



City of Half Moon Bay

CITY OF HALF MOON BAY

Planning Department
501 Main Street Half Moon Bay CA 94019
Phone: 650.726.8250 / Fax: 650.726.8261

MAY 23 2024

RECEIVED

APPEAL FORM

COASTAL DEVELOPMENT PERMIT AND ARCHITECTURAL REVIEW FOR 40-UNIT AFFORDABLE MULTIFAMILY RESIDENTIAL PROJECT WITH 2,653 SQUARE FOOT FARMWORKER RESOURCE CENTER

ACTION OF CITY BEING APPEALED: _____

PROJECT OR REFERENCE NUMBER: PDP-23-034

LOCATION: 555 Kelly APN: 056-150-200

DATE OF ACTION: May 14, 2024

DATE APPEAL PERIOD ENDS May 7.3, 2024
(Applicable)

NAME OF APPELLANT: Michael Ferreira
(Please Print)

ADDRESS: _____

PHONE NUMBER AND EMAIL: _____

SIGNATURE OF APPELLANT: *Michael Ferreira*

STAFF USE ONLY

Action Appealable to Coastal Commission Yes NO
Subject to City Appeal Fee Per Master Fee Schedule Yes No

City Fee Collected: 4,765.00

Received by: AM f

Date: Vz > A 7

Please Attach a Separate Statement of Appeal That Describes the Detail the Grounds for the Appeal and the Relief Being Sought

To: City of Half Moon Bay City Council,

Submitted May 23, 2024

This is an appeal of the Planning Commission's approval on May 14, 2024, of PDP-23-034, an application for a Coastal Development Permit and Architectural Review for a new five-story building with forty (40) residential units for senior farmworkers that are affordable to extremely low and very low income households and associated lot line adjustment to reconfigure the driveway at Kelly Avenue, based upon the Findings and Evidence contained in Exhibit A and subject to the Conditions of Approval in Exhibit B. The building will contain on-site property management offices for Mercy Housing, developer and manager of the affordable units, a 2,658 square foot Farmworker Resource Center, and an 18-space ground-floor parking garage.

This appeal is being brought for a number of reasons, the **first** of which is to question the process by which the original proposal for 31ea studios, 8 ea one-bedrooms and 1 ea two-bedroom plus offices & meeting spaces in a 4 story building - as agreed to by the City Council - came to be the submitted project as described in paragraph one above in a 5 story building. - without the agreement of the City Council. This question needs to be discussed and resolved by the City Council because, among other issues, the Planning Commissioners were told at various points that the Council had the authority to revise the project - even though the issue would only be before the Council on appeal. To address that question, the Commissioners' approval contains an "advisory" to the Council encouraging them to re-examine the permit in light of the last known consultation with the Council as a whole. Three document segments displaying the original proposal are included with this appeal that are taken from a graphic presentation to the Council early in the process, page 2 of the developer's first pro forma, and page 2 of the staff report to the City Council on October 4, 2022

The **second** reason is that the property belongs to the City of Half Moon Bay and the control of that property lies with the City Council. The Planning Commissioners were presented with various state laws such as density bonuses as though the Commissioners had no choice but to obey. There are no laws that command any property owner, much less the City, to maximize development as desired by a third party. If the Council wishes to avail itself of density bonuses it can do so. There is no mandate to do so. The letter from HCD, written directly and shamefully to the individual Planning Commissioners, has all the hallmarks of an egregious attempt to bully a small town commission. The City has discretion within the law as to what it does or does not do with its property. The only part of the HCD letter that has any direct relevance is the 5 meeting law. This would be the 4th meeting.

The **third** reason for this appeal is whether this project qualifies for a "Super Density Bonus". In order for the Super Density Bonus rules to apply (and permit the 5 stories), state law requires there to be a "major transit stop" within ½ mile with 2 or more bus lines operating within 15- minute intervals during peak commute hours. The Commission, at staff's instructions, found that this requirement could only be met by counting SAMTRANS van pick-up service to be counted because there are no 2 qualifying bus lines. No authority was provided for this tortured interpretation of the

requirement, and "phone-in" van service delivered from over-the-hill clearly could not accommodate a bus full of riders or meet the stated time and operating requirements. This poses, should the Council accept it, a serious **precedental** problem for much of Half Moon Bay that lies within a half mile of infrequent bus stops and would encourage applications in conflict with and potentially overriding numerous protective policies in our Local Coastal Program.

The **fourth** reason is that it is poor public policy to create the impression that staff has its thumb on the scale. Having a planner and the city attorney from the same company creates an appearance of conflict of interest that gets reinforced whenever one supports the other on difficult questions. Commissioners may not be aware of Government Code Section 1090 but those who are aware have concern about that as well.

Fifth are story poles. It could be argued that it would be too difficult to erect 59.5' story poles in the same fashion as a 2 story building and the Commissioners would likely have settled for something else that would at least demonstrate the height. But that was not the response. The response was that the story poles would conflict with parking spaces - the very spaces that would be eliminated by the project. The disrespect for the Commission was glaring, especially given the direct request from a Commissioner.

Il close in hope that the City Council will reestablish its central role as the governing local authority over property that is owned by the City.

