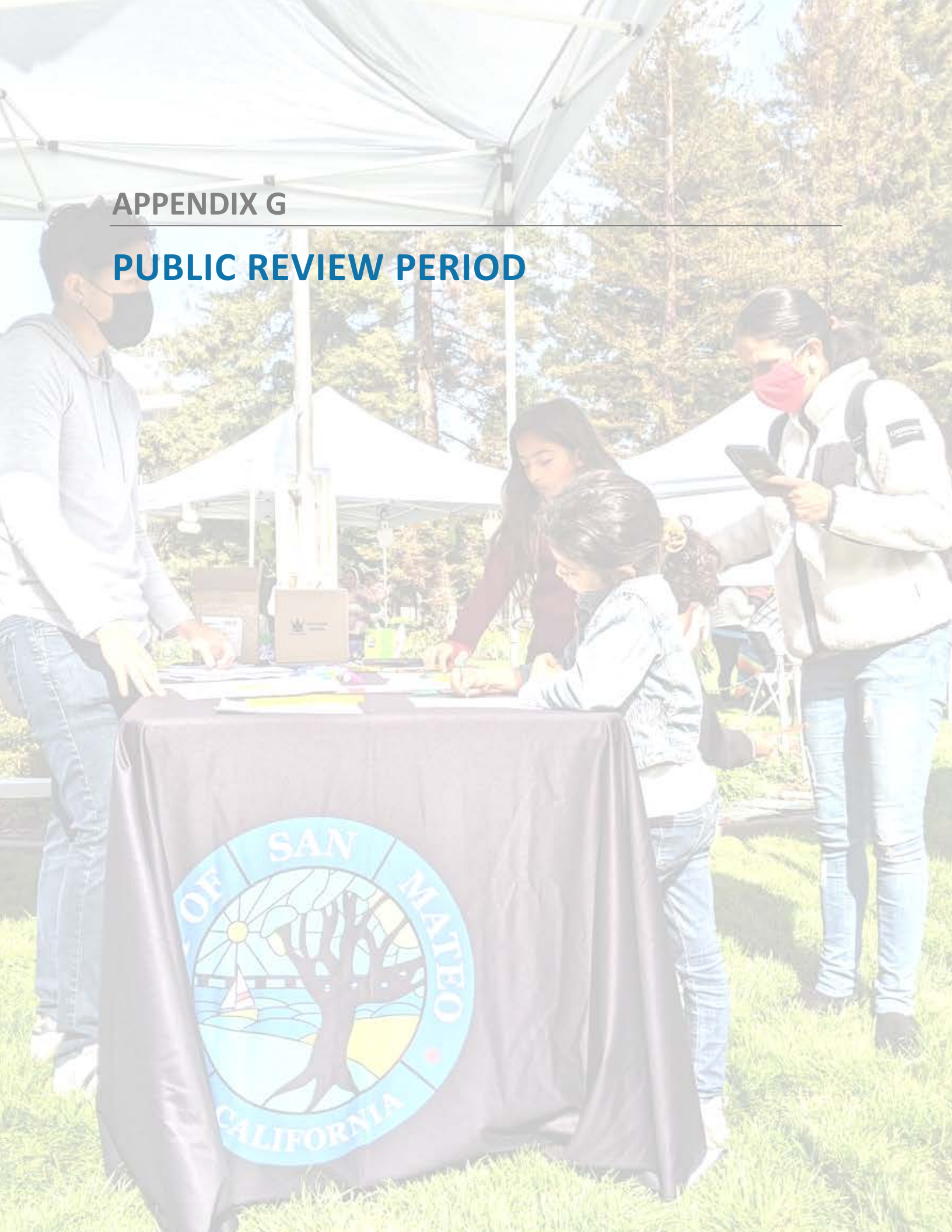


APPENDIX G

PUBLIC REVIEW PERIOD





APPENDIX G | PUBLIC REVIEW PERIOD

Public Review Period

- 1st Public Review Period Comments Received – April 6, 2022 to May 6, 2022
- 2nd Public Review Period Comments Received – December 30, 2022 to January 9, 2023
- Comments Received Post 2nd Public Review Period - January 10, 2023 to July 25, 2023
- 3rd Public Review Period Comments Received - July 26, 2023 to time of submittal

From: [REDACTED]
To: [REDACTED]
Subject: Housing Element Draft Plan. (HEDP)
Date: Wednesday, April 6, 2022 3:59:49 PM
Attachments: [image574731.png](#)

Ms Sandhir:

I have reviewed the email of the HEDP and have several questions and areas of concern. Firstly, why has the issue of current substantial vacancy rate in existing housing not being discussed or publicized. I have asked numerous officials including your office and the responses all seem to be “ I’m not aware of the current figure.” Nice evasion. Is there even any discussion or concerns relating to our declining population and technological changes allowing remote work and population shifts.

Secondly of the five items you wish to address, four relate to subsidized housing in one form or another and the fifth is “education “ of housing issues. There is not one mention of how these changes will affect the quality of life in our city and how the impacted neighborhoods may change. There are many thousands of families whose primary net worth is represented by the value of their home. They have saved for a lifetime to enjoy the amenities of life in San Mateo. To the extent that these changes will affect many of these families, are their concerns not even worth some consideration and discussion?

Many of us hear anecdotally of significant vacancy factors in market rate housing. For rent signs are ubiquitous throughout San Mateo. I believe that an honest discussion of how much housing and affordable housing is truly needed before we blatantly accept an arbitrary mandate from the state . The first obligation of the city council should be to address the legitimate needs and concerns of the residents of San Mateo with the equal fervor that it devotes to implementing the state housing creation mandate.

John Monfredini

[REDACTED]

Sent from my iPad

John Monfredini

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

From: Susan Shankle [REDACTED]
Sent: Wednesday, April 13, 2022 3:08 PM
To: Housing
Subject: Housing Element

Hello,

The plan as written looks good, lots of good suggestions and goals. A few comments:

- What are we doing about water supply? Every new house and apartment is going to have sink taps, showers, dishwashers, toilets, and some with garden hoses. We are in a severe drought, and climate change suggests that might only get worse.
- How can we turn all those empty office buildings into housing? We know about the liabilities and zoning issues. But it's silly to talk about building more buildings when we have so many already in place, some practically new or even unfinished. They all are fitted with plumbing and electricity, and many have full cafeteria facilities. Put your imaginations to work and envision these spaces as potential housing for homeless and low-income San Mateans.
- Re: the homeless, are you working with existing entities that are already expert and experienced in these issues? Such as LifeMoves? <https://www.lifemoves.org/>
- What about rising sea levels? Is it wise to embark on a huge housing plan on sea-level land next to the Bay? Do we want to look like Hong Kong? It's a fabulous city but do we really want to duplicate that?
- Along with all these plans has to be education. We are lucky to have a diverse population of citizens from all over the world. People need to be educated about how to live in a crowded Bayside region: water use, recycling, transportation, parking, conservation, wildlands protection, environmental stewardship, the list goes on. If I was moving to an unfamiliar state or country, I would need to find out what my responsibilities would be, and how I could participate, support and respect the existing environment and animal life. Volunteers would be good for this, and cheap!
- A lot is said about how hard it is to build and do business here because of all the regulations, especially environmental. They exist for a reason. We have clean air and water and a high quality of life, compared to many parts of the world. We want to keep it that way. Don't back down or weaken those protections.

Thank you,
Susan Shankle
30-year San Mateo Resident
Lifetime Bay Area Resident

From: noreply@civicplus.com
Sent: Wednesday, April 6, 2022 11:02 PM
To: Housing
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	Bob
Last Name	Stine
Email Address	
Comment on 2023-2031 Draft Housing Element	What consideration has been given to the additional needs for water that would accrue with the planned additional building of residential units?

Email not displaying correctly? [View it in your browser.](#)

From: Housing <housing@cityofsanmateo.org> on behalf of Housing

Sent on: Wednesday, April 6, 2022 10:45:22 PM

To: [REDACTED] -
[REDACTED]

Subject: FW: Housing Element

From: [REDACTED]

Sent: Wednesday, April 6, 2022 3:39 PM

To: Housing <housing@cityofsanmateo.org>

Subject: Housing Element

I realize that there is some type of state mandate that requires counties to establish more housing in each of our CA counties. What I do not understand is the lack of obvious concern that California has experienced an alarming drought for years. The seriousness of this water shortage has an effect on our water usage. Considering the amount of new homes, this represents a huge increase in the use of water in a myriad amount of ways. Additionally, there seems to be a rational neglect for the demands of food and home supplies, quality schools, and teachers to staff those schools. There are significant shortages now in these areas, and yet, home building continues. I believe this is both irrational and irresponsible.

Without being caustic, I think the myopic vision of these home planners will result in insurmountable, adverse challenges in our future. Surely, someone on your committees realizes this.

Maureen Zane

76 year old resident of San Mateo

Subject: San Mateo's Draft Sixth Cycle Housing Element

From: [REDACTED]

To: [REDACTED]

cc: [REDACTED]

April 20, 2022

To whom it may concern:

The Campaign for Fair Housing Elements is a coalition dedicated to ensuring that every city in California produces a Housing Element which complies with the California Department of Housing and Community Development's requirements. We have reviewed San Mateo's Draft Housing Element as of April 10¹. We previously sent in a letter reviewing San Mateo's Housing Element process and Draft Adequate Sites List as of January 14; this letter is posted at the City's website².

It is discouraging that the city has failed to address the issues previously raised. Furthermore, the city's draft policies do not address the city's constraints, and do not meet HCD's requirements³ that programs include specific action steps, specific timeframes, and specific, measurable outcomes. Lastly, there is evidence that some sites on the inventory list will not be developed.

Previously Identified Issues Still Outstanding

The following issues identified in our previous letter have not been addressed.

