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Re: **Hillsdale Reimagined - Second Application Resubmittal Processing Letter (PA-2025-052)**

Dear All:

We represent HSC Property Owner LLC (the "Applicant") in connection with the ongoing application for a development permit[1] consisting of a Master Development Plan and Vesting Tentative Map for the redevelopment of portions of the Hillsdale Shopping Center located at 358 East Sailer Drive, including the "Central" and "South Block" and nearby parcels (APNs 039-490-170, 042-121-060, 039-490-050) (collectively, the "Project Site") in the City of San Mateo ("City"). The proposed project includes up to 1,670 new housing units (including up to approximately 250 affordable housing units), approximately 2,059,000 gross square feet of commercial space (for a net increase of approximately 568,669 gross square feet as compared to the existing, to-be-demolished shopping center facilities), and approximately 4.5 acres of open space and other amenities ("Project"). The Applicant is now resubmitting the application for the Project in response to incompleteness comments provided on October 17, 2025. The purpose of this letter is to identify the current status of the Project application contents and applicable law.

I. Executive Summary

The following summarizes the more detailed discussion in this letter:

[1] See Govt. Code § 65943(a).

- ***This Second Resubmittal Carries Additional Legal Protections***: The Applicant team has worked incredibly hard to carefully and thoroughly address all of the incomplete items raised first in the July Letter and now in the October Letter (both letters defined below), and has provided detailed responses in a spirit of collaboration to move the Project processing forward. The Applicant's extraordinary efforts on this second resubmittal align with a legal presumption of completeness. Notably, with this second resubmittal, the Housing Accountability Act ("HAA") places limits on repeated cycles of cities rejecting resubmittals for incompleteness. If the City determines an application to be incomplete after two resubmittals, it "shall bear the burden of establishing that the determination is not an effective disapproval of a housing development project" subject to associated risks and penalties. Accordingly, as was stated in the November Study Session, the City is expected to find this second resubmittal to be complete.

- ***Expanding Incompleteness Comments Are Improper***: While the City has acknowledged that the Project is a housing development project protected by SB 330 in various contexts, the processing of the application has not always followed course. Most specifically, the City's incompleteness letters have grown in scale, rather than narrowed, as required by SB 330. Specifically, the July Letter, which provided the City's first incomplete determination, was 24 pages long (48 pages including attachments). The City's second incompleteness determination, by contrast, is 485 pages long. As successive incompleteness determinations are meant to narrow, not widen, incompleteness comments, we note that a succession of increasingly lengthy, more complex incompleteness determinations are inconsistent with the PSA and HAA, and that the practice of repeated incompleteness determinations has recently been admonished by the California Department of Justice.

- ***Building Specific Detail is Not Required Now***: The City's November Letter indicates that the greatly-expanded list of incomplete information may stem from a belief that all building-specific information must be provided now, at this stage. To be clear, there is no statutory requirement in SB 330 or otherwise that dictates how local entitlements should be structured; rather, SB 330 only requires construction to be commenced within two and a half years of achieving final approval necessary to be eligible to apply for, and obtain, a building permit or permits. In other words, this imposes a construction commencement obligation, but it does not dictate any requirement about the local entitlement process. The City seems to believe that all building-specific discretionary entitlements must be obtained now, but has not pointed to any statutory or other requirement to do so; any imposition of a requirement to obtain all discretionary entitlements now would require a change in either state or local law. Accordingly, the Applicant has been clear in its prior application submittals that it intends to develop the Project through a multi-step entitlement process that is authorized by the San Mateo Zoning Code, beginning with approval of the Master Development Plan and Vesting Tentative Map, and then following with SPAR and SDP approvals. To be clear, the Applicant is not seeking SPAR-level approvals at this time, and doing so is not necessary to comply with SB 330 or other state housing laws. That being

said, while the Applicant team does not feel that it is a good use of resources (which have been extraordinary), the Applicant team has worked vigorously to provide information responsive to the City's expanded incompleteness letter to respond to City staff's communicated interest in greater details about what the Project may look like when built at a block-by-block building level.

