

**Prior to CITY COUNCIL MEETING 06.26.2024
Public Comment 05.14.2024 THRU 06.25.2024
PDP-23-34 /555 Kelly Avenue**

Jenny Walter_05.13.2024

Martia Walter_05.24.2024

Yimby Law_06.21.2024

Linda Goldstein_06.24.2024

Mercy Housing Applicant_ Repsonses_06.24.2024

Suzanne Moore_06.25.2024

Evelyn deSouza_06.25.2024

Housing Leadership_06.25.2024

Hedger & Walter, LLC
711 Main Street
Half Moon Bay, California 94019

May 13, 2024

Half Moon Bay City Council
501 Main Street
Half Moon Bay, CA 94019

Re: Support for Affordable Senior Housing and ALAS Farmworker Resource Center (555 Kelly)

Dear Honorable Councilmembers:

I am writing as a resident of Half Moon Bay in support of the project that is proposed by Mercy Housing and ALAS at 555 Kelly. As a lawyer, I understand the precedent-setting nature of this project and the complexities of implementing state housing mandates. Hard work, attention to detail, and an understanding of community concerns resulted in the careful design of this project. I urge you to approve this proposal.

We all came together in the wake of the mass shooting and understood that action was desperately needed to address the needs of our farmworker community. We witnessed ordinary citizens and politicians vowing to take concerted action. I am proud to live in a community that recognizes injustice and together, works to address injustice. The proposal at 555 Kelly is a gift, which allows us to take action together and build farmworker housing along with wraparound services for our most vulnerable population—senior farmworkers.

We lived through the tragedy and vowed to act. This would be justification alone to adopt the proposal. As you deliberate and take into account those who would oppose this proposal, consider how this proposal is a gift to our community: (1) funded to help the City meet its state mandate for affordable housing stock and (2) a model for other cities to follow—appropriately designed, multifamily, in-fill residential development in the town center, which takes care to provide wraparound services for its residents.

The opposing views relate to the building's height, parking impact, location, and a perception that the project jumped a cue and will set a bad precedent.

The project cannot be denied based on its height or insufficient parking spots. The applicant considered these important community concerns in the design of the project. While it would be the tallest building in town, the substantial setback of the 5th floor will make the façade of the building only marginally taller than the event center across the street and will not appear dramatically out of scale with the other tall buildings in the downtown area. Eighteen parking spots are included in the design. They will be awarded on a lottery basis to those residents with cars. For those residents who do not receive parking, it is anticipated they will find parking in the

area. I work just two blocks from the site and on the vast majority of days and times, there is ample parking, especially at the nearby 12-hour spots.

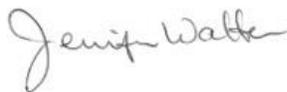
The project cannot be denied because of its location. It is an appropriate addition to the portion of Kelly Avenue between Highway 1 and Main Street. Situated in the heart of our fair City, where we have steadfastly adhered to shared community values – a vibrant community where, as our City motto is “vivir, trabajar, jugar”—the housing for our farmworkers will join the many other jewels in our downtown, to name a few: the Library, the resource centers of Abundant Grace, ALAS, and Coast House, and on Main Street, the new Economic Opportunity Center, Senior Coastsiders, and the Pride Center. And just down the street from 555 Kelly, at Kelly and Main, we have a beautiful mural, a tribute to farmworkers and agriculture. It is only fitting that we honor our neighbors with the dignity of a safe, affordable place to live a stone’s throw from that mural.

The project cannot be denied for jumping some imaginary cue. Just because other applications have had longer processing times does not mean we should not act on this one. The urgency was felt by all of us when we lived through the mass shooting. The Planning Commission does not have a first come, first serve/approve policy, but rather must carefully look at each proposal on its own merits, evaluate compliance with relevant laws, and after community input, decide on the merits of each proposal. As the comprehensive memo accompanying the proposal stated this proposal is compliant with all laws.

Half Moon Bay was thrust into the public eye during the mass shooting. Today, we have the opportunity to show the world our resilience and commitment to do the right thing by our neighbors-senior farmworkers. Please make 555 Kelly a reality so that we can all benefit from the jewel it will become in our town.

Thank you for your careful deliberation as you make this important decision for our town.

Sincerely,

A handwritten signature in cursive script that reads "Jenifer Walker". The signature is written in black ink and is positioned below the word "Sincerely,".

