses widely accepted

federal and state models for emission estimates and default data from sources such as the Environmental Protection Agency's (EPA's) AP-42 emission factors, California Air Resource Board (CARB) vehicle emission models, and studies from California agencies such as the California Energy Commission (CEC). The model quantifies direct emissions from construction and operations, as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model was developed in collaboration with the air districts in California. Default data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) have been provided by the various California air districts to account for local requirements and conditions.

The methodology used to assess air quality impacts applied two CalEEMod land uses. The 'Residential – Condo/Townhouse' was applied to the 71 dwelling units, and 'Parking – Parking lot' were applied to the 142 parking spots. The analysis included quantification of construction and operation of off-road equipment, fugitive dust, and on-road mobile sources, as well as the operational emissions for the affordable housing units. Modeling input data were based on the anticipated construction schedule and phasing. Construction equipment and usage required for each phase were obtained using CalEEMod defaults for the land use types which make up the project site, information provided by MidPen, and default parameters contained in the model for the project site, project size and land uses.

2. Air Quality Modeling - CalEEMod

Construction emissions associated with the project, including emissions associated with the operation of off-road equipment, haul-truck trips, on-road worker vehicle trips, vehicle travel on paved and unpaved surfaces, and fugitive dust from material handling activities, were calculated using CalEEMod version 2022.1.2.

BAAQMD-recommended exposure parameters have been applied to an analysis of cancer risks. The calculation of cancer risk, using CalEEMod-estimated emissions and the EPA ISCST3 dispersion model, indicates that the maximum increased residential cancer risks would be 45.9 in 1 million for an infant exposure and 0.8 in 1 million for an adult exposure. While the project is exempt from CEQA, the recommended conditions of approval will require implementation of appropriate air quality protection measures.

Implementation of the recommended conditions will substantially reduce PM10 exhaust emissions. The 2018 Illingworth and Rodkin, Inc., Cypress Point Affordable Housing Project Air Quality and Greenhouse Gas Emissions Assessment, estimated that the recommended conditions would reduce PM10 emissions by approximately 70.8% against unmitigated exhaust emissions. However, in the intervening years, significant reductions have already occurred through the integration of newer and cleaner construction equipment into the existing fleet. Using updated CalEEMod values for an unmitigated construction fleet in 2024-2026 shows a reduction of 44.7% reduction in PM10 exhaust emissions as a result of the recommended conditions of approval. The anticipated mitigated PM10 exhaust value is expected to remain essentially the same (0.0345 tons vs. 0.035 tons) over the anticipated construction period. Accordingly, implementation of the recommended conditions of approval will ensure compliance with applicable requirements.

3. Air Quality Cumulative Impacts

Consistency with the 2017 Clean Air Plan control measures will ensure that the project will not cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin. The project complies with each of the control strategies of the 2017 Clean Air Plan and therefore does not conflict with or obstruct implementation of the applicable air quality plan. All criteria air pollutant emissions (including Volatile Organic Compounds (VOCs) which are displayed as Reactive Organic Compounds (ROGs)) from the project's construction and operations are below the Bay Area Air Quality Management District's (BAAQMD's) thresholds of significance. The BAAQMD's thresholds of significance represent the allowable emissions a project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, if subject to CEQA, a project that would not exceed the BAAQMD thresholds of significance on a project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts.

4. Greenhouse Gas Emissions

The San Mateo County General Plan and 2022 Community Climate Action Plan contain goals and policies designed to reduce the greenhouse gas emissions associated with development projects. The project is consistent with these policies. While the project is exempt from CEQA, the County proposes to also require implementation of appropriate greenhouse gas reduction measures through the recommended conditions of approval.

BAAQMD thresholds of significance for GHGs are set to protect communities at any size and apply a "fair share" approach for determining whether an individual project's GHG emissions would be cumulatively considerable. If a project would contribute its "fair share" of what is needed to achieve the State's long-term GHG reduction goals, then the lead agency can find that the project is adequately contributing to solving the problem of global climate change and that project's impact is not significant. This means that the GHG and climate change thresholds of significance account for the past, present, and future project contributions.

The project will implement all feasible VMT reduction strategies and will comply with all other County Climate Action Plan GHG reduction strategies (i.e., no natural gas in residential buildings, providing EV chargers, actions encouraging the community's shift to active transportation [human-powered forms of transportation including walking, rolling, and biking]). Furthermore, the recommended conditions of approval ensure that the project will comply with local GHG reduction strategies. The project is therefore consistent with County standards related to greenhouse gas reductions.