- On page H-6 of the draft, the ADU numbers are still overestimated. Pages H-33 through H-34 justify this by stating that "The State now allows jurisdictions to count projected development of accessory dwelling units (ADUs) based on prior years' production averages". However, the state specifically recommends counting trends since 2018, when ADU laws were liberalized.⁴ The city does not provide sufficient explanation to justify exceeding the safe harbor estimates. 480 are estimated; past production justifies an estimate of 344.
- On the same page, the nominal capacity of about 10.9k remains unrealistic. As shown in our February letter, previous production trends indicate a realistic capacity of only 908 units, far short of the realistic capacity needed to achieve the City's RHNA floor of 7,015 units.

¹ <https://www.cityofsanmateo.org/DocumentCenter/View/87532/San-Mateo-2023-2031-Housing-Element--DRAFT>

² <https://www.cityofsanmateo.org/DocumentCenter/View/87035/Additional-Correspondence-as-of-2-11-22>, pages 1-10.

³ <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>

⁴ Housing Element Site Inventory Guidebook, https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf, page 31.

- On page H-28, the city continues to incorrectly average residential project densities *by project*, failing to account for differences in project acreage. The expected density should be 43 du/ac, not 60 du/ac.
- On pages H-28 through H-31, the city uses the same incorrect averaging method for mixed-use developments, on a variety of levels. The expected density of mixed-use projects should be 29 du/ac, not 48 du/ac. (Excluding projects already on the Adequate Sites List, expected density is an alarmingly low 1.7 du/ac!)
- On pages H-40 through H-41, the city makes no mention of surveying property owners to determine whether or not they plan to redevelop their properties. Participating in county-wide listening sessions with builders does not solve this problem.
- In Appendix C⁵, the details of the site inventory are still incorrect. Spot-checking APN 035-466-010, the city is still using *maximum* capacity, rather than *realistic* capacity, to figure site capacity, at least for some sites. Spot-checking APN 032-292-080, the city is still using sites under a half-acre for lower-income RHNA without justification, in violation of HCD's guidelines.
- Also in Appendix C, the site inventory lists 131, 139, and 149 Kingston as "Pending project", despite the relevant project having been withdrawn in August of 2021.⁶ This is not an exhaustive inventory of incorrectly listed sites.

Inadequate "Missing Middle" Program

HCD's "Building Blocks" website states:

Each jurisdiction must identify specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives. Programs must include specific action steps the locality will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the jurisdiction's specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

Section 5.3 (page H-47) of the draft says that one of the programs is:

Support the production of more missing middle housing. (*Policies H1.4, H1.11 and H1.13*)

Policy H1.4 (page H-59) concerns ADU development, policy H1.11 (page H-60) is to adopt an SB 9 ordinance (which would merely adhere to state law), and policy H1.13's targets (same page) read:

⁵ <https://www.cityofsanmateo.org/DocumentCenter/View/87528/APPENDIX-C---Housing-Resources>

⁶ <https://www.cityofsanmateo.org/4004/Monte-Diablo-North-Kingston-SPAR>

Evaluate sites that have potential for Missing Middle development. Research and evaluate policies and code amendments to allow for Missing Middle housing under SB 10 and schedule for City Council consideration.

The research and evaluation of policies to allow for Missing Middle housing should be done now, not later. missingmiddlehousing.org provides useful specifications for missing-middle housing.

For example, consider a front-loaded side-by-side duplex⁷. It's illegal to build in San Mateo's R-2 zone⁸ because of insufficient off-street parking; the design provides two stalls, but San Mateo requires four. (Municipal code §27.64.160.)

Next, consider a front-loaded stacked duplex⁹. It's illegal to build in San Mateo's R-2 zone because of insufficient off-street parking; the design provides two stalls, but San Mateo requires four. (Municipal code §27.64.160.) It's also too narrow; the lot is forty-five feet wide, but San Mateo requires fifty feet. (Municipal code §27.18.040.)

Then consider an alley-loaded townhouse¹⁰. It's illegal to build in San Mateo's R-3 zone (the lowest-density zone which is supposed to support townhouses) because the front setback is insufficient; the design has ten feet, but needs fifteen. (Municipal code §27.22.070.) It's also too small; the parcel size is 2750 square feet, but it needs four or five thousand, depending on which area of the city it's in. (Municipal code §27.22.040.)

Identifying the portions of the city's code which prohibit missing-middle housing—parking mandates and minimum lot sizes—does not require a years-long research process. These are constraints, and the city's programs should focus on removing them.

Affirmatively Furthering Fair Housing

Site Locations

As noted in our previous letter, no sites in the city's inventory fall into the "Highest Resource" TCAC Opportunity Area designation, and it appears that the sites predominantly fall into areas where three or four racial groups mix.

Air Quality Issues

The California Air Resources Board has published an Air Quality and Land Use Handbook¹¹ that considers the risks of poor air quality on sensitive receptors such as homes, daycares, etc, and

⁷ <https://missingmiddlehousing.com/types/duplex-side-by-side#idealized>

⁸ [https://sanmateo.ca.us.open.law/us/ca/cities/san-mateo/code/27.20](https://sanmateo.ca.us/open.law/us/ca/cities/san-mateo/code/27.20) (All zoning laws evaluated as of April 10, 2022.)

⁹ <https://missingmiddlehousing.com/types/duplex-stacked#idealized>

¹⁰ <https://missingmiddlehousing.com/types/townhouse#idealized>

¹¹ <https://ww3.arb.ca.gov/ch/handbook.pdf>

recommends against locating these uses within five hundred feet of a roadway that averages in excess of 100,000 vehicles/day. This standard was cited by the City at least once, as background¹² for a General Plan update in 2009. As far back as 2001, the City identified¹³ Highway 92 (east of Delaware) and Highway 101, as routes exceeding this threshold. Current Caltrans data¹⁴ shows that Highway 92 east of El Camino exceeds 100,000 vehicles per day. Specifically, the Caltrans data shows that Highway 101 daily vehicle counts range from 253,100 to 264,600¹⁵, as it moves through San Mateo city limits. AB 686 and related legislation would discourage locating housing - certainly affordable housing - in areas subject to high air pollution, which is a burden disproportionately borne by disadvantaged communities. A number of sites are within five hundred feet of Highway 101 and Highway 92 east of El Camino, totalling 2,396 units (21.9% of total) and 925 affordable units. Compliance with AB686 suggests the following sites should not be included in the inventory:

Address	APN	Total Units	Affordable Units
1900 S. Norfolk St	035-391-090	245	99
2000 Winward Dr	035-610-030	160	24
1820 Gateway Drive	035-443-030	177	72
1800 Gateway Drive	035-430-060		
1850 NORFOLK ST	035-381-020	332	134
1826 NORFOLK ST	035-381-030		
19 KINGSTON ST	033-191-040	59	24
25 KINGSTON ST	033-191-060		
3 KINGSTON ST	033-191-070		
1017 3RD AVE	033-134-100	32	13
1015 3RD AVE	033-134-110		
245 HUMBOLDT ST	033-134-240		
1900 FASHION ISLAND	035-466-060	461	186
2260 BRIDGEPOINTE PKWY	035-466-070	97	39
2270 BRIDGEPOINTE PKWY	035-466-080	42	17

¹² <https://www.cityofsanmateo.org/DocumentCenter/View/5229/Appendix-C-Air-Quality-Analysis>

¹³ <https://www.cityofsanmateo.org/DocumentCenter/View/5126/7-Mobility-and-Access>

¹⁴ <https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-92-98>

¹⁵ <https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-101>

3012 BRIDGEPOINTE PKWY	035-466-090	82	33
[NO ADDRESS]	035-466-110	89	36
1863 NORFOLK ST	035-383-200	105	53
1670 AMPHLETT BLVD	035-241-240	173	71
1700 AMPHLETT BLVD	035-241-250	122	49
1720 AMPHLETT BLVD	035-241-260	138	56
145 Kingston	033-171-040	35	0
139 Kingston	033-171-050		
131 Kingston	033-171-060		
1218 Monte Diablo	033-171-180		
480 N Bayshore Blvd	033-081-280	47	19

Evidence On Specific Sites

Hillsdale Mall

Hillsdale Mall (41 Hillsdale Boulevard) is identified in the Site Inventory as a 39.91 acre parcel with potential for a total 1,995 units, 808 of which are affordable (40.5%). HCD's Housing Element Sites Inventory Guidebook states that sites larger than 10 acres cannot be considered feasible for affordable housing without one of the following factors¹⁶:

- a) an analysis demonstrating that sites of equivalent size were successfully developed during the prior planning period with an equivalent number of lower income housing units as projected for the site, or
- b) evidence that the site is adequate to accommodate lower income housing such as developer interest, proposed specific-plan development, potential for subdivision, the jurisdiction's role or track record in facilitating lot splits, or other information that can demonstrate feasibility of the site for development. The housing element should include programs promoting, incentivizing, and supporting lot splits and/or large lot development, or
- c) a development affordable to lower income households has been proposed and approved for development on the site.

San Mateo's Housing Element states on page H-31 that "The City has a demonstrated track record of large site development, typically completed in phases, that includes affordable

¹⁶ Housing Element Site Inventory Guidebook, page 17.

residential development. Station Park Green (12 acres), Concar Passage (14.5 acres), and Bay Meadows (175 acres) are examples of approved large development projects that include substantial numbers of affordable units.“ Of these sites, Concar Passage was not completed during the previous planning period; in fact, no site work has even begun. For the two projects that were completed during the prior planning period, each one contains substantially less affordable housing: 97 units for Station Park Green and 98 for Bay Meadows (the portion of the master plan that was actually completed during the last cycle)¹⁷. Furthermore, the City’s report contains no information about the availability of the Hillsdale Mall site, and contains no information about a specific development affordable to lower income households that has been approved for the site. As such, the City has not demonstrated that this site should be considered for affordable housing, and certainly not to the tune of 808 units, or 40% of the total. The estimated affordability of the project is not justified by the analysis provided.