From: Marita Leth

To: Joaquin Jimenez; Harvey Rarback; rbrownstone; dpenrose; Debbie Ruddock
Bridget Jett; Cddirector

Attn: City Council Members,

There are currently many plans circulating that could change the future of HMB and the City has a big responsibility in upcoming decisions. During the last election I heard you say that you were going to listen to the residents you represent in this community so I know you have heard all the comments made recently on the 555 Kelly proposal.

I have lived in HMB for over 40 years, I am on the SMC Commission of Aging and serve on the Transportation Committee, and I am on the HMBC AgeFriendly Coalition where my main interest is senior housing for Coastsiders. I have also served as a volunteer for the Streetscapes Master Plan for HMB. However in this letter I am speaking only as an individual.

I have just received the final draft of the Streetscapes Master Plan and have been asked to comment on it. I think overall it looks very attractive with wide sidewalks, planters and benches at many locations on Main Street. The main concern which was raised repeatedly at the meetings, is going to be lack of parking. The plans suggest removing 38 of the existing 108 parking spots which is about a third of the present total. The consultants propose parking on side streets like Kelly or Mill instead. These streets are already utilized especially on weekends and with the proposed apartment building on Kelly the parking will be a serious problem.

I am very much in favor of building senior farmworker housing, as are most residents, but the location of such a large complex without adding parking does not make sense. 40 apartments will house at least 80-90 residents and we know most of them will have cars while only 18 parking places are provided. Now with the 38 parking places removed on Main Street there will be 100+ cars looking for a place to park within a few blocks.

The businessowners on Main street are very concerned. The main purpose of Streetscapes is to attract more visitors to downtown but with nowhere to park they will leave and we risk more stores and restaurants going out of business.. Some think it could become a ghost town. Historic Main Street and the charm of the small town HMB is what makes our city unique and so attractive to the visitors and all of us. When improvements are planned for a community they need to serve all needs both now and in the future.

Some of us feel that the City and the Planning Commission have been under pressure from the state to build affordable housing and many of the existing zoning and Land Use regulations were bypassed. The parking issue was excused because the area is served by bus including SamTrans RidePlus. The on demand service was introduced as a pilot program in January 2023 for 3 years with a possible extension for two years if proved successful and if funding for the project can be secured. If not, public transportation will be very limited to the residents on 555 Kelly. The Stone Pine location is an excellent place for farm worker housing as most farmers prefer being close to the outdoors and being able to garden. Farm workers I have talked to don't want

to live in a highrise apartment with no yard space. There is lots of space to build on the Coastsides unlike crowded cities that have to build up.

The City has a big responsibility in planning the future of HMB so that it will serve both residents and visitors. I urge you to consider all the impacts of these changes and don't rush to make any important decisions.

Thanks for listening.
Marita Leth

cc: HMB Planning Commission



6/21/2024

Half Moon Bay City Council
501 Main Street
Half Moon Bay, CA 94019

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HRarback@hmbcity.com
RBrownstone@hmbcity.com
DPenrose@hmbcity.com
DRuddock@hmbcity.com
555kelly@hmbcity.com
Via Email

Re: 555 Kelly Ave, APN 056-150-200
PDP-23-034

Dear Half Moon Bay City Council,

YIMBY Law is a 501(c)3 non-profit corporation whose mission is to increase the accessibility and affordability of housing in California by suing municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA).

On Tuesday, May 14, 2024, the Half Moon Bay Planning Commission conditionally approved the requested coastal development permit and architectural review and found the 555 Kelly Avenue Affordable Housing project was categorically exempt from the California Environmental Quality Act (CEQA) per the Class 32, infill exemption. Following that approval, City Council received three separate appeals of the Planning Commission's decision. YIMBY Law writes this letter to remind the City Council that it has an obligation under its housing element and relevant state housing law to deny all three appeals made regarding this proposal and uphold the Planning Commission's approval of the project. Among its obligations, Half Moon Bay must approve the project regardless of the City's height limitations, density limits, and other local zoning ordinances, as defined in the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

Zoning and General Plan Compliance

As you know, this project will include 40 apartments for senior farmworkers (currently employed or retired), a mix of studios (8), one bedrooms (27), and two bedrooms (5) in one building with 4 stories of residential over a podium garage with a 2,500 square foot farmworker resource center on the ground floor. All units will be affordable to extremely-low and very-low income households, qualifying the project for a "super density bonus" under state Density Bonus Law, and thus preventing the City from denying the project based on density limits.