5. Carbon Sequestration

The San Mateo County General Plan and the CCAP encourage the sequestration of carbon in vegetation and soils on natural and working lands. The California Emissions Estimator Model (CalEEMod) was used to calculate potential GHG impacts in the EIR. CalEEMod includes default settings to account for potential GHG impacts associated with vegetation removal, including those related to the loss of GHG reductions associated with carbon sequestration.

Using the i-Tree Calculator, the 190 trees to be planted as part of the project have the potential to sequester 245 metric tons of CO₂ over the 30-year lifetime of the project. The i-Tree

Calculator also calculates the potential CO₂ avoided due to reduction in building energy use and equates to 68 metric tons of CO₂ over the 30-year life of the project. The CO₂ sequestered from the existing 295 trees proposed to be removed was also calculated using the i-Tree Calculator and totaled 492 metric tons of CO₂ over 30 years. Therefore, the difference in CO₂ sequestration between the trees removed and planted is a potential loss of 179 metric tons of CO₂. This is conservative, as the parameters utilized in the i-Tree Calculator assume that the trees removed are in full sun and fair to good condition. The 190 trees planted would displace more than half of the sequestered CO₂ lost when removing the 295 trees. Implementation of the tree replacement plan will therefore achieve consistency with the objectives of the General Plan and CCAP.

6. Toxic Air Contaminants (TACs) and Human Health

While the project is exempt from CEQA, an assessment of toxic air contaminants was nevertheless performed, and certain recommended conditions of approval are proposed to further reduce such emissions. Toxic air contaminants and their health impacts to the nearby community have been analyzed using the BAAQMD Highway Screening Analysis tool. This analysis determined that the cancer risk at the project site was below the significance threshold of 10 in 1 million, the PM_{2.5} concentration was below the significance threshold of 0.3 µg/m³, and the Hazard Index was below the significance threshold of 1.0. The BAAQMD's Stationary Source Risk and Hazard Analysis Tool was used to determine the existing stationary sources of TACs and concluded that any existing facilities would result in an adjusted lifetime cancer risk, PM_{2.5} concentrations, and a hazard index all below BAAQMD thresholds of significance.

In addition, a community risk assessment of the project construction activities was conducted to evaluate potential health effects on sensitive receptors at these nearby residences from construction TACs, DPM and PM_{2.5}. Emissions and dispersion modeling were conducted to predict the off-site DPM concentrations resulting from project construction, and lifetime cancer risks and non-cancer health effects were evaluated. This modeling conservatively assumed that infant and adult exposures occurred at all residences through the entire construction period. With these conservative assumptions, TAC emissions would exceed BAAQMD standards without further reduction measures. Available reduction measures include several options: the use of level 3 diesel particulate filters (which requires off-road diesel equipment to use a CARB certified diesel particulate filter), use of advanced tier equipment (which requires off-road diesel equipment utilize Environmental Protection Agency certified advanced engines), use of an oxidation catalyst (which requires off-road diesel equipment to use a diesel oxidation catalyst), use of electric or hybrid powered equipment, and/or use of added exhaust devices.

In addition, idling restrictions (which applies to all vehicles in California with a diesel-fueled or alternative diesel-fueled off-road engine) help reduce public exposure to NO_x, DPM (TACs), and other criteria pollutant emissions from off-road, diesel-fueled vehicles and will be implemented by the project.

Implementation of the above reduction measures will reduce short-term health impacts to below the BAAQMD thresholds of significance. While the project is exempt from CEQA, the County proposes to require implementation of TAC reduction measures through the recommended conditions of approval.

F. Biological Resources

Many comments addressed the potential for the project to adversely impact biological resources due to tree removal and stormwater runoff. In addition, commenters questioned the adequacy of the biological investigations and the methodologies that were used. As discussed below, the project is consistent with policies on tree removal, riparian creek resources, species and other biological resources.

1. Tree Removal

The biological impacts attributable to tree removal will in compliance with applicable requirements due to the replacement of removed trees, protection of preserved trees, and the tree maintenance plan required by the Significant Tree Ordinance. The removal of regulated trees has been minimized as much as possible, clustering the proposed development on the site to retain the forested open space on the northern portion of the project site. All existing trees to be retained on the project site would be fenced during construction and provided with temporary irrigation.

The San Mateo County Ordinance Code defines significant trees as having a trunk circumference of 38 inches or greater (12-inch diameter). Significant trees cannot be removed except with a permit or, if the tree removal is part of a grading or building permit, with authorization from the Planning Commission, Design Review Committee, or Community Development Director.