- ***Incompleteness Response Matrix and Other Tools Have Been Provided***: To facilitate the City's review of the extensive second resubmittal, the Applicant team has prepared an Incompleteness Comments Response Matrix. Over the course of our review, we identified a variety of legal bases for finding that the City's incompleteness comments are improper. Many of these shortcomings were consistent across comments and blocks, so for the sake of efficiency and accessibility we have prepared columns describing each of the legal bases for rejecting the incompleteness comments. Again, while we have identified multiple basis to reject certain incompleteness comments, the vast majority of requested information has been provided to be cooperative. We have also discussed the Project's approach to compliance with the Objective Design Standards and State Density Bonus Law below.

- ***Legislation Supports Housing Production and Recent Caselaw Supports Realistic Processing for Housing Projects***: For many years now, the courts have repeatedly shown how they will look to statutory intent and interpret the housing laws liberally in favor of housing production. Most recently, courts have shown they will continue to do so specifically in the context of completeness determinations. These outcomes are very consistent with our requests for realistic and reasonable processing. We urge the City to adhere to these clear legislative and judicial mandates.

- ***Additional Opportunities for Project Review***: We sincerely request that the City will find the application complete and move to successive stages of Project processing (i.e. consistency review, post-completeness supplementation, environmental review, etc.) so that resources can productively be invested in ensuring the Project can successfully be delivered to the community.

The following includes additional detail.

II. Application Background and Applicable Law

1. Timeline

The Applicant first submitted a preliminary application for the Project on February 5, 2025. Following further discussions and response to the City's March 28, 2025 "Advisory Letter," including the Applicant's April 3, 2025 response letter ("April Letter") and request for formal guidance on the application process from the California Department of Housing and Community Development ("HCD"), the Applicant submitted formal planning application materials for a Master Development Plan and Vesting Tentative Map for the Project on June 20, 2025 (the "June

Submittal"). The Applicant received a letter from the City on July 21, 2025 that identified incomplete application items (the "July Letter"). Then, the Applicant resubmitted the Project's application in response on October 17, 2025 ("October Resubmittal"), and in addition to updated plans and a new version of the Master Development Plan included an Incomplete Letter Response Matrix and ODS Consistency Chart to demonstrate the Project's conformance to the City's requirements and the resubmittal's responsiveness to the City's identified incomplete items. On November 17, 2025, the City again determined that the application remained incomplete and provided extensive comments on incomplete items, primarily requesting more detailed information on potential plans for individual buildings that could be developed across the Project following Master Development Plan approval (the "November Letter"). The purpose of the accompanying second resubmittal of the Project application is to address these comments.

2. "Housing Development Project" Protections

As a "housing development project," the Project is entitled to state law benefits and protections. Earlier in the application process, there was robust discussion as to whether the Project qualifies as a "housing development project" protected by the HAA. Our prior correspondence explains in detail why and how the Project qualifies, and HCD's August 12, 2025 Technical Advisory ("HCD Letter") conclusively determined that the Project is, indeed, a "housing development project."[2]

As we have explained previously, as a "housing development project," the Project benefits from broad protections under state law, including the HAA, the State Density Bonus Law (Govt. Code § 65915) ("SDBL"), and Housing Crisis Act of 2019 (Govt. Code § 65941.1) ("SB 330"). Continuing protections are subject to only narrow requirements—the Project continuing to satisfy affordability and residential development criteria,[3] and protections under SB 330 only remain in place so long as the Project meets construction commencement requirements and the number of residential units or square footage of construction does not change by 20 percent or more.[4] Beyond that, the HAA requires that state housing law benefits and protections "be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing" development projects that have been proposed.[5]

3. Growing Incompleteness Responses

While the City has acknowledged that the Project is a housing development project protected by SB 330 and the HAA in various contexts[6], the processing of the application has not followed course.

[2] HCD, City of San Mateo – 60 E 31st Avenue – Letter of Technical Assistance (August 12, 2025).
[3] See Govt. Code § 65589.5(h)(2)-(3).
[4] Govt. Code § 65941.1(d).
[5] Govt. Code § 65589.5(a)(2)(L).
[6] See November 3, 2025 Staff Report for City Council Study Session, p. 3 ("The Housing Accountability Act (HAA) sets processing deadlines and rigid review procedures for housing development projects. For example, the formal application is expected to be deemed complete within three cycles of review pursuant to Government Code section