If the City were to reasonably extrapolate from their track record of large site development, they would note that their percentage of affordable units delivered is much lower than 40% - closer to 10%. This would suggest that Hillsdale Mall could more reasonably expect 202 affordable units. They would also note that Station Park Green took 15 years to move from planning to completion, and Bay Meadows took 30 years. Hillsdale could reasonably be expected to land somewhere in between these two durations and so only about a third of the units would reasonably be delivered in the 6th cycle - 67 units.

The Hillsdale Mall site also includes, among the 40 total acres, approximately 11 acres that were recently redeveloped and re-opened in late 2019. Records show the owner obtained a \$240 million dollar construction loan for this work¹⁸. It is not reasonable to assume that this investment would be demolished to make way for housing. HCD’s guidance states¹⁹ that for non-vacant sites, existing uses must be considered:

For example, an analysis might describe an identified site as being developed with a 1960’s strip commercial center with few tenants and expiring leases and, therefore, a good candidate for redevelopment, versus a site containing a newly opened retail center, an active Home Depot, the only grocery store in the city, etc. that is unlikely to be available for residential development within the planning period.

Therefore, this 11-acre portion should be excluded from the site inventory. When the overall site is thus reduced by 27%, the affordable unit count would proportionally drop - from a realistic 67 units delivered in the next cycle down to 49.

1900 S. Norfolk St

The City’s inventory describes this as a 1983 Class-B office building, and assigns it 245 units over 8.18 acres at 30 units per acre (including 99 affordable units). However, a cursory review

¹⁷ Compiled City data through 2020, RHNA annual reporting

¹⁸ <https://pe-insights.com/news/2022/01/05/northwood-investors-paid-257m-to-purchase-an-interest-in-mall-asset/>

¹⁹ Site Inventory Guidebook, page 25.

of the assessor's map reveals that the site is a "U" shape, wrapping around a PG&E substation with another corner carved off. This unconventional shape will reduce its effective density. Moreover, it contains an easement in PG&E's favor running across the site that further encumbers its development. As mentioned above, it is also within 500' of the intersection of Highway 101 and SR-92. These constraints, taken together, make this site unlikely to be developed.

2208 Bridgepoint Parkway

The City's inventory describes this as a vacant restaurant site, and assigns it 5 units over 0.37 acres at 13.5 units per acre. As a small site there are no affordable units. However, this site is not vacant; a restaurant, Lazy Dog Restaurant & Bar, is under construction and is slated to open in early May²⁰. It is unlikely this brand new use will be discontinued in the next 8 years.

2210 Bridgepoint Parkway

The City's inventory describes this as a Hallmark retail store, and assigns it 5 units over 0.33 acres at 15.2 units per acre. As a small site there are no affordable units. This site is currently under construction and will open as a restaurant, California Fish Grill²¹. It is unlikely this brand new use will be discontinued in the next 8 years.

1900 Fashion Island Blvd

This site is owned by Target and it has come to our attention that James Tucker, Senior Director for Real Estate, has submitted a letter indicating that Target has no plans to change the use of their store in San Mateo. They also explained that the owners of the individual sites that comprise Bridgepoint Shopping Center are under an agreement governing the use of the sites. They did not share details, but explained that generally agreements of this type for shopping center do provide owners with site controls as to site design and uses.

71-77 Bovet Road

This site is currently developed as the "Borel Square" shopping center. It is our understanding that the owner is interested in developing but that the tenants do not wish to leave. The owner has offered "buyouts" to the tenants to break their leases but to date they have all refused. We understand the CVS and 24 Hour Fitness have long term (30 year) leases and at least one other tenant has 7 years remaining on their lease with an option to extend for another 10 years at market rate. Given the tenant opposition to discontinuing their uses, it seems unlikely this site will be developed within the next 8 years.

Please address the issues raised our original letter in order to identify enough sites and commit to an appropriate program of rezoning and constraint removal in a manner that is consistent with

²⁰ https://www.smdailyjournal.com/news/local/lazy-dog-restaurant-opening-in-san-mateo/article_7a53bf46-9b7a-11ec-9577-33f27fd5aefd.html

²¹ <https://www.cafishgrill.com/pages/san-mateo>

your duty to affirmatively further fair housing and such that the actual capacity of the Sites Inventory over the next eight years meets or exceeds your RHNA.

The housing crisis is a regional problem, and our cities must work together to solve it. Thank you for your time and consideration,

[REDACTED]

Campaign for Fair Housing Elements

[REDACTED]

Peninsula for Everyone

[REDACTED]

From: Housing
Sent: Friday, April 22, 2022 9:02 AM
To: [REDACTED]
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, April 21, 2022 9:25 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	David
Last Name	Karp
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	Typical developer slop.

Email not displaying correctly? [View it in your browser.](#)

[REDACTED]

From: Housing
Sent: Monday, April 25, 2022 2:55 PM
To: [REDACTED]
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, April 24, 2022 9:57 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	Kailun
Last Name	Wu
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	Hello San Mateo city planners, A little bit about myself: I first moved here in 2015 and then bought a house in Hillsdale in 2019. I'm married and work full time. I do not speak on behalf of any political organization or government. To me San Mateo is unique. It's connected to SF and South Bay, ocean and redwood forests. Perfect weather all year. Diverse population. The downtown is a rare walkable gem. Strong economy. Most cities in the world would dream of these resources. And yet I know how impossible it is for younger generations to buy a home. I feel it. Everyone in an open house knows it. There's simply not much available within budget on Redfin. I'm deeply worried that the city is becoming too exclusive and rich so I started following the city planning meetings. The new

general plan is very encouraging and I hope we all work together to keep the momentum.

My thoughts on the housing elements:

1. Re-zone for medium density or missing middle wherever possible. We should model after Germany and Netherlands. 4-6 stories will be both dense and not too towering.
2. Re-zone for mixed use blocks. Make homes close to offices and groceries and restaurants and vice versa so that residents don't have to drive (because of the distance). Otherwise people will again reach for cars and cause congestion, making it even harder to up-zone.
3. Encourage the city to connect to the majority of people who aren't in the public hearings. Most people aren't aware of city planning and are too tired from work, from school, from parenting. Yet they are the silent majority who will be impacted.

Every idea is flawed and implementation is flawed too. But stagnation will only make our city more exclusive and unsustainable. Thank you so much for your hard work. San Mateo with more new homes will only match and strengthen our values. The current and future generations will live in what we choose to zone build.

Regards,
Kai

Email not displaying correctly? [View it in your browser.](#)



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

April 26, 2022

City of San Mateo City Council
330 West 20th Avenue
San Mateo, CA 94403

Subject: **San Mateo 2023-2031 Housing Element - Draft**

Dear Mayor Bonilla and Members of the San Mateo City Council and Planning Commission,

The Sustainable Land Use Committee of the Loma Prieta Chapter of the Sierra Club (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the Draft San Mateo 2023-2031 Housing Element.

The overall draft Housing Element (HE) is a good start, but more focused and stronger policies and programs are needed to have a reasonable expectation of meeting the RHNA number of 7,015 new housing units, particularly for affordable units.

Reaching the RHNA unit goal will require major changes in the speed of development in San Mateo. In order to reach the goal of 7,015 new units from 2023-2031, the city must add almost 900 new units each year. That is roughly the equivalent of building a new Concar Passage each year¹. This will be infeasible unless a major effort is made to streamline and accelerate housing development. And, of course, it is important that new development also be thoughtfully designed to accomplish all the other General Plan goals of open space, quality of neighborhoods, etc. The HE Housing Plan (p.H-55 to H-74) needs to demonstrate a significant change to current policies and programs in order to realistically be able to reach the goal. This will not be easy, as the new RHNA goals are well above the rate of new housing added over the last few decades². But it must be done if we are to adequately address the housing crisis in the region and leave the city well positioned for future generations to prosper.

The HE rightly points out that the housing problem is a regional one and that each city needs to meet or exceed its goal if the housing crisis, particularly for affordable housing, is to be solved. The lack of affordable housing on the Peninsula is a significant contributor to environmental degradation as workers must commute long distances by car, emitting GHG as well as other pollutants. It also leads to sprawl as more development is done in areas that were open space or agricultural land.

There are specific areas that will need to be retained or expanded to make sure the final HE contains the key actions needed to make significant progress on addressing the enormous lack of affordable housing

¹ **Concar Passage** is the largest housing project approved in recent years and required major time and effort for approval. Developing a project like this each year, will therefore require a major effort above the current processes.

² **The 2015-2022 RHNA** was 3,164 units and with only one year left it has 2,573 units completed. This current RHNA number is less than half the new RHNA number; thus, demonstrating the steep challenge of meeting the new RHNA number of 7,015.

in the Bay Area. Listed below are the most important goals, policies and programs in the draft HE that need to be retained and strengthened in the final HE.