The project proposes removing 295 trees out of the total of 488 trees on the project site. All 255 trees within the grading area will be removed. In addition, 40 of the 61 trees within 30 feet of the planned grading area will be removed, either because grading will impact the trees' roots or because the trees are in poor condition. The remaining 21 trees will likely incur some impact to their root systems but are far enough away and healthy enough to survive some root damage. Most of the 193 trees to be preserved on the site are greater than 30 feet from the planned grading area.

Based on the County definition of "Significant" trees, 348 trees were identified by the Arborist Report as qualifying for this designation. The Arborist Report concluded that only 14% of the trees surveyed were in good condition. No "Heritage" trees (as defined by the County Heritage Tree Ordinance) were identified during the arborist's evaluation. Of the 295 trees proposed for removal, approximately 193 are considered Significant trees. Of these, approximately 97 trees, or 51 percent, are in poor condition and 20 trees, or 10.5 percent are in good condition, with the remainder being in fair condition.

The trees to remain will have established tree protection zones with protective fencing and signage to protect the root zones of the trees from root damage and soil compaction. Tree protection measures will be confirmed to be in place during the preconstruction survey. Implementation of the recommended conditions of approval, which includes tree protection measures recommended by the Arborist Report, will ensure compliance with applicable requirements.

The Significant Tree Ordinance requires replanting for significant trees removed during construction. For the proposed project, replacement of trees removed shall be achieved in a manner and quantity prescribed by the Director of Planning and Building. The project will plant approximately 195 replacement trees throughout the project site. As required by the Significant Tree Ordinance, a maintenance plan will be required for between 2 and 5 years, as determined by the Director of Planning and Building. With the implementation of replanting and maintenance measures for removed significant trees, operation of the project will not conflict with the Significant Tree Ordinance. Implementation of the recommended conditions of approval which includes replacement, monitoring, and maintenance measures recommended by the Arborist Report, will ensure compliance with applicable requirements.

2. Montara Creek Biological Impacts

Montara Creek passes the project site approximately 250 feet north of the site. The project site slopes steeply downwards to the north by 16th Street. Stormwater runoff from project excavation, grading, and construction activities could impact water quality in Montara Creek. Recommended conditions of approval require the implementation of Best Management Practices (BMPs) to address the potential for project construction to result in off-site sedimentation and disruption of the natural environment. All construction activities are required to implement BMPs that will prevent sediment-laden runoff and/or pollutants from entering the riparian area or Montara Creek. In addition, the recommended conditions of approval require management of exposed soils and vehicle fueling and maintenance.

Several commenters noted concern regarding potential water quality impacts associated with the use of synthetic turf onsite. Drainage facilities to be installed by the project design measures include the installation of bio-swale bioretention basins that will prevent any turf material from entering water bodies such as Montara Creek. The applicant currently uses synthetic turf that is made in the USA and is the only USDA-certified synthetic grass throughout the Bay Area. The product has 60 to 80% bio-based content. The applicant has committed to continuing to evaluate what is available in the market and prioritizing environmentally friendly products.

An analysis of the effects of artificial lighting on wildlife within the Montara Creek corridor determined that the recommended conditions of approval will ensure compliance with applicable requirements.

3. Special-Status Species

Several commenters noted concern about the potential for the project to impact sensitive biological resources on the project site. There is no federally listed critical habitat on the project site. However, there is U.S. Fish and Wildlife Service (USFWS) designated critical habitat for California red-legged frog (a federally threatened species and CDFW SSC) approximately 1.1 miles east of the project site in and surrounding San Vicente Creek.

Several commenters noted that California Red Legged Frog (CRLF) may be found onsite and could be impacted by project construction and operation. Potential impacts to special-status wildlife from project activities include direct impact to individuals from construction activities (i.e.,

direct mortality from vehicle interactions); direct impacts to special-status species habitat such as required cover or nesting areas via vegetation removal; direct mortality from chemical spills; or indirect impacts to wildlife via noise and lighting.

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

In summary, there is moderate potential for dispersing California red-legged frog to occur on the project site and surrounding area during the wet season (October 15–May 31), and low potential for the species to occur on the project site during the dry season. Therefore, implementation of the recommended conditions of approval, which includes regular inspections of CRLF exclusion fencing, will ensure that during construction, CRLF will not enter the site. These inspections will be completed by a qualified professional during Stormwater Pollution Prevention Program investigations.