Best regards,

 5/23/24

Mike Ferreira

Mercy Housing and ALAS proposal

Proposed project scope:

- 40 affordable units (mix of 1-bedroom and studios)
- Farmworker resource center staffed and managed by ALAS
- 4-story building
 - Parking (15 spaces w/ potential for lifts for added supply)
 - Interior bike parking?
 - Resident community rooms and open space
 - Management office (Mercy Housing)

Zoning updates are to be expected



| APARTMENT MIX | # of Units | Sq. Ft. Per Apt | UNITS AT < 81% AMI (LIHTC UNITS) | | | | | UNITS AT > 81% AMI | | | | | Market Rate | Unit Type Distribution | Apportionment (hide) | units (hide) | |
|-----------------------------|------------|-----------------|----------------------------------|---------|---------|---------|---------|--------------------|----------|----------|----------|------|-------------|------------------------|----------------------|--------------|--|
| | | | 30% AMI | 40% AMI | 50% AMI | 60% AMI | 80% AMI | 90% AMI | 110% AMI | 120% AMI | 130% AMI | | | | | | |
| SRO/Efficiency | 31 | 386 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 77.5% | | 31 | |
| 1 Bdrm | 8 | 641 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20.0% | | 8 | |
| 2 Bdrm | 0 | 650 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% | | 0 | |
| 3 Bdrm | 0 | 1100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% | | 0 | |
| 4 Bdrm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% | | 0 | |
| 5 Bdrm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% | | 0 | |
| Manager Unit | 1 | 641 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2.5% | | 1 | |
| TOTAL | 40 | | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 100.0% | | 40 | |
| % of units | | | | | | | | | | | | | | | | | |
| Target Apportionment (hide) | | | 99% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | | | |
| target units (hide) | | | 40 | 0 | 0 | -1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |

| RENT SCHEDULE | | SPECIAL NEEDS UNITS / RENT SUBSIDY | | | | | | | | | | Total | |
|---------------------------|--------------|------------------------------------|------------|------------|------------|----------------|------------------|--------------------|-------------------|--------------|-------------------------|--------------|----------------------|
| Income Restriction | Unit Type | Sq. Ft. Per Apt | # of Units | Cross Rent | Unit Allow | Effective Rent | Total Ann'l Rent | PMR /Contract Rent | Utility Allowance | Subsidy PUPM | Effective Contract Rent | Subsidy PUPM | Total Annual Subsidy |
| 30% of AMI SRO/Efficiency | 1 Bdrm | 386 | 31 | 978 | 50 | 928 | 345,216 | 31 | 2,115 | 50 | 2,065 | 1,137 | 422,964 |
| | 2 Bdrm | 641 | 8 | 1,048 | 74 | 974 | 93,504 | 8 | 2,631 | 74 | 2,557 | 1,593 | 151,968 |
| | 3 Bdrm | 850 | 66 | 1,258 | 66 | 1,192 | - | - | 1,663 | 66 | 1,597 | - | - |
| | 4 Bdrm | 1,100 | 95 | 1,453 | 86 | 1,367 | - | - | 2,231 | 86 | 2,145 | - | - |
| | 5 Bdrm | - | 95 | 2,321 | 95 | 2,426 | - | - | 1,900 | 95 | 1,405 | - | - |
| | Manager Unit | 641 | 1 | 1,789 | 95 | 1,694 | - | - | 1,900 | 95 | 1,405 | - | - |
| TOTAL | | 17,735 | 39 | \$38,702 | \$2,142 | \$36,560 | \$438,720 | 39 | 116,400 | 39 | 116,400 | 574,932 | \$1,013,652 |

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|---------------------------|--------------|-----------------|------------|------------|------------|----------------|------------------|--------------------|-------------------|--------------|-------------------------|--------------|----------------------|
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The site is relatively small for multi-family housing development. Thus, despite extensive outreach to publicize the RFQ to local affordable housing developers, the City received only one submittal from a two-agency team comprised of Mercy Housing and Ayudando Latinos A Soñar (ALAS). As proposed, the development includes 40 units of affordable farmworker housing as well as 2,050 square feet of space for a resource center, which would be staffed and managed by ALAS. The proposed building would be four stories in height, with parking and the Farmworker Resource Center on the ground floor. Community space, open space, and management offices would be provided on the second floor. Mercy Housing proposes to develop the property and provide ongoing property management and resident services. ALAS will be a vital partner throughout the development process, including community outreach and marketing in addition to operating the Farmworker Resource Center.

City of Half Moon Bay
501 Main Street
Half Moon Bay CA 94019

650-726-8270

Receipt No: 1.002202

May 23, 2024

PDP2023-0034
Mercy Housing California
1256 Market Street
San Francisco CA 94102

| | |
|------------------------------------------------------|--------|
| Previous Balance: | 264.00 |
| COMM. DEV. - PLANNING PROJECT - PLANNING PROJECTS | 264.00 |

| | |
|--------------|--------|
| Total: | 264.00 |
| New Balance: | .00 |

| | | |
|---------------------------------|----------------|--------|
| CREDIT CARD | Check No: 1536 | 264.00 |
| Payor: Mercy Housing California | | |
| Total Applied: | | 264.00 |

| | |
|------------------|-----|
| Change Tendered: | .00 |
|------------------|-----|

05/23/2024 3:19 PM

| Fee Number | Description | Quantity | Unit of Measurement | Amount | Balance | Due At |
|------------|--------------------------------------------|----------|---------------------|--------|---------|----------------|
| 3002 | FYO Appeals Filing Out of CCJ Jurisdiction | | None | 264.00 | 264.00 | Time of charge |
| | | | | 264.00 | 264.00 | |