

From: [Midcoast ECO](#)
To: [Michael Schaller](#); [PLANNING PlanningProjects](#); [Ray Mueller](#); midcoastcommunitycouncil@gmail.com
Subject: Cypress Point DEIR - Comment letter
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Attachments: [Midcoast ECO Comment DEIR Planning Comm. 9.13.23.pdf](#)

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Dear Members of the San Mateo County Planning Commission,

Attached is our initial comment letter regarding the Cypress Point Draft EIR. Thank you for your consideration of our comments at your upcoming meeting on September 13, 2023.

- Board of Midcoast ECO

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Midcoast ECO | www.MidcoastECO.Org
PO Box 613, Moss Beach CA 94038
Sensible planning and protection for the San Mateo County Midcoast!

Midcoast ECO



*Sensible planning and protection
for the San Mateo County Midcoast*

September 11, 2023

TO: San Mateo County Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

ATTN:

- Michael Schaller, Senior Planner: mschaller@smcgov.org
- San Mateo County Planning Commission: planningprojects@smcgov.org

CC:

- Supervisor Ray Mueller: rmueller@smcgov.org
- Midcoast Community Council: midcoastcommunitycouncil@gmail.com

RE: Comments on Cypress Point DEIR, Agenda Item 2, Meeting 9/13/2023

Dear Members of the San Mateo County Planning Commission,

Below is our initial comment letter regarding the Cypress Point Draft EIR. As we have presented to you in prior meetings and correspondence, there are numerous significant concerns regarding this project. Our concerns remain valid and unaddressed, despite being assured by County representatives during the zoning approval that cumulative impacts would be fleshed out. In particular:

Outdated / Inadequate Data

Overall, this draft EIR lacks sufficient evidence to justify many of the conclusions reached and thereby understates the significant adverse impacts of this project. It bases its findings on previous studies of traffic and existing toxic hazards. These are the same inadequate studies used to justify the zoning amendment change. The new exhibits are disappointing in their use of big urban area standards which do not do justice to this coastal community.

Traffic and Road Safety - Significant and unavoidable impacts

The DEIR admits "significant and unavoidable impacts," even with mitigation measures. We are concerned that the County appears poised to conclude that the housing needs outweigh the concerns that cannot be mitigated.

Carlos Street - North end closed

The DEIR proposes to close the north section of Carlos Street, sending 500+ vehicles daily through narrow neighborhood roads not designed to handle such volume.

Toxins and hazards

They are relying on the contractor to discover and employ mitigation measures during construction. Rather than address toxins like asbestos and lead, the project layout is designed to limit toxic exposure to future residents - with a cluster of buildings surrounded by new impervious surfaces and a single small playground area and small BBQ area, both with synthetic turf. Mitigation of toxins in open space areas is neglected altogether.

Inadequate Storm Drainage

MidPen's proposal to build a drainage system based on a clearly outdated 2-hour storm event requirement is inadequate at best, with potential devastating effects to the Montara Creek ESHA and Fitzgerald Marine Reserve. Additional risk factors include the large increase in the project's impermeable surface area, unabated toxins and a likely increase in the frequency and severity of Pacific storm events.

No evacuation Plan

Because the County does not have an evacuation plan, the DEIR takes a pass on addressing this critical issue.

Construction and occupation before implementation of public safety measures Although the project will create significant traffic hazards on SR-1 and neighborhood streets, project construction is proposed to take place years before critical safety measures, if any, will be completed for intersection controls, establishment of safe routes to school, safe crosswalks, the bi-modal trail, or public transit improvements.

Alternative Options

While their assessment that 31 units would still have impacts similar to the proposed project, there has been no assessment of what number of units this location and property could actually support.

Thank you for your consideration of our initial draft comments at your upcoming meeting on September 13, 2023.

- Board of Midcoast ECO

Draft EIR – Midcoast ECO KEY POINTS for Planning Commission Review 9/13/2023

3.1 AESTHETICS

Overall, the DEIR found no significant aesthetic impacts due to the housing development based on policies, regulations and guidelines. However, the study does not consider the impact to the coastal character of the community.

Midcoast ECO Comment:

Not only does the project remove a recreational resource from the community, remove 180 trees and replace natural flora with impervious surfaces, discourage fauna, eliminate hawk and other bird habitat, project traffic will have a significant adverse impact on the aesthetics of Carlos Street, currently the most scenic and pleasurable walking street in the neighborhood.

- How are these not significant impacts on aesthetics and the coastal character of the community?

Regarding light and glare, there are very significant impacts. The eleven acres currently have no artificial light with considerable nocturnal wildlife activity. This project definitely will have adverse light impact to said wildlife and bird migrations. This site is named Farallone Heights and is one of the highest points in Moss Beach so any light pollution will affect the entire neighborhood, including being visible from the highway. Additionally, the project will create significant automobile activity with headlight glare not only within the site but throughout the neighborhood.