4. Survey Methods

In conjunction with the preparation of the Draft EIR, SWCA performed a literature review, including a review of the previously-prepared August 2020 DeNovo Biological Resources Report, and the 2022 HortScience | Bartlett Consulting Arborist Report to gain familiarity with the Project and identify potential sensitive biological features, including Environmentally Sensitive Habitat Areas (ESHAs), target flora and fauna species, and wetlands or other waters that have the potential to occur in the Biological Study Area (BSA). The review consisted of a records search of current versions of the USFWS online Information for Planning and Consultation (IPaC) species list system (USFWS 2023b) (Appendix A), CDFW California Natural Diversity Database (CNDDDB 2023) (Appendix B), and California Native Plant Society Online Inventory of Rare and Endangered Plants (CNPS 2023b) within the Montara Mountain, San Mateo, and Half Moon Bay, California USGS 7.5-minute quadrangles (USGS 2023a). The CNDDDB and CNPS searches were further refined to a 2-mile search surrounding the Project area. The USFWS Critical Habitat Mapper (USFWS 2023a) was queried to identify critical habitat for terrestrial and aquatic species near the BSA. The National Wetlands Inventory (NWI) Database (USFWS 2023c) and USGS National Hydrography Dataset (NHD) (USGS 2023b), U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Soil Survey for San Mateo County (NRCS 2023), and aerial imagery were also reviewed to provide additional information for soils and potential wetland features known to occur in the BSA.

A field survey was completed on April 3, 2023, by a qualified SWCA biologist and included a reconnaissance-level survey of the BSA. Per the California Department of Fish and Wildlife (CDFW), a Qualified Biologist is a person who holds a bachelor's degree from an accredited university in a biological or natural resources related field and shall: 1) be knowledgeable and experienced in biology and natural history of local fish and wildlife resources present at the Project site; 2) have experience identifying, capturing, handling, and relocating the fish and/or wildlife species; 3) be familiar with relevant survey protocols and recent scientific literature; and 4) be knowledgeable of state and federal laws regarding the protection of sensitive species. A Qualified Biologist shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities.

The purpose of the field survey was to evaluate the presence or absence of suitable habitat for special-status species determined to have the potential to occur in the BSA, sensitive habitats with the potential to occur in the BSA, potentially jurisdictional wetland features, and other ESHAs as defined by the County LCP. In addition, the surveyor identified and mapped vegetation communities using A Manual of California Vegetation, Second Edition (Sawyer et al. 2009). The survey included walking throughout the Project area and the surrounding 250-foot buffer (BSA) where accessible. The results of the literature search and survey have informed the recommended conditions of approval that ensure compliance with applicable regulations protecting sensitive species and their habitats. As detailed by Appendix D of the DEIR, the project site does not constitute habitat for sensitive species – the recommended conditions of approval address the potential that such species could occasionally be present on the site.

G. Hazards and Hazardous Materials

Concerns regarding the project's impacts to surrounding roadways, and the ability of residents to evacuate during an emergency, were identified by many commenters. Commenters also expressed concerns about the presence of lead and other contaminants in the soil, and the health impacts they could have on project residents.

1. Evacuation Routes and Roadway Network

The County General Plan provides in Policy 15.33 that the County should "[e]nsure road patterns that facilitate access for fire protection vehicles and provide secondary access and emergency evacuation routes when reviewing proposals for new subdivisions." Because the project will construct onsite roadways that meet County Development standards, the project is consistent with this standard.

Nevertheless, a Wildfire and Evacuation Technical Study was completed to investigate potential impacts. Several comments were received about the lack of a County-adopted evacuation plan, and how roadway networks could impede evacuation.

Development of the Cypress Point project does not include security gates and will not impede vehicular ingress/egress into the project site. Access will be provided by a new 28-foot-wide single driveway from Carlos Street on the western boundary of the site, which exceeds the 20-foot road width requirement in the California Fire Code, Section 503. The proposed interior roads will be designed to support the weight loads of fire apparatus and allow for access from all directions. There are main arteries from the nearest communities and fire stations that provide

direct emergency response services. Descriptions of each roadway facility are presented in the Wildfire and Evacuation Route Assessment.

The County's Emergency Management planning relies on technologies that provide up-to-date information to ensure emergency response and evacuations are flexible and responsive to the type of emergency. In testing such technologies and tools, the evacuation simulations assume that regional occupancy (not just the Cypress Point residents) being set to 100% for each simulation, thus the maximum number of residents (vehicles) is modeled. The present public evacuation notification tool being used by the County is 'Genasys' (formerly Zonehaven). All residents within Genasys/Zonehaven's³ designated zone SMC-E029 (the zone where the project is located) would likely be evacuated to closest designated County Emergency Management team designated center, which would be determined at the time of the emergency to ensure people have adequate time and access to get to the location. Pre-identifying routes and emergency evacuation centers may lead to the public defaulting to those routes or centers, which inadvertently maybe in harm's way.