With the requested concessions and/or waivers available under State Density Bonus Law, this project is zoning and general plan compliant. California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

Housing Element Obligations

Half Moon Bay is required by state law to construct its Regional Housing Needs Allocation of 480 affordable units between 2023-2030. The plan outlined in the city's Housing Element purports to exceed that requirement and produce 582 affordable units by 2030 (Table B-5: Projected Cycle 6 Residential Unit Allocations). However, in the past decade, the city has not completed any affordable housing development apart from ADUs. This single development will provide more than 8% of the required units toward fulfilling its 8-year plan, a plan which Half Moon Bay has made no progress on thus far. Thus, if the city is serious about pursuing the commitments it has made to its constituents in the housing element, the Council must also take seriously its statutory obligations to move forward with the above proposal.

The project site has been identified as a Housing Opportunity Site in the City's 6th Cycle Housing Element, which begins by stating the City's commitment to "fostering the development and preservation of a diversity of housing types for households of all income levels, as well as for those with special housing needs, such as disabled, homeless, farmworkers, and other vulnerable individuals and families." Moreover, the most recent Agricultural Workforce Housing Needs Assessment from 2016 details the need for more than 1,000 units of specifically farmworker housing to address the critical shortage in Half Moon Bay. LCLUP Policy 4-4 also establishes farmworker housing as both a Coastal Act and a local priority land use, explicitly expressing a desire to make this type of housing "a top priority for development" in Half Moon Bay. In Appendix B - Constraints, it is further asserted that the "ongoing viability of agricultural land use depends on the ability of farmworkers to live in Half Moon Bay and the San Mateo County Coastside." Nonetheless, the city's repeated failure to date to entitle and construct farmworker housing again undermines its written commitments in its housing element to Affirmatively Further Fair Housing.

Conclusion

The City's requirements to Affirmatively Further Fair Housing are not some abstract administrative exercise. As you know, the consequences of the unjust living conditions faced by Half Moon Bay farmworkers were tragically felt last year, after the deadliest attack in San Mateo County's history resulted in the deaths of seven farmworkers. The City drew national attention following the incident and has continued to draw attention by shamelessly delaying this project and jeopardizing the well-being of an already vulnerable population. YIMBY Law would like to encourage the Council to view its statutory obligations to uphold the proposal as an opportunity to demonstrate continued commitment to build a safer Half Moon Bay for *all* of its constituents.

The City of Half Moon Bay explicitly lays out in its own Housing Element why the production of farmworker housing is essential to ensuring the ability of farmworkers to live in the city. This project will make tangible progress towards this goal and approving it will fall within the goals

YIMBY Law, 2261 Market Street STE 10416, San Francisco, CA 94114

set out by the city in its Housing Element. In order to abide by the verbiage of the city's own Housing Element and RHNA requirements, the City Council must deny all three appeals.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must deny the appeals, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced. Allowing these appeals to act as another impediment to this project that has already received the required approval from the Planning Commission is unconscionable and further delays the construction of much needed farmworker housing in Half Moon Bay.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a large initial "S".

Sonja Trauss
Executive Director
YIMBY Law

From: Linda B. Goldstein
To: 555 Kelly - Mercy/ALAS/City

To: City Council Members

In reference to cost and the resource center:

If these services are not provided where the senior farmworkers live, they will have to be provided elsewhere; they will be less accessible; and the real cost does not go down. If you support Joe Simitian, he is a strong housing advocate.

Supporting our local farmworkers:

Have you seen how they are currently living? I have. I went on a tour with Puente and got to see how they live firsthand. No bathrooms, no heat, sharing kitchens because some had none.

No one deserves to live that way, especially our local farmworkers who provide food for our tables. They need to be treated with dignity and respect.

I am a senior and I am grateful for the home I have and the resources that are available to me.

Thank you for reading what I have to say.

Linda B. Goldstein,

Member and Co-chair for the Community Chavurah for the Coastside Jewish Community.

Member of Coastside Faith in Action.

Ally of ALAS and Puente Farmworkers

June 25, 2024

Half Moon Bay City Council
501 Main St.
Half Moon Bay, CA 94019

Re: 555 Kelly – Applicant’s Response to Appeals of PDP-23-034

Dear City Councilmembers:

On May 23, 2022, Mercy Housing and Ayudando Latinos a Soñar (ALAS) (collectively, the “Applicant”) responded to the City of Half Moon Bay’s Request for Qualifications (RFQ) proposing to develop a 40-unit senior farmworker affordable housing project at 555 Kelly, including a farmworker resource center. In April 2023, Mercy Housing submitted a preliminary application to the City’s planning division for a five-story, 40-unit senior farmworker affordable housing project consisting of six studio units, 26 one-bedroom units, eight two-bedroom units, and a 2,658 square-foot farmworker resource center. The project requested a coastal development permit and architectural review to construct the project and included a lot line adjustment to reconfigure the driveway at Kelly Avenue. On May 14, 2024, the Planning Commission approved the coastal development permit and architectural review and found the project was categorically exempt from the California Environmental Quality Act (CEQA) per the Class 32, infill exemption.