For example, the City's incompleteness letters have grown in scale, rather than narrowed, as required by SB 330. The City's November Letter follows its prior July Letter as its second incompleteness determination for the Project application. In such subsequent incompleteness determinations, the Permit Streamlining Act ("PSA") requires that "the local agency shall not require the applicant to provide any new information that was not stated in the initial list of items that were not complete."[7] Requesting new information constitutes disapproval of the Project under the HAA, and the local agency bears the burden to prove any subsequently-requested information "was identified in the initial determination" of application incompleteness.[8]

Here, the July Letter, which provided the City's first incompleteness determination, was 24 pages long (48 pages including attachments). The City's second incompleteness determination, by contrast, is 485 pages long. While the Applicant team has worked intensely since the November Letter was issued to address all of the items identified in the City's 485-page letter, we would remind the City that incompleteness determinations are meant to narrow, not widen, and a succession of increasingly lengthy, more complex incompleteness determinations are inconsistent with the PSA and HAA.

Further, growing incompleteness letters are presently subject to significant scrutiny by the state, including the California Department of Justice, who recently reprimanded the City of Del Mar for repeatedly finding a project application incomplete, admonishing that the "application process must either narrow outstanding issues and guide an applicant toward a complete application or generate a lawful denial within a reasonable time."[9] Based on feedback received at the November Study Session, we do not believe the City's intent is to deny this project and, therefore, still endeavor to work productively towards a complete application.

4. Expansive Requests in the November Letter Not Required by State Law

The City's November Letter indicates that the greatly-expanded list of incomplete information may stem from a belief that all building-specific information must be provided now, at this stage. We disagree, but have continued to cooperate.

The November Letter explains that after HCD determined that the Project is a "housing development project" protected for multi-step entitlement and development in August 2025, City

65943. Otherwise, the City bears the burden to demonstrate that the incompleteness determination does not constitute an effective disapproval of the project. The HAA also prohibits jurisdictions from disapproving or conditionally approving a housing development project in a manner that renders the project infeasible, unless the project has a specific, adverse impact upon the public health and safety (Government Code Section 65589.5(d)). Equally important, the HAA only allows a jurisdiction to apply objective, quantifiable, written development standards, conditions, and policies in a manner to facilitate and accommodate development at the density permitted on the site and proposed by the development.")

[7] Govt. Code § 65943(a).

[8] Govt. Code § 65589.5(h)(6)(G)(ii).

[9] See California Department of Justice Letter "RE: Completeness Determination of Seaside Ridge Project Application" (December 5, 2025), at p. 2.

staff continued to confer with HCD staff. The November Letter states that in a meeting on September 25, 2025, HCD staff stated that "the intent of the Housing Crisis Act and the vesting provided by the preliminary application was that the applicant, as part of its application, obtain all discretionary entitlements needed to apply for a building permit." We agree that, generally speaking, an applicant must obtain discretionary entitlements to apply for a building permit. This concept does not change the course of this Project's proposed entitlement pathway, that is, to seek a Master Development Plan and Vesting Tentative Map, and then to follow with SPAR, SDP and any other building specific approvals.

As we have previously explained at length in our prior letters accompanying application submittals and other correspondence, the text and legislative history of SB 330 was designed to encompass long-term, phased projects that include multiple steps to obtain all entitlements. As stated in our June 18, 2025 processing letter:

> SB 330's protections continue so long as the Project commences construction within two and one-half years of final approval.[10] "Final approval" is defined as "[receiving] all necessary approvals to be eligible to apply for, and obtain, a building permit or permits"[11] This means that SB 330 vesting lives until two and one-half years after the day before an applicant is ready and able to pull building permits. This provides developers with the certainty to complete the myriad tasks and invest the substantial resources required to complete all requirements to be eligible "to obtain" building permits, which include preparing construction contracting, completing mapping, and fulfilling conditions of approval.
>
> The Legislative history is replete with emphases on the importance of creating flexibility to allow developers to address practical requirements. This includes that the "final approval" definition's strong, long-term protections apply to phased projects as an alternative to a traditional Development Agreement.[12] Specifically, the American Planning Association repeatedly communicated that the bill's vesting provisions would secure vested rights across all phases of large-scale, long-term multi-phase projects, and asked legislators to eliminate these protections in favor of existing Development Agreement mechanisms to protect long-term vested rights for large-scale projects. For example, the APA California Chapter's June 12, 2019 comment letter for the Assembly Housing Committee hearing on June 19, 2019 stated:[13]

[10] Govt. Code § 65589.5(o)(2)(D).
[11] Govt. Code § 65589.5(o)(2)(D)(ii).
[12] *See, e.g.*, American Planning Association – California Chapter, Comment Letter re SB 330 to Assembly Housing Committee (June 12, 2019); American Planning Association – California Chapter, Comment Letter re SB 330 to Assembly Local Government Committee (July 3, 2019).
[13] *See* Assembly Housing Committee Comment Letter PDF (June 12, 2019), at p. 970.

