

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**RESOLUTION RESUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT  
FOR THE MOSS BEACH HIGHLANDS RESIDENTIAL DEVELOPMENT PROJECT  
TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION OF  
CONFORMITY WITH THE CALIFORNIA COASTAL ACT**

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**WHEREAS**, the Board of Supervisors approved the Moss Beach Highlands Residential Development Project on August 8, 2000, which included: (1) a Local Coastal Program (LCP) policy amendment to allow flexibility in the affordability requirements applicable to the designated affordable housing sites (Resolution No. 63828, Exhibit A), and (2) related actions including an LCP amendment adopting a Planned Unit Development (PUD) Ordinance allowing 73 affordable senior apartments and 55 single-family homes on 12.5 acres at the South Moss Beach Designated Affordable Housing Site (Ordinance No. 03977, Exhibit B), and (3) additional related actions including a Coastal Development Permit, Tentative Subdivision Map and a Grading Permit; and

**WHEREAS**, as directed by the Board of Supervisors via Resolution No. 63828, staff submitted the LCP amendment and all supporting materials and related actions to the Coastal Commission for certification; and

**WHEREAS**, the Coastal Commission staff has determined that language in Resolution No. 63828 is unclear as to the County's intent with regard to the County's request that the Coastal Commission not recommend or suggest modifications to the LCP amendment; and

**WHEREAS**, the Board of Supervisors believes that the language in Resolution No. 63828 suggesting that the Board is unwilling to consider modifications to the LCP amendment was included inadvertently;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors does hereby clarify that the County is willing to consider modifications recommended by the Coastal Commission to the proposed amendment of LCP Policy 3.16 or to the Moss Beach Highlands PUD Ordinance described in Ordinance 03977, or other related actions.

**AND, BE IT FURTHER RESOLVED**, that the San Mateo County Board of Supervisors directs staff to resubmit the Local Coastal Program amendment for the Moss Beach Highlands Residential Development Project and all supporting materials and related actions to the Coastal Commission for certification of conformity with the California Coastal Act.

**AND, BE IT FURTHER RESOLVED**, that, if the Coastal Commission certifies the LCP amendment, without modifications, as conforming to the Coastal Act, it shall have the full force of law thirty (30) days after the certification; however, if the Coastal Commission certifies the LCP amendment with modifications, those modifications must be considered and accepted by the Board of Supervisors before the LCP amendment will have the full force of law.

**AND, BE IT FURTHER RESOLVED**, that the San Mateo County Board of Supervisors intends to carry out this LCP amendment in a manner fully in conformity with the Coastal Act.

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RESOLUTION NO. 63828

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AMENDING THE SAN MATEO COUNTY LOCAL COASTAL PROGRAM (LCP) TO ALLOW FLEXIBILITY IN THE AFFORDABILITY REQUIREMENTS APPLICABLE TO THE DESIGNATED AFFORDABLE HOUSING SITES

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WHEREAS, LCP Policy 3.15(a) designates three sites where affordable housing should be provided when residential development occurs, including the 12.5-acre site northeast of Etheldore Street in South Moss Beach; and

WHEREAS, LCP Policy 3.15(d)(2) requires that 30 percent of the total units constructed on the site are reserved for low income households and, in addition to the required low income units, twenty percent (20%) of the total units constructed are reserved for moderate income units; and

WHEREAS, the Moss Beach Highlands Residential Development project has been proposed by Kaufman and Broad South Bay, Inc. for the 12.5-acre South Moss Beach Designated Housing Site, and will reserve 73 out of a total 128 units, or fifty-six percent (57%), of the total units constructed for low income senior households, but no units will be specifically preserved for moderate income households; and

WHEREAS, LCP Policy 3.16(b) allows the Board of Supervisors to provide for flexibility with regard to the number of affordable housing units constructed within one year if the Board finds the phasing requirement of LCP Policy 3.16(a) threatens the implementation of affordable housing on a designated site by prohibiting the developer(s) from building when circumstances are uniquely favorable for a limited period of time (i.e., low interest rate financing or public subsidies are available); and