Current programs—SMC Alert and Coastside FPD's Community Connect—are initiatives used to contact residents during an urgent or emergency situation as well as provide relevant information about residences to aid emergency responders during incident response. This may include instructions from County public safety officials to shelter in place during certain emergency situations when it is determined to be safer than evacuating. Local plans, such as the 2021 Local Hazard Mitigation Plan, further describe coordinated actions and recommendations to reduce wildfire risk and enhance emergency response; this includes expansion of alternative evacuation routes and evacuation centers (Action SMC-7) as dictated by the scope and location of the emergency. The project will not impair current adopted plans, including the San Mateo County Emergency Operations Plan (EOP).

2. Fire

The County General Plan, Local Coastal Program, and San Mateo County Multijurisdictional Local Hazard Mitigation Plan all contain policies designed to reduce the impact of wildfire risks in the County. The project is proposed in an area that is not located in a state responsibility area or a Very High Fire Hazard Severity Zone (FHSZ). Regardless of its location outside of these areas, the County evaluated potential wildfire impacts for this project and determined such impacts to be less-than-significant, because, among other reasons, the site is located within 300 feet of Fire Station 44. Additionally, there are five fire stations within a 15-minute drive of the project site, ensuring adequate response times.

In addition, the project incorporates fire hazard reduction measures such as development of an emergency access route from Lincoln Street to the northeast corner of the project site, installation of a dedicated fire flow water line, use of fire-resistant building materials, removal of approximately 295 trees, and implementation of a 30-foot fire break area and a 100-foot reduced fuel zone surrounding the development. In addition to the project's proposed design features to minimize fire risk, the minimal fire history, discontinuity of fuels across the landscape

³ <https://www.smcgov.org/dem/genasys-zonehaven>

(both naturally and from human-made features), and the low-to-moderate predicted fire behavior (burn probability, rate of spread, and crown fire) in the project site and 1-mile buffer area indicate a low fire hazard. The project is adding new infrastructure and would meet all CBC and CFC requirements at the project site. By concentrating development near fire response facilities and major roads and outside of Very High FHSZ, the project is consistent with County policies.

3. Soil Contaminants

The General Plan and LCP includes policies designed to encourage improvements which minimize the dangers of natural and manmade hazards.

As noted in the Draft EIR, elevated lead concentrations were found in soil at two locations during the Phase II investigation. None of the detected chemicals in the soil were found to exceed their respective Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) and U.S. Environmental Protection Agency (USEPA) Regional Screening Levels (RSLs).

The Phase I Environmental Site Assessment (ESA) identified Recognized Environmental Conditions (RECs) on site, including the potential presence of lead-based paint in soils surrounding the building foundations, the “drill field”, which may have been used for weaponry or as a shooting range, concrete pad areas potentially used for firefighter training, and an incinerator. The Phase II investigation was considered “limited” because the testing was completed on the areas identified in the Phase I ESA. Each of the studies were completed by qualified environmental professionals. Per the Limited Phase II, all drilling was completed by licensed contractors. The Phase I ESA was completed in conformance with the scope and limitations of ASTM Standard Practice E1527-13 and the EPA Standards and Practices for All Appropriate Inquiries (40 CFR Part 312). All laboratory testing was completed at accredited facilities. Well destruction was completed in accordance with County Environmental Health Services requirements.

The levels of lead found in shallow soils on the project site are below RWQCB ESLs and do not pose a significant human health risk after development of the proposed project. As detailed by the Draft Site Management Plan (SMP) prepared for the project, these soils will be mixed with other soil onsite and placed in locations that will be covered by hardscape (foundations, parking lots, walkways), or below imported topsoil in landscaped areas. The conditions of approval require a Final SMP to be submitted with the building permit application. Implementation of this condition will ensure that the project will not cause adverse public health impacts.

The areas of impact appear to be limited to two areas of the site, and further sampling and analysis showed the lead concentrations are localized, restricted to surface soils, and do not exceed regulated thresholds. If future sampling concludes there are contaminated soils that need to be off-hauled and properly disposed, conditions of approval will ensure that the applicant will be required to follow all requirements and regulations.

With respect to the presence of arsenic at one location, its detected concentration is representative of naturally occurring background conditions, which is within the range of arsenic concentrations found in soils within the San Francisco Bay Area.

Implementation of conditions of approval will ensure compliance with current state and federal requirements policies designed to minimize the dangers of natural and manmade hazards.