- How are this light and glare not considered significant?

3.2 AIR QUALITY

3.2.3.4 Toxic Air Contaminants (as relates to toxic hazards)

This is a technical and guideline-filled discussion of Toxic Air Contaminants. Many of the guidelines referenced are for city-dense type of measures, not for actual air status of the rural Midcoast. It goes as far as to say that the toxic air contamination is insignificant because we are not a substantial number of people. Example: "no significant CO impact was found on an ongoing basis or even a cumulative basis including other known developments;" and none-the-less, they note that "**cancer risk will be elevated above the threshold of significance during the 18-month construction term.**" However, because of our low population, this is less than significant.

Impact AQ-4: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Less than Significant)

... "However, if objectionable odors are experienced by neighbors or residents, they can make a complaint to the SMC Health Environmental Health Services... Considering this information, construction and operation of the proposed project would not create other emissions or odors adversely affecting a substantial number of people; impacts would be less than significant."

Midcoast ECO Comment:

Hazards from construction vehicles and equipment operation, on top of toxic hazards in the existing building remnants and soils from this formerly used Naval defense site, are not adequately addressed nor is there a comparison of how the air pollutant levels will change from levels existing today. It should be noted that on an ongoing basis with traffic congestion exacerbated by this housing project, the measurement of CO (carbon monoxide) is not required if the increase in traffic volumes at affected intersections is less than **44,000 vehicles per hour**. In addition, the dangerous toxins they actually acknowledge are considered less than significant because the current and future residents are not a substantial number of people. These measures are astoundingly nonsensical!

- Where is the assessment of toxic impacts on our local community's air quality?
- How will the neighborhood community be protected from toxic hazards due to vehicular traffic to/from the site during construction?
- Why is it acceptable to expose current and future residents to toxins in the open space and from vehicular traffic? How many people does it take to be significant?
- Do housing mandates outweigh public safety?

3.4 Geology and Soils – as relates to storm drainage and toxic hazards concerns

"Construction of the project's new buildings and hardscape improvements would increase impervious surfaces on-site by approximately 143,254 square feet. ...Three of the drainage management areas would include bioretention areas that direct runoff into the permanent drainage improvements, including two catch basins that lead into a storm drain within Carlos Street."

"Since the project also includes a system of drainage swales that are designed to control and redirect runoff away from undeveloped surfaces subject to erosion, operation of the project would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant."

Discussion in Section 3.3 Biological Resources: p. 167 "The bioretention areas would be sufficient to contain peak flows from a 2-hour, 10-year storm event, as required by the municipal regional permit and HM. Therefore, stormwater during operation would not enter Montara Creek and no impact would occur."

Discussion in Section 3.4.1.3.4 Slope Stability and Landslides: p. 177 "However, according to the Hazard Viewer map from ABAG118 and the Planning and Building Map Viewer from the County of San Mateo (County), 119 the ravine to the north of the project boundary is susceptible to rainfall and seismic-induced landslide hazards (Figure 3.4-2)."

Midcoast ECO Comment:

Drainage on Carlos Street is already problematic and it is unclear if building a new storm drain on Carlos Street with sufficient capacity is part of MidPen's proposal. A 2-hour storm event

requirement is inadequate at best, with potential devastating effects to the Montara Creek ESHA and Fitzgerald Marine Reserve. Furthermore, last January storm drainage spilled down the CalTrans embankment between Carlos and Rt 1 causing landslides and trees falling onto Rt 1.

- How will the increase of atmospheric river events impact storm drainage capability?
- How will overflow that will likely carry toxins affect Montara Creek and the Fitzgerald Marine Reserve?
- What will be the impacts of adding more impervious surfaces along the drainage path to Rt 1?

3.5 Greenhouse Gas Emissions and Climate Change

The DEIR offers plenty of goals and requirements for emissions targets that do not really address a coastal population of our size or environment. As expected, VMT is still an issue even with all the TDM Midpen Housing proposes to promote.

As discussed in **EIR Section 3.10, Transportation, Impact TR-2**, “the estimated VMT reduction associated with the TDM Measures, affordable housing, and the local preference agreement would not result in the VMT reductions needed to be at 15% below the County's significance threshold of 11.56 daily home-based VMT per capita by resident, which is 15% below the daily county average VMT. **Therefore, the proposed project's VMT impact would remain significant and unavoidable with mitigation.**”

Midcoast ECO Comment:

Excessive VMT from this project is no surprise and is contrary to the goals of affordable housing and SMC 2022 Community Climate Action Plan, etc. Moss Beach is a car-dependent bedroom community without adequate support services for an out-of-scale housing development, particularly for income challenged residents. This is just one example of why this location is inappropriate.