> 2. Clarify the vesting process for phased projects. Phased projects should not automatically receive vesting based on standards in place when the first phase submits a preliminary application. It could be many years before the final phase of a large project is permitted, and a statutory development agreement continues to be the best vehicle for addressing large multi-phase development projects.

Additionally, the APA California Chapter's July 3, 2019 comment letter for Assembly Local Government Committee hearing on July 10, 2019 stated:[14]

> 2. Clarify the vesting process for phased projects. Phased projects should not receive vesting based on standards in place when the first phase submits a preliminary application. It could be many years before the final phase of a large project is permitted.

Legislators did not make any changes to the statutory language—indicating a clear legislative intent to grant expansive vesting protections to multi-phase projects as an alternative to Development Agreements.

Accordingly, SB 330, as adopted, was intended to accommodate multi-phase projects. To be clear, there is no statutory requirement in SB 330 that dictates how entitlements are structured; rather, SB 330 only requires construction to be commenced within two and a half years of achieving final approval.

Despite the statutory support for a processing a multi-phased approach, the City has concluded that the "application must include the detailed information for each proposed building consistent with the City's Planning Application Checklist, as provided in the City's initial incomplete letter."[15] This is simply not required by SB 330 or otherwise.

The November Letter continues: "Although the Planning Application Checklist requires detailed plans, an application for Site Plan and Architectural Review (SPAR) for the entire project, along with other required planning applications, such as a Site Development Permit or Subdivision, would typically be required prior to an application for a building permit. Accordingly, staff recommends that the applicant submit a SPAR planning application for the entire project to better align with the City's established process. This would ensure that the project plans for all parts of the project, including the commercial components, are sufficiently detailed to facilitate issuance of building permits." The City seems to believe there is a requirement that all discretionary

[14] American Planning Association – California Chapter, Comment Letter re SB 330 to Assembly Local Government Committee (July 3, 2019), p.2.
[15] November Letter, p. 1.

entitlements required for a building permit must be obtained now. Again, that is simply not required and any imposition of this requirement would require either a change in state or local law.

As reiterated throughout, SB 330 protects the Project as a multi-step entitlement processes, and allows construction of different use types follow in no particular order.[16] Accordingly, the Applicant has been clear in both of its prior application submittals that it intends to develop the Project through a multi-step entitlement process beginning with approval of the Master Development Plan and Vesting Tentative Map, and then following with SPAR and SDP approvals. To be clear, the Applicant is not seeking SPAR-level approvals at this time, and doing so is not necessary to comply with SB 330 or other state housing laws.

However, while the Applicant team does not feel that it has been a good use of resources (which have been extraordinary), the Applicant team has worked vigorously to provide information responsive to the City's expanded incompleteness letter to respond to City staff's communicated interest in greater details about what the Project may look like when built at a block-by-block building level.

5. *Second Resubmittal Entitled to Additional Protections*

The Applicant's extraordinary efforts on this second resubmittal align with a legal presumption of completeness. The HAA places limits on repeated cycles of cities rejecting resubmittals for incompleteness. If the City determines an application to be incomplete after two resubmittals, it "shall bear the burden of establishing that the determination is not an effective disapproval of a housing development project" subject to associated risks and penalties.[17] As we have previously described, violation of the HAA can result in multi-million-dollar fines, Housing Element vulnerability and other consequences.[18]

III. Additional Information on Second Resubmittal

Responding to the City's second incompleteness letter and addressing 485 pages of incomplete items has been an extraordinary task requiring a huge effort by the Applicant team's designers, architects, engineers and lawyers. The submitted application materials seek to meet the full scope

[16] See HCD, City of San Mateo – 60 E 31st Avenue – Letter of Technical Assistance (August 12, 2025), at p. 2 ("The HAA states that the application will lose vesting of the preliminary application under Government Code section 65941.1 if the housing development project has not commenced construction within 2.5 years, or 3.5 years for an affordable housing project, following the date that the project receives final approval. *Statute does not specify the types or ratios of construction that must be commenced.* Therefore, a commercial-only building that is part of an overall proposed project would satisfy the construction deadline for the purpose of maintaining vesting. In other words, the entire proposal is considered a "housing development project," including the commercial component, and *starting construction on any aspect (residential or nonresidential) maintains vesting*") (emphasis added).