1. The HE aims for a 56% buffer above the RHNA. This is a minimum, but perhaps a higher number should be considered as the ability to actually build out housing has proven, over time, to be very difficult.
2. Increasing affordable housing is emphasized in the draft HE and that is good. But the “buffers” for affordable housing levels are only 14%, 55% and 37%, while the buffer for market rate housing is 87%. The percentage buffer for affordable units should be at least as high as the buffer for market units since affordable units are needed more and are harder to develop. The affordable housing should be more strongly focused on low, very low and extremely low-income housing, as these are where the largest needs are and where the lack of inventory is the largest. The very poor jobs/housing fit³ in the Peninsula can best be addressed with a focus on more affordable housing. As noted in the HE draft⁴, the lack of affordable housing was one of the major concerns expressed by the public.
3. Funding that can be used to support affordable housing is a fundamental need and more must be done to obtain funding. Affordable housing has to be subsidized and a lack of funding will limit the ability to build the needed affordable housing, particularly for low and very low-income units. This could include establishing or increasing: Vacancy Tax, Commercial Linkage Fees, and Transfer Tax. It is particularly important that funding focus on repairing the legacy of discrimination in housing for groups like African Americans. The following policies and programs should be strengthened to accomplish this goal:
 - a. H 1.2 - Utilize Public Funding for Low/Moderate Income Housing
 - b. H 1.3 - Increase Below Market Rate Unit Production through Density Bonus/Community Benefits Programs
 - c. H 1.18 – Fee Schedule Review
 - d. H 3.3 - Evaluate Housing Revenue Sources
 - e. H 5.1.1 - Adjust the City's Below Market Rate (inclusionary) program to provide larger density bonuses, and/or increased city support in exchange for affordable units that address the needs of residents with disproportionate housing needs
 - f. H 5.1.2 - Participate in a regional down payment assistance program with affirmative marketing to households with disproportionate housing needs including persons with disabilities, single parents, and Hispanic households
 - g. H 5.1.3 - Support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households for 15 years
4. In addition to increased funding for affordable units, the HE should prioritize policies and programs that reduce costs and streamline the processes for affordable units. The following policies and programs should be strengthened to accomplish this need:

³ **Jobs/Housing Fit:** Jobs/housing fit means that the majority of homes within the city are affordable to the majority of employees who work in the city, and conversely, the jobs in the city pay enough to cover the cost of housing in the city. Without an adequate jobs/housing fit, businesses find it difficult to hire and retain lower-income employees.

⁴ **Page H-43**

- a. H 1.6 - Streamline Housing Application Review
- b. H 1.8 - Adopt Objective Design Standards
- c. H 1.9 - Create Minimum Densities for Mixed-Use Residential Projects
- d. H 1.10 - Establish By-Right Housing Designation for Prior Housing Sites
- e. H 1.12 - Encourage Residential Uses within Housing Overlay

5. Almost the entire city, including R1 areas, will need to contribute to the increased housing through such mechanisms as expanded Missing Middle Units (duplex, triplex and fourplex) and ADUs and, possibly, new mechanisms enabling multi-unit housing on properties with a Residential Neighborhood General Plan land use designation, which generally covers single-family neighborhoods. Increased density should be focused within half mile of transit to align with Climate Action Plan goals for greenhouse gas reductions.

The Climate Action Plan requires attention to creating easy pedestrian and bicycle access to reduce greenhouse gas emissions (GHG). Therefore, while it is important to retain this broad opportunity for more housing, since R1 is a major part of the total area of the city, it is important to keep in mind that creating easy pedestrian and bicycle access to amenities and to transit is a critically important goal for the Climate Action Plan.

The “15-minute Neighborhood”^{5 6} concept needs to be included in the General Plan, along with the Housing Element, as it would facilitate creating more housing in R1 neighborhoods while simultaneously reducing GHG. This is a mechanism that would insert community amenities, such as small neighborhood retail nodes, into otherwise auto-dominated areas such as R1 neighborhoods.

Even more priority should be placed on these efforts. The following policies and programs should be strengthened to accomplish this need:

- a. H 1.4 - Incentivize Accessory Dwelling Units Development with streamlined approvals, development subsidies, or low or zero interest loans for construction cost
- b. H1 11 Consider how Opportunity Housing can be useful to create new housing in R1 neighborhoods within 1/2 mile of the transit corridors
- c. H1-13- Encourage Development of Missing Middle Housing especially within a half mile of transit.
- d. Include overlay zoning, in the General Plan, for “15-minute Neighborhoods” allowing insertion of small new neighborhood retail nodes with [Green Streets](#) network⁷ to create walkable bikeable neighborhoods, with the daily amenities, to reduce auto trips and create healthier walkable neighborhoods, convenient for all ages including kids and seniors.

⁵ 15-minute neighborhoods are being created in many cities especially post-COVID.

<https://www.strongtowns.org/journal/2019/9/6/7-rules-for-creating-15-minute-neighborhoods>)

⁶ Embraced by Mayors around the world, Portland and several small US cities have embraced the concept to rebuild their economies while creating healthier cities. https://en.wikipedia.org/wiki/15-minute_city

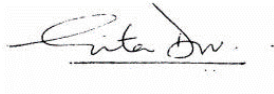
⁷ How to insert a Green Street network into an existing City. Sierra Club Loma Prieta

<https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u4142/Green%20Streets%20Presentation%20-%20201-20-21%20DC.pdf>

5. Climate Change is real. ⁸No mention is made of how housing, particularly new housing, needs to be located so as to be resilient to climate change. Sea levels are predictably going to rise more swiftly in the coming decades, according to the California Ocean Protection Council. ⁹ Wildfires are also predicted to become an increased threat with the continued drought and encroachment into the forested hill areas of our city. The increased risks of sea level rise (SLR) near the Bay and wildfires in the hilly areas needs to be factored into identifying areas for higher density and more affordable housing.

We ask that you consider this information as you finalize the Housing Element for submission to the State. SLU is prepared to help the City in advancing the HE as it is finalized and when it goes into effect.

Respectfully submitted,



Gita Dev, Co-Chair
Sustainable Land Use Committee
Sierra Club Loma Prieta

Cc: James Eggers
Executive Director
Loma Prieta Chapter Sierra Club

Gladwyn d'Souza
Conservation Committee Chair
Loma Prieta Chapter Sierra Club

⁸ **Ocean Protection Council- Sea Level Rise Guidance:** The rate at which sea levels will rise can help inform the planning and implementation timelines of state and local adaptation efforts. Understanding the speed at which sea level is rising can provide context for planning decisions and establish thresholds for action...
https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

[REDACTED]

From: Housing
Sent: Wednesday, April 27, 2022 9:17 AM
To: [REDACTED]
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, April 26, 2022 11:22 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	Larry
Last Name	Garnick
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	I am a single family home owner at [REDACTED] and have been a resident of San Mateo for 30 years. I believe San Mateo is already too congested and the City should not pursue a plan for population or housing growth. The City's proposed growth plans are frightening.

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[REDACTED]

From: Housing
Sent: Wednesday, April 27, 2022 9:16 AM
To: [REDACTED]
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, April 26, 2022 1:20 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	John
Last Name	Tastor
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	It appears that the 25th Avenue corridor between El Camino and Hacienda has been eliminated. The Study Zone did include the First Presbyterian church parking lot on the NW corner of 25th & Hacienda. There is strong interest in our congregation to build approximately 70 low-income Senior Apartments on this parcel as well as 190 West 25th. We would appreciate consideration of these parcels as potential sites for residential development.

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[REDACTED]

From: Housing
Sent: Thursday, April 28, 2022 11:33 AM
To: [REDACTED]
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form



[REDACTED]
Administrative Tech | Housing
330 W. 20th Ave., San Mateo, CA 94403
650-522-7239 | [REDACTED]

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, April 28, 2022 11:19 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	Anonymous
Last Name	Anonymous
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	Hello, I want to show my support for a Housing Element that respects the single family home neighborhoods in the the City of San Mateo. As a long time resident and voter, the collected voice

should be heard. We said yes to measure Y and we do not want our single family neighborhoods zoning changed. I moved to San Mateo to live in a quiet neighborhood and scrounged and saved to realize the dream of owning a home. I feel your Planning Commissioners are not listening to the voice of the community and clearly have their own agenda and are out of touch. It does not go unnoticed that your two newest commissioners are more interested in proceeding on their own agenda than do what is best for all areas of San Mateo. I think the Planning Commission need to listen to real people and stop taking their lead from developers and their own misguided agendas.

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[REDACTED]

From: [REDACTED]
Sent: Thursday, April 28, 2022 3:23 PM
To: [REDACTED]
Subject: Fwd: Planning Commission Regular Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nicky,
A comment for housing element to add.
Mary

Begin forwarded message:

From: [REDACTED]
Date: April 28, 2022 at 2:15:03 PM PDT
To: [REDACTED]
Subject: FW: Planning Commission Regular Meeting



[REDACTED]
City Clerk | City of San Mateo
330 W. 20th Ave., San Mateo, CA 94403
650-522-7042 | [REDACTED]

From: Chris Conway [REDACTED]
Sent: Thursday, April 28, 2022 10:54 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Planning Commission Regular Meeting

My inquiry to the San Mateo City Council is how was the selection of Diana Elrod as San Mateo's consultant in the Planning Commission Regular meeting 04.26.22 determined and who made the selection? I would like to know what this consultant to San Mateo is being paid for work and why a consultant as left leaning as this person (they/them) was selected. It seems they/them is a fellow Columbia University alumnus like one of our very own council people (gender neutral to avoid offending anyone). This person's views can easily be seen by reviewing who they/them advocate for. Also, a request went out for more feedback on Housing Element and development within our city. Why does the city council continue to ask for more feedback when they do not listen to anyone unless they share their same progressive housing policies? It is much too late to try to spin this entire process as anything less than fair, honest and transparent. It is a complete sham to those who actually follow this convoluted procedure and actually know who our council members actually are and what they support. Sad to see what the city council of San Mateo has turned into what it has done to divide our city into sections based on race and wealth. The racial undertones of comments by the city council, contributors and consultants are enough to anger many residents who have lived in and contributed much more to

this city than all of you. Stop ruining San Mateo, you had no part in creating or developing this city to what it is today.