H. Transportation

A significant number of comments addressed the transportation impacts of the project on local roadways, intersections, and State Route One (SR-1). Concerns were also expressed regarding the amount of Vehicle Miles Traveled (VMT) that will be generated by the project.

As discussed below, the recommended conditions of approval will ensure that the proposed project will be carried out in a manner that is consistent with County's LCP policies, Connect the Coastsides, and the resultant Moss Beach/SR-1 Project, as well as applicable policies such as Complete Streets and the C/CAG 2021 TDM Policy to the extent feasible.

1. Carlos St./SR-1 Intersection Safety

As discussed by the DEIR, project-related vehicular traffic contributions to the Carlos Street/SR-1 intersection would exacerbate an existing hazard for drivers and for pedestrian and bicyclists attempting to cross or enter on to SR-1 at that location due to an existing geometric design feature. The existing configuration of the intersection has: (1) inadequate sight distance for vehicles on northbound Carlos St. entering SR-1, and (2) conflicting movements in the two-way left-turn lane between SR-1/Carlos St and SR-1/16th St intersections: northbound (NB) SR-1 vehicles turning left onto 16th St. to enter Montara Water Sanitary District or hostel/lighthouse, and southbound (SB) SR-1 vehicles turning left onto Carlos St. Trips generated by the project would generate 473 daily trips, 37 weekday a.m. peak hour trips, 45 weekday p.m. peak hour trips, and 37 weekend Saturday midday peak hour trips. Trips would be distributed across the local network based on existing travel patterns, but most project-related vehicle trips would use the Carlos Street/SR-1 intersection as the primary access route.

LCP Policy 3.13 - *Maintenance of Community Character* - requires new housing development for low- and moderate-income households to "Assess negative traffic impacts and mitigate as much as possible."

The project applicant has committed to working with the County, Caltrans, and other affected agencies through the relevant permitting processes to support implementation of measures to address safety concerns for drivers, pedestrian, bicyclists and other road users at the Carlos Street/SR-1 intersection. The project applicant has committed to resolving project-related impacts in both the short term and long term to the maximum extent feasible.

For example, the project applicant will address a series of C/CAG TDM Checklist measures as part of the proposed project to encourage walking, bicycling, and use of public transit. Implementation of these will be required as recommended conditions of approval. Specifically, the applicant has committed to work with the County, SamTrans, and the local community to implement as many of the local sidewalk, bicycle, bus stop and road network improvements identified in Connect the Coastsides and the Active Transportation Plan as possible in the surrounding neighborhood, including along Carlos, Stetson, Kenmore, and Etheldore Streets and California Avenue.

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Improvements for the Carlos Street/16th Street crossing along with those identified for California Avenue are part of the [Moss Beach SR-1 Congestion and Safety Improvements Project](#) (Moss Beach Corridor Project), a key project part of the County's Midcoast Comprehensive Transportation Management Plan, also referred to as Connect the Coastsides. Connect the Coastsides is the culmination of years of planning under the LCP. Connect the Coastsides narrows a wide-ranging set of potential transportation improvements for the SR-1 corridor (among other locations) and identifies specific projects to improve conditions under buildout conditions. Connect the Coastsides includes a project prioritization and implementation strategy. The County and partners seek funding opportunities to implement projects, such as project competitiveness for available local, regional, and state funding. The Moss Beach Corridor Project has received funds for the first two required Caltrans phases (project initiation and project approval and environmental studies) and will begin the project approval and environmental phase in summer 2024. The project applicant will contribute funds toward implementation of the Moss Beach Corridor Project's improvements, in an amount equivalent to the project's proportional impact on these roads and intersections.

Due to the need for additional environmental review, design, right-of-way acquisition, and the need to secure permits and financing, construction of the Moss Beach Corridor Project's intersection improvements are anticipated to be complete by the year 2030. During the intervening period, the applicant and County will pursue other safety improvement options at the SR-1/Carlos Street intersection that will keep the intersection open in both directions and address existing safety concerns. These include:

- Vegetation clearance and adding deceleration and/or acceleration lanes adjacent to the northbound SR-1 lane near the Carlos Street intersection;
- Providing a southbound turn pocket for travelers coming from the north that want to turn onto Carlos Street. Additional Caltrans approval and permits would be required for any changes at the Carlos St./SR-1 intersection; and,
- Requesting Caltrans to reduce the current posted speed limit of 50 mph. Caltrans is in the process of preparing an Engineering and Traffic Survey Report to respond to this request.