WHEREAS, an amendment is proposed to LCP Policy 3.16(b), which would permit the Board of Supervisors to similarly allow for flexibility with regard to the affordability requirements of LCP Policy 3.15(d) when the Board finds that strict adherence to the affordability requirements would threaten the implementation of affordable housing on a designated site by prohibiting the developer(s) from building when circumstances are uniquely favorable for a limited period of time (i.e., low interest rate financing or public subsidies are available); and

WHEREAS, the Board of Supervisors finds that an amendment allowing such flexibility is justified with regard to the Moss Beach Highlands Project, since the applicant is providing a greater number of affordable units at a higher level of affordability than required by Policy 3.15(d), and is proposing to use Tax Credit Financing which targets low income, rather than moderate income, households, and to strictly apply the affordability requirements contained in LCP Policy 3.15 could threaten the implementation of affordable housing on the South Moss Beach designated site by jeopardizing the applicant's ability to take advantage of the availability of Tax Credit Financing; and

WHEREAS, the Board of Supervisors also finds that the amendment allowing for flexibility in application of the affordability requirements of LCP Policy 3.15(d) is justified with regard to the Moss Beach Highlands Project, since the project includes both low income senior apartments and relatively modest size single-family homes, providing a mix of housing types and affordability levels consistent with the overall intent of LCP Policy 3.15 (d); and

WHEREAS, such an amendment may also prove to be beneficial to encourage the implementation of affordable housing on the two remaining designated housing sites, which are currently undeveloped; and

WHEREAS, the County Planning Commission considered the Moss Beach Highlands Residential Development Project, including this proposed amendment, at public hearings held on February 9, February 24, March 22, and April 12, 2000, and recommends that the Board of Supervisors adopt this proposed amendment to LCP Policy 3.16(b); and

WHEREAS, the County Board of Supervisors considered the Moss Beach Highlands Residential Development Project, including this proposed amendment, at a public hearings held on June 6, July 11, July 15, and August 8, 2000; and

WHEREAS, public notice was made of these hearings to ensure maximum public participation, and all interested parties were afforded the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby amend LCP Policy 3.16(b) to read as follows:

“Allow the County Board of Supervisors to increase the number of affordable housing units permitted per year by Policy 3.16(a), and/or adjust the percentage of low or moderate income units required by Policy 3.15(d), if the Board makes findings that the above phasing and/or affordability requirements threaten the implementation of affordable housing on a designated site by prohibiting the developer(s) from building when circumstances are uniquely favorable for a limited period of time (i.e., low interest rate financing or public subsidies are available).”

AND, BE IT FURTHER RESOLVED, that pursuant to Public Resources Code Section 30512(b), the San Mateo County Board of Supervisors directs staff to submit the Local Coastal Program policy amendment contained in this resolution and all supporting materials and related actions to the Coastal Commission for certification of conformity with the California Coastal Act.

AND, BE IT FURTHER RESOLVED, that pursuant to Public Resources Code Section 30512(b), the San Mateo County Board of Supervisors requests that the Coastal Commission not recommend or suggest modifications to the Local Coastal Program policy amendment submitted herewith.

AND, BE IT FURTHER RESOLVED, that the Local Coastal Program policy amendment contained in this resolution shall not have the full force of law until thirty (30) days after the Coastal Commission has certified it, without modification, as conforming to the Coastal Act.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors intends to carry out this Local Coastal Program amendment in a manner fully in conformity with the Coastal Act.

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ORDINANCE NO. 03977

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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AN ORDINANCE AMENDING SECTION 6115, CHAPTER 2, DIVISION VI OF THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) TO ADD PLANNED UNIT DEVELOPMENT (PUD) 129 - MOSS BEACH HIGHLANDS TO APPENDIX A TO THE COUNTY ZONING MAPS AND TO REVISE THE ZONING MAPS AFFECTING THE SOUTH MOSS BEACH DESIGNATED HOUSING SITE (APN 037-320-270)

\* \* \* \* \*

The Board of Supervisors of the County of San Mateo, State of California, ORDAINS as follows:

Section 1. PUD 129 is hereby added to Appendix A to the County Zoning Maps to read as follows:

PLANNED UNIT DEVELOPMENT 129 - MOSS BEACH HIGHLANDS

1. Purpose and Application. The following PUD-129 regulations shall govern the land use and development of Moss Beach Highlands, a 73 unit senior affordable apartment and 55 unit single-family market rate residential development on a 12.5 acre parcel located a 1181 Etheldore Street at the southern edge of the unincorporated community of Moss Beach (APN 037-320-270; County Planning Division File No. PLN 1999-00452). To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern. To the extent that the regulations contained herein conflict with mitigation measures adopted by the Board of Supervisors for the project, the mitigation measures shall govern.
2. Development Plan and Amendments. All development shall conform to the development plans for the property as approved by the Board of Supervisors, and on file with the County Planning Division. Determination of conformity with the plan shall be made by the County Planning Director. The Planning Director may approve reasonable alterations to the development plan, provided he/she finds that they are minor in nature and are consistent with the purpose and intent of the approved development plans and this PUD Ordinance. All other alterations or additions must be referred to the Planning Commission for approval.
3. Permitted Land Uses. The only permitted land uses shall be those indicated on the development plan approved by the Board of Supervisors: 73 affordable senior apartments, including one resident manager's unit; one community/recreation building; 55 single-family homes, one tot-lot playground. Second units are not permitted.
4. Maximum Density/Open Space. The total number of residential units permitted on the site shall not exceed 128. The parcel encompassing the seep and its buffer zone shall remain as

undeveloped open space. The sloped area behind the senior apartments shall also remain as open space.

5. Assurance of Project Completion. The affordable senior apartments and the single-family units shall be constructed simultaneously. If necessary, at the Planning Director's discretion, Building Permits or Certificates of Occupancy for the single-family units may be withheld pending completion of the affordable senior apartments.
6. Height. Building heights shall conform to those shown in the approved development plans and shall not exceed 28 ft. in height. Building heights (including chimneys or other architectural appurtenances, if any) are subject to review by Airport Land Use Committee staff. Building height shall be measured as the vertical distance between the average finished grade and the topmost point of the building, and may be required to be reduced to 26 ft., if necessary.
7. Setbacks. Distances of buildings from property lines shall be in accordance with the approved development plan and tentative map.
8. Lot Coverage and Maximum Floor Area. Maximum lot coverage and floor area shall comply with the approved development plan. In addition, in accordance with Chapter 22 of the Zoning Ordinance, residential accessory structures shall be permitted.
9. Parking. For the single-family residential component of the project, off-street parking and guest parking in parking bays shall be provided as shown on the approved development plan. Off-street parking for the senior affordable apartments shall provided in accordance with the approved development plan. The allocation of tenant and guest parking spaces shall be in accordance with the Parking Management Plan and Operation Policy Agreement, approved by the Board of Supervisors.
10. Landscaping. Areas shown for landscaping on the approved development plan shall be landscaped in accordance with landscape plans approved by the Planning Director. This landscaping shall be in addition to any landscaping or tree planting required by mitigation measures contained in the certified Environmental Impact Report.
11. Design Review. The exterior colors and materials, architectural features and overall character of the structures shall be in accordance with the approved development plan.
12. Signage and Exterior Lighting. All signage shall be in accordance with the approved development plan. Exterior lighting shall be designed and located so that direct rays and glare are confined to the property. Any additional signage or lighting is subject to review and approval of the Planning Director.
13. Airport/Land Use Compatibility.
  - a. **The project sponsor shall file FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA Western-Pacific regional office. A copy of the filed form must be provided to the County of San Mateo Planning and Building Division.**
  - b. **The developer shall grant an avigation easement over the project site to the County of San Mateo, as the proprietor of the Half Moon Bay Airport, to (1) provide adequate disclosure to future occupants of the development, regarding**



**the proximity of each dwelling unit to the Half Moon Bay Airport and of potential impacts related to airport/aircraft operations, and (2) to protect the airspace in the vicinity of the airport for the safe passage of aircraft.**

**14. Second Story Access for Affordable Senior Apartments**

**The purpose of the following requirements is to facilitate aging in place for the senior affordable housing portion of the project:**