[17] Govt. Code § 65589.5(h)(6)(G)(iv). Recent trends are for improper findings of incompleteness to be heavily scrutinized by the Attorney General (See California Department of Justice Letter "RE: Completeness Determination of Seaside Ridge Project Application" (December 5, 2025), at p. 2) and the courts.

[18] See Holland & Knight Letter, Response to March 25, 2025 Hillsdale Reimagined (PA-2025-008) Processing Meeting & March 28, 2025 Supplemental Letter (April 3, 2025).

of the City's requests for more information about the Project while protecting the Applicant's rights to develop the Project pursuant to state housing law.

1. The Second Resubmittal is not a SPAR Application

As discussed above and in prior application materials, the Applicant is not submitting any SPAR applications at this time for any potential buildings in the Project. As the Applicant first described in the materials submitted for its initial application submittal, SPAR applications for building-specific approvals will follow approval of the Master Development Plan and Vesting Tentative Map, allowing the Applicant to focus on the high-level Project concept and organization before delving into block-by-block building specifics. A SPAR application at this time would be speculative and unnecessarily shift the Applicant and City's attention away for achieving the highest-quality and most feasible Project-wide concept. The myriad legal reasons why SPAR applications cannot be required pursuant to SB 330 are described further above, including specifically because SB 330 was intended to supplement development agreements as a flexible alternative for large-scale, multi-phase projects promising significant housing production,[19] such as the Project, and not to require that all entitlements for long-range, multi-phase projects be submitted for approval at once. Doing so would be counterproductive and contrary to reasonable development expectations for such a large-scale and complex project.

Nonetheless, the Applicant team appreciates that the City's November Letter recommendation to apply for SPAR approval for the Project site is rooted in a desire for greater information about the built environment that may result from approval of the Master Development Plan and Vesting Tentative Map. Accordingly, the second resubmittal includes block-specific plans that imagine future buildings that could be submitted for approval that would be consistent with the Master Development Plan and realize its high-level vision for development of the Project site. These plans are not submitted for SPAR approval.

2. Incompleteness Comments Response Matrix

To facilitate the City's review of the expanded second resubmittal, the Applicant team has prepared an Incompleteness Comments Response Matrix. The purpose of the matrix is to aid both the Applicant and Project teams in tracking each of the incomplete items identified in the City's second incomplete letter, and to make it easy to understand the Applicant's response and materials added in the Second Resubmittal.

The matrix includes sheets for each of the sets of incomplete comments provided by the City, including the master comments and comments on each block. Within each sheet, application submission items are listed in rows, while the columns document first the submission items, prior incompleteness comments from the City and the Applicant's response in its second application

[19] See, e.g., American Planning Association – California Chapter, Comment Letter re SB 330 to Assembly Housing Committee (June 12, 2019); American Planning Association – California Chapter, Comment Letter re SB 330 to Assembly Local Government Committee (July 3, 2019).

submission, responses from the City's second incomplete letter, and then the Applicant's responses and application sheet references.

Over the course of our review, we identified a variety of legal bases for finding that the incompleteness comments from the City's second incompleteness determination are improper. Many of these bases were consistent across comments and blocks, so for the sake of efficiency and accessibility we have prepared columns describing each of these shortcomings, and where they are present in an incompleteness comment, the applicable cell for the comment's row is filled in blue. For context, these repeated bases are:

a. The requested information is not actually required by the City's application submittal checklist. A project applicant is only required to address items "[a]ctually required" by the City's submittal checklist or code section detailing application requirements.[20]

b. The requested information is not identified in the City's first completeness determination. The City's first completeness determination provided it the opportunity to provide an exhaustive list of all missing items, and thereafter incompleteness items are limited to the "initial list of items that were not complete."[21]

c. The requested information does not include a thorough description of what is needed to complete the application. Incompleteness comments can be void for vagueness if the City does not sufficiently specify the information it is seeking.[22]

d. A reasonable person would agree the requested information has already been provided. The City cannot require the resubmittal of previously-provided information.[23]

e. The request is not objective. The Project is only required to comply with "objective, quantifiable, written development standards, conditions, and policies."[24] "Objective" is defined as "involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official."[25] HCD has cautioned that cities must be careful to root completeness comments in applicable objective standards and avoid subjective language to comply with