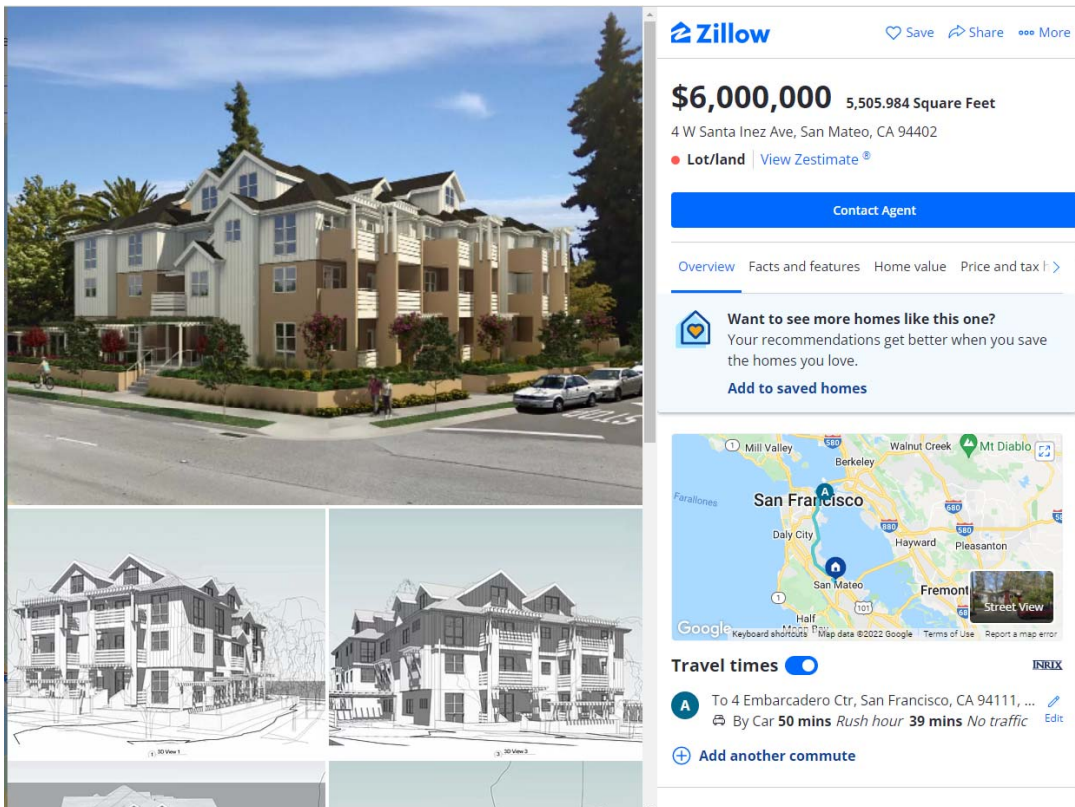
Time to set policy in front of voters instead of behind your screens. End this very undemocratic process of conducting council meetings via Zoom. Face your constituents, or are you too timid to do that.

Chris Conway
San Mateo, Ca.

From: Housing
Sent: Thursday, May 5, 2022 4:02 PM
To: [REDACTED]
Subject: FW: Housing Element Comment

From: Thomas Morgan II [REDACTED]
Sent: Thursday, May 5, 2022 3:18 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element Comment

The screenshot below is the problem with simply upzoning and the loss of local control, it simply drives up the cost of the land, after shelling out the asking price I am not sure how the new owner will make an already tight project pencil out.



Thank you,

Thomas Morgan

[REDACTED]

From: Housing
Sent: Thursday, May 5, 2022 4:03 PM
To: [REDACTED]
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 5, 2022 3:15 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	Ellen
Last Name	Wang
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	Slow Growth is the key. None of us knows what the future will bring. Take an Objective look at housing from a multi-view approach. California population is decreasing. Coronavirus and technology has provided opportunities for workers to work from anywhere with no need to live near their old job site. Dense housing has a Negative Impact on schools, police, recreation. I do not want to walk by half-vacant high-rise housing or office buildings that block the sun.

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[REDACTED]

From: Housing
Sent: Friday, May 6, 2022 8:27 AM
To: [REDACTED]
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, May 5, 2022 8:11 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	T
Last Name	S
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	“While some people voiced their interest in up zoning single-family neighborhoods or eliminating them altogether, other homeowners want to protect them and are concerned with the future of investments they have made.” I’d like to better understand who wants to re-zone or—more worrying—eliminate single-family housing here. “Upzoning” is an adorable word for “kicking people out of their homes to cram more people onto the land.” Are these people even San Mateo residents? The “no more housing” ship has sailed, so it’s not with any one’s energy to complain about more building; please, then, focus on sites that can be updated and REALISTICALLY adapted to include more housing. This would, therefore, include locations closer to mass transit. Building on Campus Drive sounds like a nightmare to me, because public transportation is currently miserable in that area, and the 92/West Hillsdale interchange can be horrific

traffic-wise. If building must be done there, then the public transportation issue ALSO has to be addressed.

Email not displaying correctly? [View it in your browser.](#)

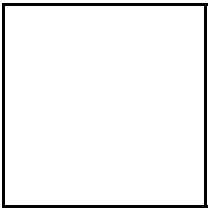
[REDACTED]

From: Housing
Sent: Friday, May 6, 2022 4:58 PM
To: [REDACTED]
Subject: FW: Housing Element
Attachments: Attachment A City of San Mateo Housing Element Comments for Developmental Disabilities 12.21.21.pdf; San Mateo Draft Housing Element Comments.pdf; Attachment B City of San Mateo Housing Element Comments for Developmental Disabilities 2.10.22.pdf

From: Kalisha Webster [REDACTED]
Sent: Friday, May 6, 2022 3:21 PM
To: Housing <housing@cityofsanmateo.org>
Cc: Jan Stokley [REDACTED]
Subject: Housing Element

Please find attached Housing Choices' comments on the City of San Mateo 2023-2031 Housing Element Draft including Attachments A & B. We hope that the city will make meaningful changes to the analysis of housing needs of people with developmental disabilities and Fair Housing Assessment, as well as, further develop policies and programs which will meet the needs of Extremely Low Income households and increase housing accessibility for people with developmental disabilities in the next draft.

Thank you,



We have moved! Please note the new office address!

This e-mail message is intended only for the named recipient(s) above and is covered by the Electronic Communications Privacy Act 18 U.S.C. Section 2510-2521. This e-mail is confidential and may contain information that is privileged or exempt from disclosure under applicable law. If you have received this message in error please immediately notify the sender by return e-mail and delete this e-mail message from your computer.



May 6, 2022

Planning Manager and City Council
City of San Mateo, Planning Division
330 West 20th Avenue
San Mateo, CA 94403

housing@cityofsanmateo.org

Re: Comments on the Draft Housing Element

Thank you for sharing this early draft of the Housing Element with the public. On behalf of San Mateo's more than 800 residents with intellectual and developmental disabilities, Housing Choices is grateful for the opportunity to comment before it is sent to HCD. We also appreciate the work that the City of San Mateo has done to engage with Housing Choices throughout the community engagement process and consider the programs and policies that we have recommended as best practices for inclusion of people of all abilities in the city's future housing plans. However, we have concerns that the assessment of the housing needs of the San Mateo population with developmental disabilities in the draft Housing Element is very superficial and does not provide enough analysis to support meaningful inclusion of people with developmental disabilities in the city's housing plans. We also ask that the city immediately update the obsolete and derogatory language used to describe developmental disabilities as including mild to severe "mental retardation" on page H-A-55 of Appendix A-Needs Analysis and instead use the standard term "intellectual disability".

About Housing Choices

Housing Choices is a housing organization funded by the Golden Gate Regional Center to support people with developmental disabilities to be fully integrated in San Mateo's affordable housing supply. We provide housing navigation services for both individuals and families. We also partner with affordable housing developers to make inclusive housing commitments for people with disabilities in their housing projects. At these projects we provide onsite housing retention services. A San Mateo example of this highly successful model is the new Kiku Crossing where 8 of the 225 units will include a preference for people with developmental disabilities who will benefit from Housing Choices' coordinated supportive services funded by the Golden Gate Regional Center. The Golden Gate Regional Center has contracted with

Housing Choices to provide the San Mateo planning staff and Housing Element consultants with an assessment of the housing needs of people with developmental disabilities, as required by SB 812. In addition, 21 Elements has facilitated Housing Choices' involvement of people with developmental disabilities in the planning process through its Equity Advisory Group.

Incomplete Assessment of Housing Needs of People with Developmental Disabilities

On December 2, 2021, Housing Choices submitted an assessment of the housing needs of San Mateo residents with developmental disabilities (Attachment 1) which followed HCD guidance for a complete analysis of special housing needs groups, including:

- A quantification of the total number of persons and households in the special housing needs group, including tenure (rental or ownership), where possible.
- A quantification and qualitative description of the need (including a description of the potential housing problems faced by the special needs groups), a description of any existing resources or programs, and an assessment of unmet needs.
- Identification of potential program or policy options and resources to address the need

After receiving feedback on our comments from City staff Housing Choices submitted revised comments on February 10, 2022 (Attachment 2).

As discussed below, San Mateo's draft does not incorporate any of the Housing Choices' data and analysis, does not meaningfully discuss the potential housing problems, unmet needs or best practices for inclusion of people with developmental disabilities in integrated and least restrictive housing settings in the community. We believe that the inclusion of these missing elements would demonstrate that the city has a clear understanding of the accessibility needs of people with developmental disabilities and how they differ from other disability types. Furthermore it would help the city to create more meaningful programs and policies to meet the housing needs of residents with developmental disabilities as required by Housing Element law.

Underestimation of the San Mateo Population with Developmental Disabilities

The draft analysis undercounts the population of San Mateo residents with developmental disabilities by using outdated demographic data reported by the Department of Developmental Services (DDS) as of 2020 rather than the more current data from DDS as of September 2021 provided in Housing Choices comments. On page H-A-56 of Appendix A- Needs Analysis, Table 12 states that there are **500 individuals age 18+** and **277 individuals under age 18** with developmental disabilities living in San Mateo based on Department of Developmental Services 2020 data of consumer counts by zip code for a total of 777 San Mateo residents with developmental disabilities. However, based on data reported by DDS by zip code as of September 2021 for zip codes 94401, 94402 and 94403 (provided to us by the City of San Mateo planning staff) there were **531 individuals age 18+** and **304 individuals under age 18** with developmental disabilities living in San Mateo for a total of 835 San Mateo residents with

developmental disabilities. This represents an increase of 58 total residents or 7% of the population.