3.5.6 Cumulative Impacts (of emissions)

“Impact C-GHG-1: Would the impacts of the proposed project, in combination with other past, present, and reasonably foreseeable future projects, contribute to a cumulative impact related to greenhouse gas emissions? (Less than Significant)”

Midcoast ECO Comment:

The problem with this assessment is that there are no unique plans or measuring tools for our small coastal community. So we are subject to standards for large cities which use out-sized scales. For example, Carbon Monoxide analysis is exempt if the increase in traffic volumes at affected intersections is less than **44,000 vehicles per hour**.

- Why is there no appropriate toxic emissions assessment for cumulative impacts for the coast?

3.6 Hazards and Hazardous Materials (3.6.1, P 213)

No new studies on hazards and hazardous materials were conducted, not even for the presence of asbestos which is documented to be present. If toxins are encountered during

construction, mitigations will rely on the Contractor. Regarding high concentrations of lead, it states "It is appropriate to statistically estimate the EPC, and not use only the maximum-detected concentrations, since the site will be developed with multiple scattered buildings ...that would be surrounded by landscaping and hardscape constituting the common area spaces around the buildings, which limits exposure to site soils. These units do not have private yards or gardens..."

Midcoast ECO Comment:

The existing community deserves fact-based information before construction begins. This plan puts existing and future residents at risk for toxic exposure, as well as the natural environment. Abatement of asbestos has never been considered or its presence even acknowledged or assessed. It appears that the County's approach to considering hazards is one of "don't look, don't find." This process and design intentionally disregards the well-being and safety of current and future residents by avoiding further investigation and clean-up.

The proposed approach to pass the responsibility of mitigation to the construction contractors offers no security to the community. The Health and Safety Procedures described appear to be standard and routine for material they bring in that could be toxic.

The DEIR recognizes that high lead concentration was detected, but states that this project is designed to limit exposure of residents to lead by covering it up only in the developed area and not the open space per the DEIR.

- Why is there still no accurate assessment or study of toxins and hazardous materials on the site?
- Does it serve social justice to provide no safety from toxins in the open space areas and to cover the small playground within the developed area with synthetic turf?
- What forewarning will contractors have to screen for asbestos and other toxins in the building remnants and soils?
- Why is the community expected to trust this vague process?

3.6.1.5 Emergency Evacuation and Response

(P 218) "Evacuation routes are not specifically identified in San Mateo County. The County General Plan 178 states that the County does not actively promote the preparation of disaster response plans for major fires that specify evacuation routes, identify areas that may be isolated, and define reconstruction policies."

Midcoast ECO Comment:

This discussion fails to recognize the evacuation concerns for the Midcoast. The fact that the County has no evacuation plan does not mean there is no risk or impact. With only one road out of the Midcoast, the addition of this massive housing project will clearly exacerbate the risk and expose even more population in the event when there is no way out. This is another example of why this location could be disastrous.

Our one road is frequently closed due to accidents or dramatically compromised by high traffic. The tunnel and cliff area frequently shuts down the northern route, while Hwy 92 frequently closes off a major exit to the south.

- Why is the one-road concern not considered when it is one of the most pressing issues for the coast?
- Is it sensible to add an additional 200 to 300 new residents, plus their vehicles, to an already burdened road system?

3.6.1.6 Wildland Fires (p218)

"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)." "The minimal fire history, discontinuity of fuels across the landscape, 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."

Midcoast ECO Comment:

This statement is simply incorrect. Current maps developed by the California Public Utilities Commission indicate that this area is surrounded by Elevated and Extreme Fire Threat.

https://files.cpuc.ca.gov/Safety/fire-threat_map/2018/PrintablePDFs/8.5X11inch_PDF/High_Fire-Threat_District_Map_final.pdf

"Impact HAZ-7 (p238): Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Less than Significant Impact)"

Midcoast ECO Comment:

The report points to fire-fighting resources but does not consider a real situation of wildfire when roads could be impassable and resources stretched. It fails to recognize that CalFire resources are not structured for a wildfire, that there is no water available for a wildfire, or that the limited one road could mean that there is no vehicular way out at all.

The recent wildfire tragedy in Lahaina, a coastal community with a similar road infrastructure to ours, highlights how vulnerable our community is with just one route in, through and out. The Camp Fire of 2018 which destroyed the city of Paradise and killed 86 people is also instructive. Paradise had 4 roads in and out. The analysis given in the DEIR remains a poor evaluation, as pointed out previously.