[20] Govt. Code §§ 65943(a), 65589.5(h)(6)(G)(i).
[21] Govt. Code §§ 65943(a), 65589.5(h)(6)(G)(ii).
[22] Govt. Code § 65943(a).
[23] Govt. Code § 65589.5(h)(6)(g)(iii).
[24] Govt. Code § 65589.5(f)(1).
[25] Govt. Code § 65589.5(h)(9).

the law, and encouraged cities to cite authorities to support completeness comments.[26]

f. The request constitutes an "improper consistency comment." Completeness review is limited to whether or not required criteria is included in the application—not whether the information is consistent with City standards.[27] Accordingly, HCD has opined that "When a local jurisdiction improperly characterizes consistency review comments as incomplete items, the jurisdiction unlawfully raises the bar to achieving a complete application, in violation of the PSA."[28]

g. The request seeks clarification and/or correction that is possible after completeness has been determined, and the comment requests information properly addressed at that stage of the application process.[29]

The City's November Letter also includes a variety of incompleteness comments that are unique to individual items, and the response matrix includes unique responses to each, in addition to identifying the pertinent major shortcomings listed above.

Again, while we have identified multiple basis to reject certain incompleteness comments, the vast majority of requested information has been provided to be cooperative.

3. ODS Consistency Chart

This second resubmittal also includes an updated Objective Design Standards ("ODS") Consistency Chart in response to the City's request for per-building ODS consistency analysis. We note that this request was not included in the City's first incompleteness comments (and as discussed previously cannot, therefore, be included in a later incompleteness comment[30]) but the Applicant has prepared more detailed ODS analysis nonetheless to provide the City with greater information about potential future Project buildout.

The updated ODS Consistency Chart considers the three building types contemplated for the Project—Low Rise, Mid-Rise, and High-Rise—separately, and the Project's future consistency with the relevant standards applicable to each. Given that the Project seeks a Master Development Plan approval at this time, this scale of ODS analysis most appropriately reflects the Project's planned conformance with relevant ODS standards.

[26] HCD, "Fillmore Terrace Project – Letter of Technical Assistance" (Aug. 24, 2025), pp. 4-5.
[27] *Compare* Govt. Code § 65943(a) (completeness review), *with* Govt. Code § 65589.5(j)(2) (consistency review).
[28] HCD, "City of El Cerrito - 921 Kearney Street and 10167 San Pablo Avenue Projects – Letter of Technical Assistance" (Aug. 5, 2025), p. 2.
[29] Govt. Code § 65944(a).
[30] Govt. Code §§ 65943(a), 65589.5(h)(6)(G)(ii).

We also note that the ODS, properly named "Objective Design Standards for *Multi-Family and Residential Mixed-Use* Projects," is not intended for application to purely commercial buildings. This is clear in the wide variety of objective standards that assume residential use for buildings subject to the ODS, or vertically mixed-use residential buildings where there is a commercial use on the ground floor and residential use in the rest of the building. Further, City documents stated explicitly that "[c]ommercial-only buildings would not be subject to the ODS."[31] Accordingly, the ODS is of limited applicability to the commercial blocks in the Project.

4. Requested SDBL Compliance Documentation

The City's second incompleteness comments request both individual Density Bonus & BMR Unit Information Request Forms for each proposed block in the Project, and the exact number and percentage of affordable units. Please see the updated BMR forms and density bonus request letter included in this second resubmittal for more information. Notwithstanding that per-building information was not requested in the City's first incompleteness letter, the Applicant has provided individual forms and greater detail in the density bonus request letter with this second resubmittal.