In contrast, on page H-A-57, Table 13 reports a total population of 784 San Mateo residents with developmental disabilities. This is most likely attributable to an error in the reporting of individuals living in Foster/ Family Homes and Other living arrangements which are both reported by DDS as <11 but in Table 13 are both reported as 10.

Failure to Provide Data Establishing Trends Creating a Greater Need for Housing

As mentioned above, Table 13 does report the population of San Mateo residents with developmental disabilities by residence however, because it fails to report residence type for adults separately from that of children and because it omits a comparison to data reported in the 2015 Housing Element important trends about the changing housing needs of San Mateo residents with developmental disabilities is missing from this analysis. When looking at the residence type of only adults aged 18+ we see that the greatest housing provider for adults with developmental disabilities in the City of San Mateo is licensed care facilities (including Community and Intermediate Care Facilities). As of 2021 50% of all adults with developmental disabilities in the City of San Mateo are housing in licensed care facilities, significantly higher than the 32% of adults across all San Mateo County jurisdictions. Yet, when comparing this data to what was last reported in the 2015 Housing Element we find that despite an overall increase in the total population there has been a net decrease in the number of adults with developmental disabilities transitioning into licensed care facilities or into their own apartment with supportive services during this time period.

The decrease of adults transitioning into licensed care facilities reflects data from DDS, and which was reported in Housing Choices comments to city staff, that San Mateo County has experienced a loss of 5% of its supply of community care facilities, a large number of which are located in the City of San Mateo. Data on increased life spans of people with developmental disabilities, which is also omitted from the Housing Element, compounds the loss of supply by increasing turnover of beds available in the remaining licensed care facilities. Coupled with the decline in adults living in their own apartments with supportive services, this data demonstrates that the city must do more to meet the housing needs of people with developmental disabilities by increasing access to integrated affordable housing to prevent them from falling into homelessness or being displaced after the death of a parental home provider.

Other data which Housing Choices' comments reported on which are vital to an understanding of the barriers to housing access for this special needs population that were omitted from the Housing Element analysis are:

1. Continuing increases in the diagnosis of autism affecting growth of the population of San Mateo residents with developmental disabilities (21% increase from 2013-2021) beyond that of the general population (6% increase from 2010-2020)
2. Decreases in age groups 42-61 despite increases in all other age groups including 62+ which Housing Choices attributes to greater risk of displacement from the home

community among this age group upon the death or infirmity of the parent who was providing housing

Lack of Meaningful Analysis of Strategies to Increase Housing Access for People with Developmental Disabilities

The Housing Element acknowledges the significance of the transition from the family home for an adult with a developmental disability including the increased risk of displacement or homelessness when a parent caregiver passes away or becomes unable to house and care for the adult. There are also basic descriptions of the alternative housing options available to people with developmental disabilities including:

- Living independently in conventional housing
- Group living (including different levels of care and support)

However, there is no further analysis of the housing needs of people with developmental disabilities beyond a single sentence on page H-A-55 which states “Some people with developmental disabilities are unable to work, rely on Supplemental Security Income and live with family members. By not including information, provided by Housing Choices, on best practices for inclusion of people with developmental disabilities in conventional affordable housing, the city is unable to create meaningful strategies to increase housing accessibility for this population needed to decrease the risk of displacement or homelessness when their family home is no longer an option. These best practices to increase accessibility include:

- **Integration in typical affordable housing** in order to affirmatively further fair housing for a group that has historically experienced no alternatives to segregated living and to counter the loss of supply of licensed care facilities
- **Coordination of housing with onsite supportive services** funded by the Golden Gate Regional Center should be encouraged. These fully funded coordinated services are often as essential to a person with a developmental disability as a physically modified unit is to a person with a mobility, vision, or hearing impairment and provide a supported pathway for people with developmental disabilities to apply for and retain an affordable apartment
- **A mix of unit sizes set-aside at inclusive housing properties** would address the needs of those who require live-in aides, want to live with roommates or partners, or have children.
- **Location near public transit** would accommodate the transit-dependency of most adults with developmental disabilities.
- **Deeply affordable housing** is needed, targeting incomes not more than 30% of Area Median Income and taking advantage of Housing Authority Project Based Vouchers or HUD 811 Project Rental Assistance when available to create housing opportunities for those who cannot meet minimum income requirements for units priced at 30% of Area Median Income.

‘Without this complete analysis of the housing needs of people with developmental disabilities any programs or policies aimed at increasing “accessible units” will be discriminatory in nature as they apply only to people with physical disabilities needing physically modified units and not to people of other abilities who may require services to increase housing access. This is most evident on page H-A-54 of Appendix A where accessible units are defined as designed to “offers greater mobility and opportunity for independence” but makes no mention of the supportive services needed by people with other types of disabilities including developmental and mental health disorders. This model of housing combined with supportive services has been shown to be incredibly effective in helping individuals with developmental disabilities find and retain housing, and is equally as important to a person with a developmental disability as the physical design of a building is to a person with a physical disability. This also puts the city at risk of not meeting HCD’s AFFH guidance to promote fair housing choice and access to opportunity to support integration for a historically segregated population. Per HCD guidance, “For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual’s needs as required under federal civil rights law, including equitably provided disability-related services that an individual needs to live in such housing.” HCD defines fair housing choice as:

- Actual choice, which means the existence of realistic housing options
- Protected choice, which means housing that can be accessed without discrimination; and
- Enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed.

Need to Clarify How Programs and Policies Will Increase Housing Access For People with Developmental Disabilities

We want to thank planning staff and the consultant who developed this draft for acknowledging the need for affordable housing to increase housing access for people with disabilities. This is especially important for those whose sole source of income is from disability benefits such as Supplemental Security Income, which in 2022 has a maximum monthly payment of \$1,040, well below minimum income requirements for even the Extremely Low Income housing (30% of AMI) available in San Mateo. The lack of housing priced to be affordable to people of Extremely Low Income does not only affect people with disabilities. According to the draft Housing Element, 12.7% of all San Mateo households fall under the Extremely Low Income limits which represents the second largest lower income group in the city, exceeded only by Low Income households. And Figure 13 on page H-A-25 of Appendix A- Needs Analysis shows that Extremely Low Income renters are the second largest proportion of San Mateo Renters exceeded only by Above Moderate Income.

According to the HCD’s APR dashboard between 2015-2020 San Mateo met less than 15% of its Very Low Income RHNA target (of which half are supposed to ELI). In order to address this shortfall, the 2023-2031 draft housing element identified Policy 5.2.3: “Prioritize city funding proposals for city funded affordable housing that are committed to serving hard to serve residents (e.g., extremely low income, special needs, on site services)”. We strongly encourage

the city to go further in its commitment to meeting the need for more units of Extremely Low Income housing by including proposals for city-owned land and land dedicated to affordable housing under the inclusionary program to this Policy.

Secondly, people with developmental disabilities not only need deeply affordable housing, they also need housing that is coordinated with onsite supportive services funded by the Golden Gate Regional Center. In order to specifically address the housing needs of people with developmental disabilities, San Mateo must clarify their definition of accessible/visitable units as referenced in Policies 5.1.1 and most importantly 5.2.2 Incentivize developers through direct subsidies, fee waivers, and/or density bonuses, to increase accessibility requirements beyond the federal requirement of 5% for subsidized developments. Currently, federal accessibility requirements only address the housing needs of people with physical disabilities. Housing Choices is extremely supportive of Policy 5.2.2 but asks that the city include incentivizing inclusion of units set aside for people with developmental disabilities who will benefit from coordinated on-site supportive services funded by the Golden Gate Regional Center to help them stay stably housed so that we do not continue to see decreases in the number of adults able to transition into their own apartment.

Failure to Follow HCD Guidance for AFFH

Guidance from HCD for AFFH also recommends that jurisdictions complete an intersectional analysis of housing needs for people with disabilities as “there are significant disparities by race within the population with disabilities”. While there is data provided on the housing cost burden of all San Mateo residents by race in the Assessment of Fair Housing there is no intersectional analysis which shows the compounding effects of being a person of color with a disability as compared to a person of color without a disability or a white person with a disability. This is a significant component of Housing Choices’ recommendations for Affirmatively Furthering Fair Housing, and yet is omitted from the city’s draft.

Noncompliance with HCD Guidance for Completing an Assessment of Fair Housing

In response to the passage of AB 686, HCD released the AFFH Data Viewer to support the outreach and engagement jurisdictions are required to complete as part of their Assessment of Fair Housing. HCD explicitly states in their AFFH guidance that the Assessment of Fair Housing should include local data and knowledge defined as “any locally gathered and available information, such as a survey with a reasonable statistical validity or usefulness for identifying contributing factors, policies, and actions.” On page H-D-11 of Appendix D- Affirmatively Furthering Fair Housing Narrative it is stated that a survey was administered to support the Fair Housing Assessment which received 150 responses. In a city with a population of over 100,000 residents this low of a response rate seems to indicate that the city did not complete the type of robust, targeted engagement required by HCD in administering the survey.

Reporting of data from the assessment also does not clearly show demographics of who was surveyed to show the number of residents from special needs groups that are most likely to face

fair housing issues such as BIPOC populations, people with disabilities, female-headed households, the unhoused and others. For instance on page H-D-29 when discussing disparities specific to the disability community it is stated that “Of residents with a disability responding to the residents’ survey, 30% said that their home does not meet the needs of their household member.” However, there is no indication of how many of the 150 respondents indicated having a disability so it is not evident to the reader of this document if 25% is equivalent to 5, 10 or 40 responses. Nor is it clear if only people with physical disabilities were surveyed or this included people with other types of disabilities.