Three appellants, Jennifer Moore, Michael Ferreria, and Paul Nagengast, have appealed the Planning Commission’s approval of 555 Kelly, PDP-23-034. As each of the applicants will be given ten minutes to speak at the appeal hearing we request that the Applicant be given 30 minutes to speak in order to adequately address the appellants’ arguments.

On behalf of the Applicant, below we address each of the stated grounds for appeal listed by each appellant. Based on the below reasoning, the Applicant urges the City Council to deny the three appeals and uphold the Planning Commission’s approval of PDP-23-034.

A. Appeal 1 (Jennifer Moore)

- 1. Evidence in the record supports that the Lot Line Adjustment granted under the Coastal Development Permit is consistent with Local Coastal Land Use Plan (LCLUP) Policy 7-2 in that 555 Kelly will follow the recommendations of its geotechnical engineers to mitigate any risks related to potential liquefaction.*

A Geotechnical Investigation was prepared by Rockridge Geotechnical dated January 29, 2024, based on site-specific evaluation and test borings. The Geotechnical Investigation concludes that construction of 555 Kelly can be completed as planned so long as adequate foundation support is provided for the proposed building. 555 Kelly is committed to supporting the building on either spread footings or reinforced concrete mat foundation, as recommended by the Geotechnical Investigation. Through its compliance with the recommendations of the Geotechnical Investigation, the Lot Line Adjustment for 555 Kelly is consistent with LCLUP Policy 7-2.

2. *Evidence in the record supports that the Lot Line Adjustment is compliant with the Coastal Act, the Subdivision Map Act, and City Municipal Code.*

555 Kelly complies with the LCLUP and Coastal Act as it does not expose development to environmental hazards or impact visual resources, in compliance with Policies 7-2 and 9-8, respectively. Subsection A.1 above explains 555 Kelly's compliance with Policy 7-2. 555 Kelly is adjusting lot lines between two lots in an urbanized area in order to better accommodate redevelopment of the site. The project supports clustered development, creating lots with sufficient space for development, and using shared driveways for adjacent lots, all in compliance with Policy 9-8 of the LCLUP.

As 555 Kelly proposes an adjustment of lot lines between two parcels resulting in the same number of parcels, the project is exempt from the Subdivision Map Act per California Government Code section 66412(d).

Per City Municipal Code, the lot line adjustment has been reviewed by other City departments, in compliance with Municipal Code section 17.30.025. Staff determined that the building sites created by the lot line adjustment are suitable and maintain adequate pedestrian, vehicle, and emergency vehicle access, as required by Municipal Code section 17.30.030. The lot line adjustment followed the applicable procedural requirements outlined in sections 17.30.035-.045. Therefore, the evidence in the records supports that the lot line adjustment is compliant with the LCLUP and the Coastal Act, the Subdivision Map Act, and the City Municipal Code.

3. *Evidence in the record supports that 555 Kelly is exempt from CEQA and that no unusual circumstances would have a significant effect on the environment under CEQA.*

As a threshold matter, per *Berkeley Hillside Preservation v. City of Berkeley*,¹ the party challenging a categorical exemption has the burden of producing evidence to substantiate that an exception applies.² The appellant must prove that there are unusual circumstances and that due to these unusual circumstances there is a reasonable possibility that the project will have a significant effect on the environment.³ The appellant has not met this burden as they did not

¹ 60 Cal. 4th 1086 (2015).

² *Id.* at 1105.

³ *Id.*

adequately explain what unusual circumstance exists nor how that unusual circumstance is likely to result in a significant environmental effect.

The appellant notes that “the size, shape, and location are not typical of residentially zoned infill sites.” 555 Kelly is not residentially zoned—the lot is split zoned Downtown Commercial (DC) and Public Facilities (PF) with a Workforce Housing Overlay (WFHO) placed over it by the LCLUP. This lot is of fairly typical size, shape, and location for CD and PF zoned lots and lots within the WFHO, including 515 Kelly less than one block away. And while the WFHO is unmapped, all of the noted parcels have varying shapes and sizes, and many of the WFHO parcels are located very close to this site, evidencing that the location of 555 Kelly is not unusual. Further, the lot line adjustment that is part of the CDP approval enlarges the lot to help it better accommodate multifamily housing.