The County will be receiving technical assistance from the Metropolitan Transportation Commission to evaluate Carlos Street and opportunities to implement features to better accommodate bicyclists and pedestrians. The previously proposed temporary closure of Carlos Street to non-emergency vehicles is no longer being considered in response to significant feedback from the community expressing objection to such a closure.

Based on the foregoing short- and long- term measures, the project complies with the applicable policies that call for impacts to circulation to be analyzed and mitigated to the extent feasible.

2. Vehicle Miles Traveled

As described by the Draft EIR, the vehicle miles traveled that would be generated by the project will be reduced due to implementation of TDM Measures, the nature of affordable housing, and the fact that the project will be subject to a local preference agreement. Because of the project's location, the project would not result in the VMT reductions needed to be at 15% below the County's CEQA significance threshold of 11.56 daily home-based VMT per capita by resident, which is 15% below the daily county average. Since the project is now exempt from CEQA, and there are no County General Plan or LCP policies or development regulations that otherwise apply a VMT standard, this impact does not provide a basis to reject or restrict the proposed development.

It is also noted that state guidance from OPR presumes that 100% affordable housing projects in infill locations have a less than significant impact on VMT (California Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018), which predates the passage of AB 1449.

I. Parking

Many commenters expressed their opinion that the proposed project does not provide adequate onsite parking, and expressed concerns regarding the impact that overflow parking will have on the neighborhood.

In accordance with applicable County regulations, the project includes a total of 142 vehicular parking spaces in four separate parking areas, forming a loop around the central core of the apartment buildings. Of these 142 spaces, there will be six designated ADA parking spaces, and 36 will be electric vehicle parking spaces with chargers. The project also includes 21 electric vehicle-capable parking spaces for both low power charging receptacles and Level 2 Electric Vehicle Supply Equipment to meet the California Green Building Code requirements and the County's current Building Regulations.

As described in the Draft EIR, the adequacy of the proposed parking was also evaluated using the Institute of Transportation Engineers (ITE) 4th Edition Parking Demand Manual and ITE Parking Generation, 5th Edition: *Multi-Family Low-Rise, Apartment, and Affordable Housing* category. In all cases the proposed parking supply exceeds anticipated demand. The potential that the project will result in overflow parking that will impact the neighborhood is noted but does not provide a basis to require more parking than the amount required by regulation. The fact that many existing homeowners in the neighborhood park on the street rather than in their garage or driveway is an existing condition that is not relevant to the parking requirements applicable to the project.

J. Utilities

Commenters also expressed concerns about the adequacy and availability of the public services and associated infrastructure required to serve the project.

With respect to water and wastewater supplies, the project is a priority land use that has water and wastewater service reserved in the LCP. The project would also comply with the State of California Green Building Standards Code requirements.

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For electricity, the project will be served by Peninsula Clean Energy (PCE), who will provide electric generation, and Pacific Gas and Electric Company (PG&E), who will maintain facilities on the project site. Existing PG&E facilities are located on the project site and any modification, removal or relocation of these facilities will be made through coordination with PG&E. PG&E has adequate capacity to serve the project. As discussed in Section 3.11.5 of the EIR, no new electric generation or transmission facilities will be necessary to serve this project.

Telecommunication, internet, and cable services in Moss Beach are provided by private companies, such as Verizon, Comcast & AT&T. The telecommunications provider used by residents in Moss Beach and surrounding communities is at the user's discretion. Natural gas service is not included as a part of the project, and back up generation of power will be at the discretion of the residents.

The project proposes extension of public utility lines throughout the site. An existing PG&E easement runs northeast-southwest diagonally along the southwest corner of the Montara Water and Sanitary District tanks and continues east along the proposed access loop. This easement will be abandoned, and the project will include a new 10-foot-wide easement following the driveway and parking areas, with individual electrical extensions to each building. New utility lines will be placed underground.

There were many comments received about power outages, which are typically caused by downed wires, inclement weather, or Public Safety Power Shutoffs (PSPS). The placement of project utility lines underground will minimize the potential for falling trees and bad weather to cause power outages on the project site.

K. Stormwater

Impacts from stormwater that could flow off the project to the surrounding neighborhood and nearby riparian and marine habitat areas was also a common concern identified by the comments on the DEIR.

The General Plan and LCP include policies for the conservation and protection of important natural resources such as water quality. Draft Environmental Impact Report Section 3.7.4.1 explained how the project would comply with water quality and waste discharge requirements. The project would protect coastal water quality and include natural stormwater management and treatment systems, as required by the County's stormwater management guidelines for C.3 regulated projects.