However, consistent with the Project-wide scope of the Master Development Plan entitlement, the requested SDBL benefits and plans for BMR units are project-wide, and provided at a block level in the spirit of cooperation and to provide the City with greater detail consistent with other block-specific proposals that could be developed consistent with the Master Development Plan. The SDBL uses the terms "housing development," "total units," and "project" holistically. "Base density" is also defined in terms of the project and not individual buildings, and in several court cases, density has been determined by the project and not by individual buildings.[32] Accordingly, the Project's SDBL benefits and BMR allocation remains site-wide and future plans may apply sought SDBL benefits differently across the site.

IV. Legislation Supports Housing Production and Recent Caselaw Supports Realistic Processing for Housing Projects

As we have explained in prior submittals, the PSA requires the City to review this application for a development permit for completeness within 30 days. Thereafter, the Applicant will have 90 days to respond to that determination and resubmit updated materials as applicable. Thereafter, the City once again has 30 days to review the application for completeness and accept subsequent resubmittal by the Applicant. The courts and the Attorney General have both concluded that there is no limit on the number of sequences a local government must allow a project applicant to maintain consistency with SB 330.[33]

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[31] Planning Commission Agenda Report, Draft Objective Design Standards for Multi-Family and Mixed-Use Residential Developments (PA-2019-016), (August 8, 2023), p. 3.
[32] See, e.g., *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933.
[33] See California Department of Justice Legal Alert: Consistent Interpretation of the Permit Streamlining Act's 90-Day Rule to Resubmit Housing Development Applications (Nov. 14, 2025); *Los Gatos v. Arya Properties* (Jan. 29, 2026) No. 25CV462276 ("*Los Gatos*"); *Janet Jha v. City of Los Angeles et al* (July 24, 2024) No. 23STPCP03499.

For many years now, the courts have repeatedly shown how they will look to statutory intent and interpret the housing laws liberally in favor of housing production. For example, most recently, in the *Los Gatos* decision, the Santa Clara County superior court found that the plain language of SB 330 supports the ruling that applications have multiple opportunities to resubmit SB 330 applications, but even beyond the plain language, the court found the Town of Los Gatos's requested outcome as contrary to statutory intent. Specifically, the court stated: "Instead, it appears that reading section 65941.1(e)(2) [of SB 330] to require the loss of project vesting after a single 90-day resubmission in response to an initial incompleteness determination fails to recognize the reality that achieving completeness of a development application, especially for large projects, inherently involves and may even require the iterative process as reflected in section 65943 [of the PSA] and that the reading urged would likely result in more delay and less housing development as vesting rights are lost—*anathema to the very purposes the Legislature is so obviously trying to achieve*."[34] The court's holding, and related rationale, are extremely consistent with our requests for realistic and reasonable processing.

V. Next Steps

After an application is deemed complete, there are ample opportunities for the City to request and the Applicant to provide additional information going forward. For example, the City will have the opportunity to review the Project's consistency[35]; to request supplemental information to clarify, amplify, correct, or otherwise supplement the information required for the application[36]; and to request information for the purposes of environmental review. After that, given that this Project will seek SPAR and SDP approval subsequent to Master Development Plan approval, there will be even more comprehensive opportunities for the City to review and analyze proposed buildings on the Project site following the City's completeness determination and approval of this first stage of entitlements.

VI. Conclusion

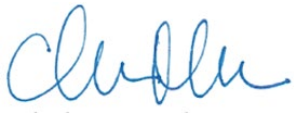
The Applicant team has worked incredibly hard over the past six months to carefully and thoroughly address all of the incomplete items raised first in the July Letter and now in the October Letter, and has provided detailed responses in a spirit of collaboration to move the Project forward with the City. While the team continues to pursue cooperation and collaboration, we reserve the right to invoke our legal rights at any time. To that end, we have enclosed vary decisions and authorities so that they are part of the administrative record.

[34] *Los Gatos*, p. 34.
[35] Govt. Code § 65589.5(j)(2).
[36] Govt. Code § 65944(a).

We sincerely request that the City will find the application complete and move to successive stages of Project processing so that resources can productively be invested in ensuring the Project can successfully be delivered to the community.

Sincerely yours,

HOLLAND & KNIGHT LLP



CHELSEA MACLEAN
NATHANIEL BERNSTEIN

Enclosures:

Refences citied in this letter

Cc: Zach Dahl
Prasanna Rasiah
Mazarin Vakharia
David Bohannon
Andrew Turco