There also appears to be an over reliance on data from the AFFH data viewer in the Fair Housing Assessment. For instance on page H-D-14 there is an explanation of the different agencies to which Fair Housing Complaints can be reported including HUD, DFEH and local enforcement organizations including Project Sentinel, the Legal Aid Society of San Mateo County, and Community Legal Services of East Palo Alto. This section also explains that state Fair Housing Law covers protected classes beyond that of federal Fair Housing Law. Yet, demographics of Fair Housing complaints are only reported for HUD which received only 57 complaints for San Mateo County from 2017-2021. Whereas, data from Project Sentinel shows that they investigated nearly 300 Fair Housing discrimination cases in San Mateo County from 2015-2020. This does not include reports made to any of the other agencies listed. This would indicate that the draft housing element severely underestimates the number of Fair Housing complaints made in San Mateo County and City of San Mateo, and therefore cannot accurately gauge how well the city is doing in addressing Fair Housing issues.

We urge you to review the attached comments we submitted on December 2, 2021 and February 10, 2022 and make changes to the San Mateo Housing Element so that it meaningfully addresses the housing needs of its residents with developmental disabilities.

Sincerely,

Kalisha Webster

Kalisha Webster
Senior Housing Advocate
Email [REDACTED]
Cell [REDACTED]

DEVELOPMENTAL DISABILITIES SUBMISSION FOR CITY OF SAN MATEO HOUSING ELEMENT

Introduction to Developmental Disabilities

People with developmental disabilities have a disability that emerged before age 18, is expected to be lifelong, and is of sufficient severity to require a coordinated program of services and support in order to live successfully in the community. Developmental disabilities include intellectual disability, autism, Down syndrome, epilepsy, cerebral palsy, and other disabling conditions similar in their functional impact to an intellectual disability. Under California's Developmental Disabilities Services Act and the U.S. Supreme Court's 1999 decision in *Olmstead v. L.C.*, people with developmental disabilities are entitled to receive community-based services that allow them to live in the least restrictive community setting. This shift to de-institutionalization has led to the closure of the most restrictive segregated settings and to the requirement that local jurisdictions in their Housing Elements assess and plan specifically for the housing needs of people with developmental disabilities who receive services from the Regional Center in order to live in their home community.

Demographic and Other Trends Affecting the Housing Needs of People with Developmental Disabilities

The City of San Mateo Population with Developmental Disabilities Grew by 12% Since the Last Housing Element and Accounts for 21% of the County's Total Population with Developmental Disabilities. The City of San Mateo is home to 835 people with developmental disabilities (Table ____). This represents an increase of 12% over the 2013 population of 746 reported in the City's 2015 Housing Element and reflects a much higher growth rate than the general population. In addition, the City's population with developmental disabilities accounts for 21% of the total County population with developmental disabilities, although the city's total population is only 14% of the County's total population.

Table ____ Comparison of the 2021 City and County Populations with Developmental Disabilities

Age	City of San Mateo	County of San Mateo	City of San Mateo as % of County
Under age 18	304	1169	26%
18 and older	531	2764	19%
Total	835	3933	21%

Source: The City of San Mateo data is based on zip code level data for zip codes 94401, 94402, and 94403 published by the California Department of Developmental Services as of September 30, 2021. County level data is published by the Department of Developmental Services as of June 30, 2021. Both sources exclude children from birth to the third birthday because approximately 75% of this age group is found not eligible for continuing lifelong services on their third birthday.

Decline in Living Arrangements for Adults with Developmental Disabilities Outside the Family Home. Of the City's total population with developmental disabilities, 531 (64%) are adults and 304 (36%) are

under age 18 (Table ____). Assessing the housing needs of adults with developmental disabilities is of particular importance because as they age the adults will require a residential option outside the family home, whereas the family home is the preferred living option for children with developmental disabilities. In 2021, 505 City of San Mateo residents with developmental disabilities lived in the family home compared to 389 in 2013 as reported in the 2015 to 2023 Housing Element. This 30% increase in reliance on the family home is 2.5 times greater than the City's 12% increase in the developmental disabilities population during that same period. Increased reliance on the family home is primarily explained by overall growth in the population with developmental disabilities coupled with significant declines in opportunities for the City's adults with developmental disabilities to live either in licensed care facilities (11% decline) or in affordable housing with supportive services (11% decline). (Table ____.) As adults with developmental disabilities age, they need opportunities to live outside the family home both because of the aging of their family caregivers and also because many adults with developmental disabilities would like to live in their own apartment with supportive services.

Table ____ Changes in Living Arrangements of Adults with Developmental Disabilities

Living Arrangements	2013 Number	2021 Number	2021 Percent of Total Adults	% Change Since 2013
Total (children & adults) in the Family Home	389	505	--	30%
Adults In the family home	Not reported-- see note	201	38%	--
Own apartment with supportive services	64	52	10%	-11%
Licensed Facilities	294	265	50%	-11%
Other (including homeless)	7	13	2%	.8%
Total Adults	Not reported--see note	531	100%	--

Note: The 2013 data are reported in the 2015 Housing Element, which failed to separately count those under 18 and those 18 and older, making it difficult to estimate changes in the significance of the family home as a residential setting specifically for adults. The 2021 data are published at the zip code level by the California Department of Developmental Services as of September 30, 2021. These data assume that occupants of licensed facilities are 18 and older which is generally true, but if incorrect this assumption would tend to understate, not overstate, the need for other housing options for adults with developmental disabilities.

Increase of Autism Diagnosis Reflected in Increase in Adults in their 20s and 30s. Growth in the City of San Mateo's population with developmental disabilities since the 2015 Housing Element correlates with a significant annual increase in the diagnosis of autism that began in the mid-1980s and did not level out until after 2015. The cumulative impact of this trend is already seen in the growth in the San Mateo County population age 18 to 41 with developmental disabilities and will continue into the future. This trend has significant implications for housing needs among City of San Mateo adults with developmental disabilities during the period of the 2023 to 2031 Housing Element.

Table __ Changes in Age Distribution of Adult Population in San Mateo County

Age	2015 Number	2021 Number	% Change
18 to 31	1023	1189	16%
32 to 41	397	457	15%
41 to 52	382	335	-12%
52 to 61	385	348	-10%
62 plus	327	435	33%
Total adults	2514	2764	10%

Source: County level data is published by the Department of Developmental Services as of June 30, 2021 and as of September 30, 2015.

Longer Life Spans. Between September 2015 and June 2021, the California Department of Developmental Services reports that the number of San Mateo County residents with developmental disabilities age 62 and older grew by 33% (Table __). This is not due to migration of senior citizens with developmental disabilities to San Mateo County, but rather to well-documented gains in life span among people with developmental disabilities. With longer life expectancy, more adults with developmental disabilities will outlive their parents and family members with whom a growing number of City of San Mateo adults with developmental disabilities now live because of the lack of other residential options. Longer life spans will also slow the pace of resident turnover in the county's limited supply of licensed care facilities, which will further reduce opportunities for the growing population of people with developmental disabilities to secure housing outside the family home.

Decline in Licensed Care Facilities. The California Department of Developmental Services reports that between September 2015 and June 2021, San Mateo County lost 5% of its supply of licensed care facilities for people with developmental disabilities (including Community Care Facilities, Intermediate Care Facilities, and Skilled Nursing Facilities), thereby increasing the need for affordable housing options coordinated with supportive services funded by the Regional Center. This trend is mirrored in the 11% decline in the number of City of San Mateo adults able to live in licensed care homes between 2013 and 2021 (Table __). The reduced role of licensed care facilities demonstrates the need for the City's Housing Element to plan for affordable housing that includes people with developmental disabilities so that adults with developmental disabilities are not forced out of the county when they lose the security of their parent's home.

Displacement. The California Department of Developmental Services has documented a 12% decline in the age group 42 to 51 and a 10% decline in the age group 52 to 61 in San Mateo County between September 2015 and June 2021. (Table __). In light of gains in life expectancy, this loss can reasonably be attributed to homelessness or displacement from the county because of the lack of residential living options (either licensed facilities or affordable housing) when an elderly parent caregiver passes away or becomes unable to house and care for the adult. Displacement takes a particular toll on adults with

developmental disabilities who depend on familiarity with transit routes and shopping and services, as well as support from community-based services and informal networks built up over years in living in the City of San Mateo.

Higher Rates of Physical Disabilities. People with developmental disabilities are more likely than the general population to have an accompanying physical disability. Twenty-seven percent (27%) of San Mateo County residents with developmental disabilities have limited mobility, and 13% have a vision or hearing impairment. The need for an accessible unit coupled with the need for coordinated supportive services compounds the housing barriers faced by those with co-occurring intellectual and physical disabilities.

Ineligibility for Many Affordable Rental Units. Some adults with developmental disabilities depend on monthly income of under \$1,000 from the Supplemental Security Income (SSI) program, pricing them out of even the limited number of Extremely Low Income affordable housing units in the City of San Mateo. Those with employment tend to work part-time in the lowest paid jobs and also struggle to income-qualify for many of the affordable housing units for rent in the City of San Mateo.

Transit-Dependent. Most adults with developmental disabilities do not drive or own a car and rely on public transit as a means to integration in the larger community.

Best Practices for Inclusion of People with Developmental Disabilities in Typical Affordable Housing

As demonstrated by a growing number of inclusive affordable housing developments in neighboring jurisdictions, the City of San Mateo can meet the housing needs of people with developmental disabilities by adopting policies and programs to promote their inclusion with coordinated services in typical affordable housing. The following considerations should guide the City of San Mateo in this pursuit:

- **Integration in typical affordable housing** is a priority in order to affirmatively further fair housing for a group that has historically experienced no alternatives to segregated living and also to counter the displacement of adults with developmental disabilities out of San Mateo County.
- **Coordination of housing with onsite supportive services** funded by the Golden Gate Regional Center should be encouraged. These fully funded coordinated services provide a supported pathway for people with developmental disabilities to apply for and retain an affordable apartment and are often as essential to a person with a developmental disability as a physically modified unit is to a person with a mobility, vision, or hearing impairment.
- **A mix of unit sizes** at inclusive housing properties would address the needs of those who require live-in aides, want to live with roommates or partners, or have children.
- **Location near public transit** would accommodate the transit-dependency of most adults with developmental disabilities.
- **Deeply affordable housing is needed**, targeting incomes not more than 30% of Area Median Income and taking advantage of Housing Authority Project Based Vouchers or HUD 811 Project

Rental Assistance when available to create housing opportunities for those who cannot meet minimum income requirements for units priced at 30% of Area Median Income.