DKS also prepared a traffic study for 555 Kelly which was reviewed by City staff who concluded in their April 23, 2024, staff report that the project would not result in any significant effects related to traffic.

4. Evidence in the record supports that 555 Kelly is consistent with LCLUP Policy 1-5.

LCLUP Policy 1-5 states that:

“Implementation of the LCP shall promote social equity and environmental justice, including the fair treatment and meaningful involvement of people of all races, cultures and incomes.

- a. When acting on a coastal development permit, amending the LCP, or otherwise implementing the LCP, the City shall consider environmental justice and, where applicable, the equitable distribution of environmental benefits throughout the state. The City shall encourage equitable civic engagement and social inclusion in public decision-making regarding coastal development, prioritizing efforts to reach low-income households and limited English-speaking households.
- b. No person shall be discriminated against by implementation of the LCP on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability.”

This policy in no way requires the city to justify the need for senior farmworker housing over housing for any other population. It instead requires that the City consider environmental justice and the distribution of environmental benefits when acting on a coastal development permit. Farmworker housing is considered a Coastal Act Priority Use in the LCLUP which means that it takes priority over most residential, general industrial, or general commercial development under the Coastal Act.⁴ When the City adopted the LCLUP it made farmworker housing a Coastal Act

⁴ LCLUP, 1-4.

Priority Use, stating an express desire to give farmworker housing priority over the housing for other populations identified by the appellant.

Policy 1-5 also requires the City to encourage equitable civic engagement and social inclusion during the public decision-making process regarding the coastal development permit. The planning commission meetings were made available in English and Spanish and simulcast via Zoom. The planning commission heard nearly five hours of public comment. The planning commissioners highlighted certain public comments, which staff and the applicant addressed during the planning commission meetings. Based on the foregoing, the record indicates that 555 Kelly complies with LCLUP Policy 1-5.

5. *Evidence in the record supports that the project complies with LCLUP Policy 7-44 through minimizing geologic hazard consequences associated with liquefaction.*

As referenced in subsection A.1 above, a Geotechnical Investigation was prepared by Rockridge Geotechnical dated January 29, 2024, based on site-specific evaluation and test borings. The Geotechnical Investigation concludes that construction of 555 Kelly can be constructed as planned so long as adequate foundation support is provided for the proposed building. 555 Kelly is committed to supporting the building on either spread footings or reinforced concrete mat foundation, as recommended by the Geotechnical Investigation. Through its compliance with the recommendations of the Geotechnical Investigation, 555 Kelly is consistent with LCLUP Policy 7-44.

6. *Evidence in the records supports that 555 Kelly complies with the State Density Bonus Law (DBL) as it is within one-half mile of a major transit stop as defined by California Public Resources Code 21064.3.*

The DBL provides that 100% affordable housing projects that are located within one-half mile of a major transit stop are not subject to any maximum controls on density.⁵ Per the DBL “located within one-half mile of a major transit stop” means “that any point on a proposed development, for which an applicant seeks a density bonus . . . is within one-half mile of any point on the property on which a major transit stop is located. . . .”⁶ Major transit stop has the same meaning as in Public Resources Code section 21155(b)⁷ which states that “a major transit stop is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan.”⁸ Section 21064.3 defines major transit stop to include “the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” The DBL also provides that it should be “interpreted liberally in favor of producing the maximum number of total housing units.”⁹

⁵ Cal. Gov. Code § 65915(f)(3)(D)(ii).

⁶ Cal. Gov. Code § 65915(O)(3).

⁷ Cal. Gov. Code § 65915(O)(5).

⁸ Cal. Pub. Res. Code § 21155(b).

⁹ Cal. Gov. Code § 65915(q).

Per Attachment 1 to City staff's letter to the Housing Accountability Unit of the California Housing and Community Development Department dated May 30, 2024, 555 Kelly is 0.1 miles from the bus stop at Church and Kelly at which SamTrans Routes 117, 15, and 18 stop and 0.3 miles from the bus stop at Main and Miramontes at which SamTrans Routes 117 and 294 stop. While the frequency of these combination of routes does not reach frequency of 15 minutes or less, 555 Kelly is also within the SamTrans Ride Plus service area, which provides on-demand transit service. The Ride Plus service allows Half Moon Bay residents to call for a ride via phone, online, or using SamTrans' Ride Plus app seven days per week 8:00am through 5:00pm. This service has the same fare as all other SamTrans buses. Combining the SamTrans traditional fixed route service with the SamTrans Ride Plus on-demand service 555 Kelly has bus service frequency equivalent to a major transit stop, with the added route flexibility of an on-demand bus service. Therefore, as demonstrated in City staff's analysis, 555 Kelly is within one-half mile of a major transit stop and is therefore eligible for unlimited density under the DBL.