- a. Exterior staircases, adjacent walls and landings, accessing second floor units, shall be designed, built and pre-wired to specifications required for the installation of approved stair-lift.**
- b. Stair-lifts, with the features listed below, are to be installed within two weeks when requested by unit occupant(s). Stair-lift features shall include:**
  - (1) Minimum load capacity 495 lbs.**
  - (2) Platform to be of adequate size to accommodate power wheelchairs.**
  - (3) Fold down seat.**
  - (4) Power fold platform with Auto Fold Feature.**
  - (5) Power ramps and power barrier arms.**
  - (6) Non-slip surface at platform.**
  - (7) Safety obstruction sensitivity at ramp edges and platform.**
  - (8) Ability to back away from obstructions.**
  - (9) Pendant remote control.**
  - (10) Call/Send stations at top and bottom of stair.**
  - (11) Emergency alarm.**
- c. Project owners shall at all times warehouse locally at least one approved stair-lift for timely installation.**
- d. Stair-lifts shall be installed, periodically inspected and regularly maintained by the project owners at no cost to the unit occupant(s).**
- e. All second floor occupants and potential second floor occupants shall be advised verbally and in writing as to their right to have a stair-lift installed and maintained within two weeks and at no cost.**
- f. Project owners or their designee shall, at the time of stair-lift installation or client move-in, instruct stair-lift users verbally and in writing in the proper operation and use of the stair-lift.**
- g. Project owners or their designee shall provide physical assistance to users of stair-lifts in the event of a stair-lift emergency, breakdown or power failure.**
- h. Buildings shall be designed to provide weather protection above stairs accessing second floor units.**

**Section 2. Section 6115, Chapter 2, Part One, Division VI of the San Mateo County Ordinance Code (Zoning Maps) is hereby amended as shown in "Exhibit A" to eliminate the Affordable Housing District (R-3-A/S-5) boundaries; and to establish the PUD-129 district boundaries.**

Section 3. This ordinance shall be in full force and effect 30 days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

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Regularly passed and adopted this 8th day of August, 2000.

AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

RICHARD S. GORDON

President, Board of Supervisors

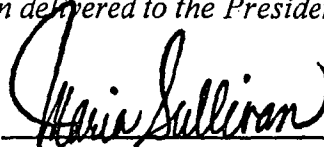
County of San Mateo

State of California

Certificate of Delivery

(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



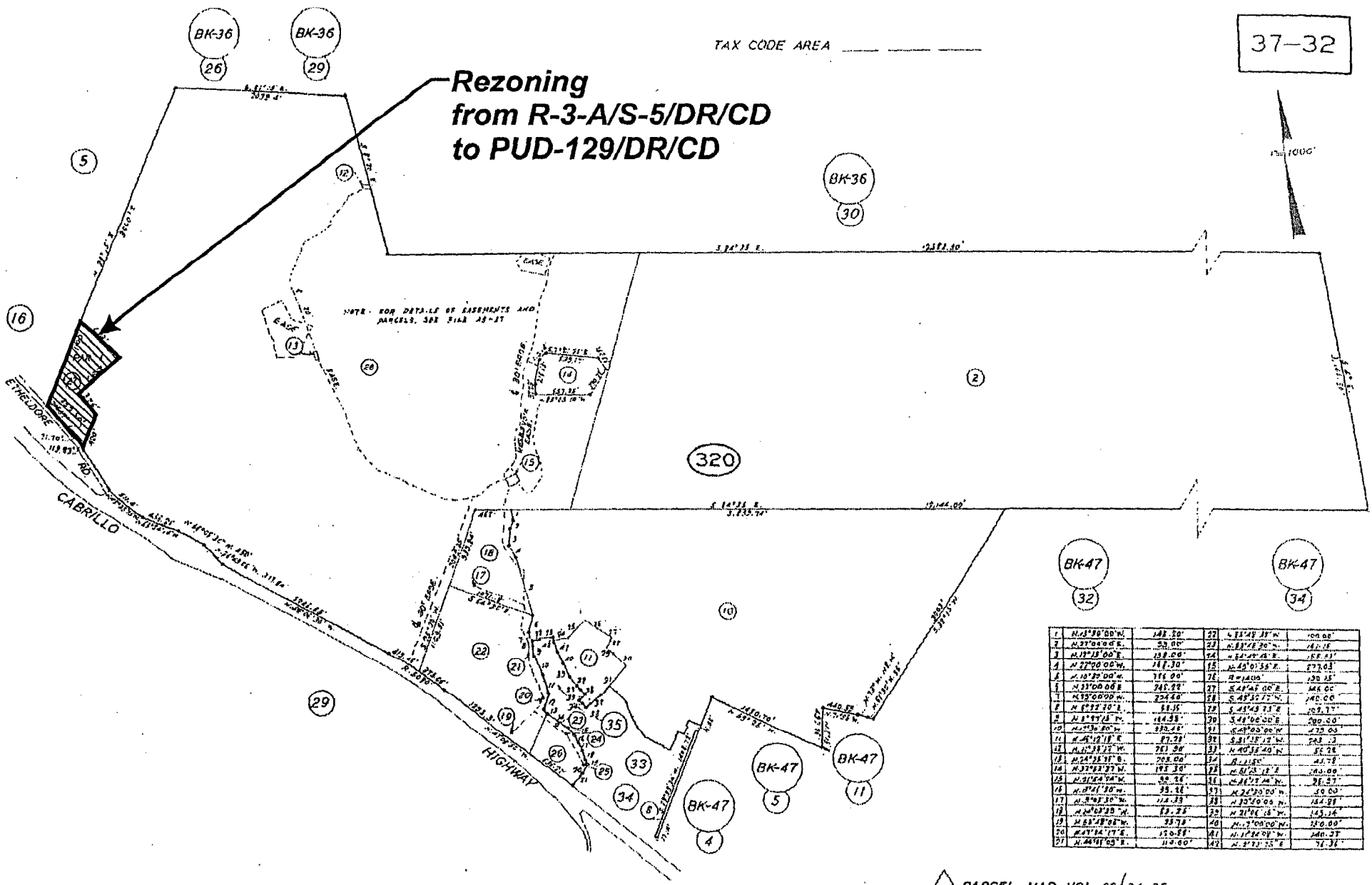
MARIA SULLIVAN, Deputy

Clerk of the Board of Supervisors

37-32

TAX CODE AREA

# Rezoning from R-3-A/S-5/DR/CD to PUD-129/DR/CD



1	N 17° 00' 00\"	148.50'	22	N 33° 48' 30\"	100.00'
2	N 27° 00' 00\"	50.00'	23	N 83° 18' 30\"	147.38'
3	N 17° 15' 00\"	158.00'	24	N 84° 45' 00\"	158.41'
4	N 27° 00' 00\"	148.50'	25	N 42° 01' 35\"	172.03'
5	N 10° 29' 00\"	161.90'	26	N 14° 00' 00\"	130.25'
6	N 27° 00' 00\"	245.72'	27	S 47° 45' 00\"	146.00'
7	N 27° 00' 00\"	224.80'	28	S 45° 35' 30\"	140.00'
8	N 17° 15' 00\"	148.50'	29	S 47° 00' 00\"	109.37'
9	N 17° 15' 00\"	148.50'	30	S 47° 00' 00\"	500.00'
10	N 17° 15' 00\"	148.50'	31	S 47° 00' 00\"	275.00'
11	N 4° 10' 18\"	87.20'	32	S 81° 18' 12\"	248.33'
12	N 12° 18' 12\"	263.50'	33	N 40° 34' 40\"	55.28'
13	N 24° 28' 36\"	208.00'	34	S 11° 00' 00\"	41.78'
14	N 37° 03' 30\"	198.30'	35	S 61° 05' 15\"	143.00'
15	N 27° 00' 00\"	50.00'	36	N 81° 17' 45\"	28.57'
16	N 27° 00' 00\"	50.00'	37	N 22° 30' 00\"	20.60'
17	N 17° 15' 00\"	148.50'	38	N 33° 48' 30\"	100.00'
18	N 17° 15' 00\"	148.50'	39	N 27° 00' 00\"	125.00'
19	N 17° 15' 00\"	148.50'	40	N 17° 15' 00\"	120.00'
20	N 17° 15' 00\"	148.50'	41	N 17° 15' 00\"	240.37'
21	N 44° 18' 00\"	114.00'	42	N 37° 15' 00\"	76.34'

PARCEL MAP VOL 66/34-35

ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF.

12-6

PLN1999-00452  
037-320-270

## San Mateo County Planning & Building Division

### Exhibit:

# A