- Though wildfire risk is clearly present, does the DEIR reach the conclusion because we can't get out anyway, so adding 200+ people is Less than Significant?

3.10 Transportation and Traffic

"Traffic Impacts are significant and will remain significant even with mitigations proposed." The DEIR focuses on SR-1 and briefly comments on neighborhood streets.

Midcoast ECO Comment:

- Do the County and Midpen Housing understand how severe these impacts will be to existing and future residents?

Questionable numbers are used throughout this report to minimize transportation impacts. The projection used for occupancy is 213, assuming each of the 71 residences will have 3 residents based on the average derived from a general census. Each residence would have 2 parking spaces for a total of 142 based on a County formula to encourage public transit, no matter that public transit is not available here. These occupancy and vehicle counts then drive other calculations such as VMT and daily trips assumptions, congestion calculations, etc.

However, MidPen Housing requires that residents qualify by income and family size, making it likely that occupancy will be closer to its design for 359 residents. In calculating Emergency Evacuation impacts, the DEIR calculates 250 cars based on recent trends of 0.85 cars per 213 residents, a factor that has a basis.

With a more realistic projection of residents, the **number of cars will likely exceed 300** and traffic impacts, including increased and uncontrolled parking on narrow neighborhood streets, will be even worse than what the DEIR already evaluates as being significant and unavoidable, with no relief at all for multiple years and maybe never at all.

- Will the County accept the low-balled projections for residents and car trips used in the DEIR for purposes of evaluating the ongoing significance of impacts from this project?

3.10.3.3 Cumulative Impacts

Impact C-TR-1: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable transportation impact related to a conflict with a program, plan, ordinance, or policy addressing the circulation system. (Less than Significant)

Impact C-TR-2: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would result in a cumulatively considerable transportation impact related to VMT and consistency with State CEQA Guidelines Section 15064.3(b). (**Significant and Unavoidable with Mitigation**)

Impact C-TR-3: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would result in a cumulatively considerable transportation impact related to hazards. (**Significant and Unavoidable with Mitigation**)

Impact C-TR-4: The proposed project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable transportation impact related to emergency access. (**Less Than Significant**)

Midcoast ECO Comment:

The project proposes to approve a CDP for construction now:

- because mitigations proposed will not resolve the adverse significant transportation impacts (VMT, Intersection issues, crosswalks, safe route to school, adequate public transit, etc.)
- to close the Carlos St/Rt1 intersection because of excessive danger
- to send all project traffic and current northbound traffic to the other Rt1 intersections which are already overburdened but less dangerous

- to close Carlos Street to northbound traffic, thereby sending all project traffic through neighborhood streets.

There is no discussion of the adverse impacts to public safety or to anything else on these neighborhood streets, nor any assessment of alternatives to closing Carlos Street. How will the Carlos St residents get out of their steep driveways safely? Our narrow, hilly, mostly quiet and walkable streets will be unsafe for pedestrians and cyclists and no bimodal trail for many years. There is no analysis of the added VMT or greenhouse gas emissions due to the detour and idling at backed-up intersections. In the DEIR's best case, the adverse significant impacts to public safety on SR1 will remain even with mitigations but these mitigations may never be implemented and so, what if the closure of Carlos Street is permanent?

CHAPTER 4. ALTERNATIVES ANALYSIS P. 385

Four alternatives are evaluated against the current proposal for Cypress Point. There is no evaluation of other potential land uses for the site, such as senior housing, a community center or community park. All alternatives are focused solely on how they meet the project's specific objectives and their impacts compared with the following results:

Alternative 1 - No Project Alternative - the project's objectives would not be met.

Alternative 2 - Reduced Residential Units (p. 400)- The project would be reduced to 31 units, "representing the number of low-income units under the existing zoning for both the LCP and General Plan.⁴³⁸ ...The overall area of disturbance would be similar to the proposed project....which would only partially meet Objectives ...and would not meet County Regional Housing Needs Allocation goals. The alternative would partially meet County, State, or Proponent's goals."

...impacts would be similar to those of the proposed project."

Midcoast ECO Comment:

Even with the reduction of units by almost half, this project would still be too big for the existing infrastructure.

- Why has there not been an assessment of the number of units that this location can actually withstand?

Alternative 3 - South Moss Beach Site at 1181 Etheldore St already designated for affordable housing (p 407) – While the project site has environmental constraints, Alternative 3 meets most of the project objectives and would lessen the significant transportation impact related to pedestrian safety (Table 4.4-3), however, "other impacts are similar or worse."

Alternative 4 - El Granada Site - a 6-acre parcel owned by the Cabrillo School District is designated for affordable housing in the LCP. Impacts would be "generally similar." The District has other uses in mind and may not be interested in selling the property.