More importantly, 555 Kelly is located in downtown Half Moon Bay, the most transit-rich, walkable area of the city. The property is near the only Mobility Hub¹⁰ located within 10 miles of Half Moon Bay. The Metropolitan Transit Commission (MTC) defines Mobility Hubs as “community anchors that enable travelers of all backgrounds and abilities to access multiple travel options — including shared scooters, bicycles and cars, and transit — as well as supportive amenities in a cohesive space”.¹¹ 555 Kelly's location in an area specifically identified as having significant mobility resources aligns with the spirit, intent, and public policy of the law—siting more housing in areas with the greatest access to transit resources. As mentioned above, the DBL expressly sanctions a liberal interpretation of the law in order to provide the maximum number of housing units.¹²

7. Evidence in the record supports that 555 Kelly is consistent with LCLUP Policy 2-102(a)(ii).

As referenced in subsection A.6 immediately above, 555 Kelly qualifies for a super density bonus through the DBL and does not have limits to density, which overrides LCLUP Policy 1-102(a)(ii) limiting density to 10 units. Per Government Code section 65915(f)(5), the granting of a density bonus shall not be interpreted to require a local coastal plan amendment. Further, LCLUP Policy 2-19 states that the city should “provide for density bonuses above the maximum densities cited for each residential land use designations consistent with California Government Codes section 65915, the Housing Element, and the Coastal Act.” Therefore, when read alongside state law and other LCLUP provisions, it is clear that 555 Kelly is consistent with the LCLUP.

¹⁰ San Francisco Bay Region Mobility Hubs, GIS Mapping Application, MTC, <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=2885234dd1b447a6907aba83b343a0de>

¹¹ Mobility Hubs Program Overview, ABAG. <https://abag.ca.gov/technical-assistance/mobility-hubs-program-overview>

¹² Cal. Gov. Code § 65915(q).

B. Appeal 2 (Michael Ferreira)

1. *The response to the RFQ was good faith proposal that evolved based on changing economic conditions and as a reaction to community feedback.*

The City released the Request for Qualifications (RFQ) on February 15, 2022, and specifically requested a “very simplified site plan showing how the proposed number of housing units will be accommodated.” The RFQ submittal was not intended by either the City or the Applicant to serve as the final development proposal. Instead, it was intended to give the City an idea of the basic development concept that would necessarily be refined as the details of the project were ironed out.

Mercy Housing and ALAS submitted the only response to the RFQ. The response included four stories and 31 studios, eight one bedrooms, and one two bedroom and was an initial proposal based on the minimum number of units needed to achieve financial feasibility. The City Council then authorized an exclusive negotiating agreement (ENA) with Mercy Housing/ALAS which allowed Mercy Housing to submit an application to the Half Moon Bay planning division for a coastal development permit. Mercy Housing worked in good faith and in cooperation with City staff to meet and address the needs of the City under the ENA. After further due diligence and community feedback, it became clear to Mercy Housing that there was more demand for one-bedroom and two-bedroom units than there was for studio units. Further, changing economic conditions and increased project costs made it necessary to adjust the unit mix to add more one-bedroom and two-bedroom units that allow for higher rents than studio units, thereby assuring financial feasibility over the lifetime of the project. With the changed unit mix, it became necessary to extend the building to a fifth story to accommodate the larger units. When Mercy Housing submitted its application to the City for a coastal development permit, the project reflected the current approved unit mix and five-story height.

2. *The City Council must act in its capacity as a regulatory body in deciding the appeal of the Coastal Development Permit.*

The City of Half Moon Bay owns the land on which 555 Kelly sits, but it also acts as the local regulatory body tasked with making decisions on land use applications. As a regulatory body, the City must make a decision on a request for a coastal development permit and in doing so must abide by state laws that modify the City’s authority, such as the DBL. Therefore, in its capacity as a regulatory body which is deciding on an appeal of the coastal development permit, the City Council must render its decision in compliance with state law. The City Council acted as a landowner when it selected the Applicant to develop 555 Kelly after issuing the RFQ, and in its decisions related to the ENA and the forthcoming disposition, development, and lease agreement. The City also acted under both its authority as a regulatory body and its authority as a landowner when it included 555 Kelly in its Housing Element as Pipeline Project AJ, committing to entitle 40 units at the site, and in Program 4-8, committing to use publicly owned land for affordable housing, including at 555 Kelly.