There are no existing stormwater management facilities on the project site. Currently, stormwater runoff is assumed to percolate onsite and excess runoff flows northwest toward Carlos Street and 16th Street. The runoff then drains into Montara Creek along the northern project boundary to the Fitzgerald Area of Special Biological Significance (ASBS) approximately 0.85 mile north of the James V. Fitzgerald Marine Reserve.

In conjunction with project construction, stormwater runoff on the project site will be collected by overland flow and directed away from buildings and on-site impervious areas to three stormwater bioretention basins in the western portion of the project site. Per the recommendations of the geotechnical investigation, these bioretention basins will include

underdrains and/or drain inlets and no exfiltration into the subgrade soil due to the low permeability of the near-surface soil. Drain inlets will also be located at low points throughout the hardscape and landscape areas to collect and convey large storm event overflow runoff. This directs runoff into these drains and away from potential flooding overland. The project will also install a new connection to the existing storm drain main on Carlos Street.

Prior to the issuance of grading or building permits, the details of how stormwater will be managed will be evaluated for compliance with applicable regulations, including the performance standards of the NPDES General Construction Activities Stormwater Permit Order WQ 2022-0057-DWQ, which regulates stormwater and authorized non stormwater discharges associated with construction activity. The project must prepare a Stormwater Pollution Prevention Plan (SWPPP), which must be prepared by a Qualified SWPPP Developer (QSD) and implemented by a Qualified SWPPP Practitioner. The project will also be required to prepare and implement a County-approved Erosion Sedimentation and Control Plan (ESCP), per the San Mateo Countywide Stormwater Pollution Prevention Program (SMCWPPP). The ESCP must contain erosion and sediment controls; address soil stabilization, dewatering, and pollution source control; and identify pollution prevention measures that will be implemented to prevent erosion and sediment impacts during the construction period. While the SWPPP will include several of the same components of the ESCP, the SWPPP must also include BMPs for preventing the discharge of point and other nonpoint source pollutants besides sediment (paint, concrete, etc.) to downstream waters.

Additionally, the project site is in the hydromodification control area designated by the RWQCB in the Municipal Regional Stormwater NPDES Permit Order R2-2022-0018, and therefore subject to the hydromodification management requirements for water quality and quantity control therein. These regulations are intended to regulate the design of the project and stormwater runoff during operation. The San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) published the C.3 Regulated Projects Guide and the Green Infrastructure Design Guide to meet the requirements of the Municipal Regional Stormwater Permit. The C.3 Regulated Projects Guide describes four categories of post-construction stormwater treatment requirements: 1) Site Design Measures, 2) Source Control Measures, 3) Stormwater Treatment Measures, and 4) Hydromodification Management (HM) Measures. The project will require at least two County inspections of the stormwater treatment system in addition to any inspections arranged for the drainage system.

Accordingly, the project proposes a comprehensive stormwater management system with four distinct drainage management areas based on stormwater flow patterns. As required by the Municipal Regional Permit and based on the C.3 Regulated Projects Guide, the Hydromodification Management Memorandum designs the stormwater system to control the post-project flow to match the pre-project runoff flow rate and duration from 10 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow. The Bay Area Hydrology Model has been used to analyze peak flow comparisons for the 2, 5, 10, and 25-year storm events. Preliminary modeling results from the project show full compliance with the projects hydromodification management requirements and ensures there is adequate stormwater capacity onsite for up to 25-year storm events.

L. Alternatives

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Several commenters expressed their preference that the project be constructed at a different location and observed that the DEIR identified that constructing the project on another site designated for affordable housing in El Granada would have less of an environmental impact than constructing the project on the proposed Moss Beach site.

Pursuant to AB 1449, an alternative analysis is not required. There are no County policies or regulations that require alternatives analysis, so the following is provided for informational purposes only.

The Draft EIR identified and included an analysis of several project alternatives on the project site and on two other sites with affordable housing land-use designations. Alternative 2 evaluated a modified site plan which would result in reduced residential units and an associated reduction in the number residents. Alternatives 3 and 4 discussed the two alternative locations and determined that the development of a project at the same density would result in impacts that are equivalent to the proposed project. Alternative 4 (the El Granada Site) would reduce the magnitude of some environmental impacts but would not achieve the project objectives of providing onsite open space as an amenity to residents and the community. Moreover, given the great need for more affordable housing units throughout the County, every site that has been designated for affordable housing needs to be used for this purpose. While the No Project Alternative would avoid the environmental effects of the proposed project, it would not meet the County's objective of providing much needed affordable housing units.