3. *Evidence in the records supports that 555 Kelly complies with the State Density Bonus Law (DBL) as it is within one-half mile of a major transit stop as defined by California Public Resources Code 21064.3.*

See subsection A.6 above addressing this matter.

4. *The City staffing more than one City department from the same firm does not create concerns under Government Code section 1090.*

Government Code section 1090 prohibits a government official, employee, or agency from participating in making government contracts in which the government official, employee or agency has an interest. The City of Half Moon Bay contracts both city attorneys and a contract planner from the same firm to staff the City Attorney's office and Planning Division, respectively. These contract employees are working cooperatively to meet the City's goals and have no financial interest related to 555 Kelly and therefore there is no conflict of interest concern.

5. *The Planning Director waived the requirement for story poles at 555 Kelly to avoid interference with operation of the Ted Adcock Community Center parking lot.*

The City of Half Moon Bay Story Pole policy allows the Planning Director to waive or modify the requirement for story poles where the installation would unduly interfere with the use of the property or where other circumstances would render the installation of story poles impractical. The installation of story poles at 555 Kelly would have obstructed the driveway and a portion of the parking lot for the Ted Adcock Community Center. Therefore, in lieu of story poles, the Planning Director acted in its authority to instead require the Applicant to prepare a series of renderings showing the proposed project at 555 Kelly in the context of the surrounding buildings. These renderings allowed City staff and the community to see what the proposed building would look like amongst the existing buildings in the neighborhood without unduly obstructing access to the Ted Adcock Community Center parking lot. The Applicant's design team also produced images and a walk through movie which were posted to the City's website to help simulate what the height of the building would look like in the neighborhood context. The Applicant worked in good faith and under the direction of City staff in providing these alternatives to story poles.

C. Appeal 3 (Paul Nagengast)

555 Kelly supports a comprehensive parking plan for the downtown area and multi-modal safety improvements to Kelly Avenue but does not support conditioning the project's building permits or construction on the completion of such.

While the Applicant supports the City undertaking a comprehensive parking plan for the downtown area around the project and the completion of multi-modal safety improvement to Kelly Avenue, it does not support making the project approval contingent on the completion of

these studies. 555 Kelly needs to complete the entitlement process so that it is eligible to secure funding. The project has unfortunately already missed out on certain funding opportunities due to not having completed entitlements. If the City Council were to condition the project approval on the completion of a comprehensive parking plan or completion of multimodal safety improvements, the project would not be considered to be fully entitled for the purposes of funding applications because the project's approval would remain contingent on the actions of a third party. This would make 555 Kelly ineligible to secure certain funding sources until the City completes its parking plan and street improvements, effectively stalling the project.

Further, these issues were considered by the Planning Commission who issued an advisory motion to the City Council urging the that the City address these issues independently of the 555 Kelly approval. The Planning Commission specifically did not condition the approval of 555 Kelly on the completion of these items and therefore, it is outside the scope of what is appealable for the coastal development permit approval.

CONCLUSION

For the foregoing reasons, the Applicant urges the City Council to deny the three appeals of the coastal development permit for 555 Kelly (PDP-23-034) and uphold the Planning Commission's approval.

Sincerely,



Alyssa Netto



Charles J. Higley

From: Suzanne Moore

Sent: Tuesday, June 25, 2024 9:44 AM

To: Joaquin Jimenez <Harvey Rarback < Robert Brownstone < Deborah Penrose Debbie Ruddock < Matthew Chidester < Mike Noce <

Cc: Suzanne Moore

Subject: June 26, 2024 City Council Special Agenda - 555 Kelly Appeals Hearing

Honorable Council Members, City Manager, Housing Programs Manager, and City Staff,

I am Suzanne Moore, 2+ decades-long coastal resident, and retired county nurse practitioner where I practiced at the Daly City, South San Francisco and Fair Oaks Clinics. I have experienced first hand (and my experience is supported by literature) that safe, affordable housing is important for health and healing.

I think 555 Kelly is special: created by community input and designed to gather community, I believe this space will help us all heal from trauma and labor. Kelly will not erase our past failures to address the substandard living conditions of our farmworker community, but it provides a path forward.

Project 555 Kelly is our chance to thank our farmworkers for their hard work. This project is an investment in our community and cannot be measured by dollars alone. Kelly stands as a testament and acknowledgment of the value of our agricultural laborers, of their essential work, and of the gratitude of our community. It is truly an investment that is long overdue.

Council Members, please see the 555 Kelly project safely home. Thank you Half Moon Bay Council and Staff for all your hard work.

--

Suzanne Moore

Home 650.557.0867

Cell 650.243.7310

From: Evelyn deSouza

Sent: Monday, June 24, 2024 2:02 PM

To: Joaquin Jimenez <Harvey Rarback Robert Brownstone Deborah Penrose <>; Debbie Ruddock <

Subject: Comment for 555 Kelly Hearing

Dear Mayor Joaquin Jimenez and Council members, Debbie Ruddock, Deborah Penrose, Harvey Rarback. and Robert Brownstone,

As I reviewed the issues concerning 555 Kelly, I'd be very grateful for answers to questions, for which I cannot find answers to 2 highly critical issues:

1. The Site's Suitability

Could you please point me to where the analysis on the site's suitability per the Half Moon Bay Municipal Code section 17.30.030 is documented?

Under the Half Moon Bay Municipal Code, Section 17.30.030 that city must provide a detailed evaluation outlining how adjusting the lot lines for these two parcels of land makes the site suitable and safe for residential use. Specifically, the evaluation should include assessments of environmental hazards, accessibility, infrastructure adequacy, and overall safety for potential residents.

2. CEQA Exemption for Infill Development Projects

How does this site qualify for Infill development and CEQA exemptions?

The City's classification of an active parking lot as an underutilized site appears contradictory to the established definition of infill development. It seems that CEQA exemptions don't align given the contradictory definition of an infill lot.

Thank you for considering these very critical issues as part of the appeal process.

Sincerely,

Evelyn



June 25, 2024

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

To the honorable City Council of Half Moon Bay,

Thank you for this opportunity to support the proposal for 40 homes at the 555 Kelly site. The Housing Leadership Council exists to work with community leaders to produce and preserve quality affordable homes. To that end, over the last two years we have sent comments to every jurisdiction in San Mateo County regarding the housing element, [including to Half Moon Bay](#).

According to data included in the housing element and elsewhere, Half Moon Bay has a large shortage of housing of all affordability levels. The median rent is more than \$2,500; Home prices have increased by more than 100% in the last 20 years, to a median above \$1.6 million. As a result, a third of renters spend more than 30% of their income on housing. A fifth of renters spend more than 50%. High costs particularly impact lower wage workers, such as the farmworker population, resulting in events like the tragic mass shooting last year.

In response to the high need for housing at a range of affordability, Half Moon Bay's leaders have planned for new homes throughout the city, including at the 555 Kelly site. As part of its Affirmatively Furthering Fair Housing analysis, the housing element recognizes, "the high stress of physical labor, combined with low wages and the high cost of living in the region, isolated from a wealthier and whiter community, are a unique issue [for farmworkers] in the City."¹ In response, the housing element includes a number of policies to address the needs of farmworkers, including specific plans for a project of at least 40 homes at 555 Kelly, to be fully entitled by the end of 2024.²

This project helps the city to achieve its Affirmatively Furthering Fair Housing goals by creating affordable living options in a high resource area—the very core of Half Moon Bay—for the farmworkers that are a part of the community. Senior farmworkers and their families will be able to benefit from this development and the accompanying resource center for generations.

If the council wants to deliver on its housing element goals and demonstrate its commitment to meeting the housing needs of all residents, then it should approve the proposal for new homes

¹ HMB Housing Element [Affirmatively Furthering Fair Housing Assessment](#), p. 21

² HMB Housing Element [Housing Plan](#), p. 14

on 555 Kelly without further subjective stipulations. Half Moon Bay's planning commission imposed a number of strict conditions of approval on the 555 Kelly proposal, conditions that will make the project harder to build and less competitive for state funding if fully enacted; the council could further incentivize the project by removing some of the commission's conditions.

If the 555 Kelly project faces further delays, the council risks undermining its housing element and potentially giving up additional local control. New state rules, such as SB 423, will extend CEQA-free ministerial review to the California Coastal Zone, including Half Moon Bay, starting in 2025. The rules intend to ensure that planning for housing occurs at the city level, not on an ad hoc project-by-project basis. By approving the project that the city has spent years planning for already, the council will demonstrate its ability to plan for new housing responsibly.

Half Moon Bay's community character is defined not by the size of buildings nor the availability of parking, but by the people who live there. Quickly approving the 555 Kelly proposal and removing unnecessary barriers to its development will create new homes for an essential part of the community, to stand as a testament to the town's values for residents and visitors alike.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'J. Levine', written in a cursive style.

Jeremy Levine, Policy Manager
Housing Leadership Council of San Mateo County