Policy and Program Recommendations

The City of San Mateo has a responsibility not simply to assess the housing needs of people with developmental disabilities but also to create policy, zoning, program and other changes that make it more feasible for affordable housing developers to include people with developmental disabilities in their housing in coordination with the supportive services available from the Golden Gate Regional Center. The City's 2015 Housing Element identified a need for housing for an additional 30 to 87 people with developmental disabilities, but the number of adults with developmental disabilities living in their own apartment actually declined by 11% since the last Housing Element, even as the population grew by 12%. The City's lack of progress in meeting the housing needs of people with developmental disabilities since the last Housing Element demonstrates the need for policies and programs that specifically incentivize inclusion of people with developmental disabilities in affordable housing with coordinated services provided by the Golden Gate Regional Center.

- **Establish and monitor a quantitative goal.** Tracking the City's success in housing people with developmental disabilities is essential to determine whether policies and programs are having an effect in overcoming historic patterns of discrimination and exclusion of people with developmental disabilities from affordable housing. A goal of 150 new Extremely Low-Income housing units for City of San Mateo residents with developmental disabilities over the period of the 2023 Housing Element would represent meaningful progress towards the total unmet housing need of this special needs population.

Sample Language: The City of San Mateo shall monitor progress towards a quantitative goal of 150 new Extremely Low Income housing units that are subject to a preference for people with developmental disabilities needing the coordinated services provided by Golden Gate Regional Center to live inclusively in affordable housing.

- **Target City-Owned Land, Land Dedicated to Affordable Housing under the Inclusionary Ordinance and City Housing Funds to Meet City-Specific Priorities.** City-owned land, land dedicated to affordable housing in lieu of providing affordable units under the inclusionary ordinance, and city housing funds are often essential to the development of affordable housing that is financially feasible in high-cost City of San Mateo. In creating guidelines for the scoring of any competitive requests for proposals for these scarce resources, the City should grant additional points to affordable housing projects that address the housing needs of City of San Mateo residents who are most difficult to house under existing state and federal housing finance programs--for example, by prioritizing proposals with a higher number of extremely low income units or that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

Sample Language: In publishing requests for competitive proposals for any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance or city housing funds, the City of San Mateo shall grant additional points to proposals that address the city's most difficult to achieve housing priorities, by, for example, providing a greater number of extremely low-income units or committing to make a percentage of the units subject to a preference for people with special needs who will benefit from coordinated onsite services, such as people with developmental disabilities who receive services from the Golden Gate Regional Center.

- **Offer Developers a Range of Affordability Options Under the Inclusionary Ordinance.** Most adults with developmental disabilities have incomes too low to satisfy minimum income requirements for the Low Income units currently offered under the city's inclusionary ordinance and are effectively excluded from this housing option. California law (AB 1505, the "Palmer Fix") explicitly allows cities to adopt inclusionary housing ordinances that address a range of income levels from moderate-income to extremely low-income. The City should take advantage of this authority to make its ordinance more responsive to local needs by offering developers of market rate housing a menu of options for including affordable units, for example, by setting a higher percentage of units priced at moderate income and a lower percentage of units set at extremely low income. Such a menu would address a broader range of City of San Mateo housing needs, while giving developers more options for meeting the inclusionary requirement.

Sample Language: The City of San Mateo shall revise its inclusionary housing ordinance to offer developers a menu of options for achieving affordability, adjusting the percentage of units required to be affordable depending on the degree of affordability achieved (moderate-income, low income, very low income, and extremely low income).

- **Reduce Parking Requirements for People with Developmental and Other Disabilities.** Adults with developmental disabilities have reduced parking needs because they rarely have a driver's license or own a car. This may also be true of other categories of people with disabilities. The City should revise its ordinances to limit parking required for affordable units for people with developmental disabilities to .5 space for each affordable studio or 1 bedroom unit and 1 space for an affordable 2 bedroom unit or larger. A similar reduction should be considered for physically accessible units required to be included in affordable housing.

Sample Language: The City shall encourage the inclusion of people with developmental and other disabilities in affordable housing by recognizing their transit dependence and establishing lower parking ratios for units targeted to people with developmental and other disabilities than would otherwise be required for affordable housing.

- **Local Density Bonus Concessions.** The state density bonus law currently provides additional density for housing projects that include at least 10% of the units for disabled veterans, transition-age foster youth, and homeless persons at the very low income level. Above and beyond the density bonus guidelines mandated by state law, the City should add the same incentives when at least 10% of the units are subject to preference for people with

developmental disabilities who will benefit from coordinated onsite services provided by the Golden Gate Regional Center.

Sample Language: In implementing the California density bonus statute, the City shall provide for the same density bonus, incentives, or concessions for housing projects that include at least 10% of the units for people with developmental disabilities at the very low-income level as are available to projects that include at least 10% of the units for disabled veterans, transition-age foster youth, and homeless persons at the very low-income level.

Affirmative Marketing of Physically Accessible Units: Developers are allowed to affirmatively market accessible units to disability-serving organizations in San Mateo County (i.e. Golden Gate Regional Center, Housing Choices Coalition for Person with Developmental Disabilities, Center for Independence of Individuals with Disabilities and others) but rarely take this step. Affirmative marketing is particularly needed by people with developmental disabilities who, because of cognitive, communication and social impairment, may rely on housing navigation services funded by the Golden Gate Regional Center to learn about and apply for affordable housing.

Sample Language: As a condition of the disposition of any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance, the award of city financing, any density bonus concessions, or land use exceptions or waivers for any affordable housing project, the City shall require that the housing developer implement an affirmative marketing plan for physically accessible units which, among other measures, provides disability-serving organizations adequate prior notice of the availability of the accessible units and a process for supporting people with qualifying disabilities to apply.

- **Extremely Low-Income Accessory Dwelling Units.** As part of a larger plan to increase the supply of Accessory Dwelling Units (ADUs), the City should consider creating a forgivable loan program for homeowners who build ADUs and rent them for at least 15 years at Extremely Low Income rent levels to people with developmental disabilities.

Sample Language: Subject to funding availability, the City shall devise a program of financing for Accessory Dwelling Units subject to rent restrictions for at least 15 years at Extremely Low-Income rent levels to people with developmental disabilities who would benefit from coordinated housing support and other services provided by the Golden Gate Regional Center.

- **Affirmatively Further Fair Housing.** Not only is disability the highest-ranked source of Fair Housing complaints, a growing body of San Mateo County data indicates that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of housing discrimination and severe rent burden than either BIPOC without disabilities or whites with disabilities. Currently the City of San Mateo offers its residents exceptional employment, educational and social opportunities but the severe shortfall of Extremely Low Income units means that BIPOC--particularly those with disabilities--are too often excluded from enjoying

those community assets. Multiple barriers including high land and construction costs and limited funding make it difficult for developers to produce Extremely Low Income units that will overcome such disparities. Policies that lead to increased production of Extremely Low Income units, as well as city staff dedicated to implementing and overseeing those policies, will Affirmatively Further Fair Housing in the City of San Mateo and decrease displacement and homelessness for the most at-risk City of San Mateo residents.

Sample Language: The City of San Mateo's plans to Affirmatively Further Fair Housing for Black, Indigenous and other People of Color, particularly those with disabilities, shall include policies designed to increase the production of Extremely Low Income units, as well as adequate staff capacity to implement and monitor the impact of these policies.

**DEVELOPMENTAL DISABILITIES SUBMISSION FOR
CITY OF SAN MATEO HOUSING ELEMENT**

Introduction to Developmental Disabilities

People with developmental disabilities have a disability that emerged before age 18, is expected to be lifelong, and is of sufficient severity to require a coordinated program of services and support in order to live successfully in the community. Developmental disabilities include intellectual disability, autism, Down syndrome, epilepsy, cerebral palsy, and other disabling conditions similar in their functional impact to an intellectual disability. Under California’s Developmental Disabilities Services Act and the U.S. Supreme Court’s 1999 decision in *Olmstead v. L.C.*, people with developmental disabilities are entitled to receive community-based services that allow them to live in the least restrictive community setting. This shift to de-institutionalization has led to the closure of the most restrictive segregated settings and to the requirement that local jurisdictions in their Housing Elements assess and plan specifically for the housing needs of people with developmental disabilities who receive services from the Regional Center in order to live in their home community.

Demographic and Other Trends Affecting the Housing Needs of People with Developmental Disabilities

The City of San Mateo Population with Developmental Disabilities Grew by 12% Since the Last Housing Element and Accounts for 21% of the County’s Total Population with Developmental Disabilities. The City of San Mateo is home to 835 people with developmental disabilities (Table ____). This represents an increase of 12% over the 2013 population of 746 reported in the City’s 2015 Housing Element and reflects a much higher growth rate than the general population. In addition, the City’s population with developmental disabilities accounts for 21% of the total County population with developmental disabilities, although the city’s total population is only 14% of the County’s total population.

Table ____ Comparison of the 2021 City and County Populations with Developmental Disabilities

Age	City of San Mateo	County of San Mateo	City of San Mateo as % of County
Under age 18	304	1169	26%
18 and older	531	2764	19%
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Decline in Living Arrangements for Adults with Developmental Disabilities Outside the Family Home.

Of the City's total population with developmental disabilities, 531 (64%) are adults and 304 (36%) are under age 18 (Table ____). Assessing the housing needs of adults with developmental disabilities is of particular importance because as they age the adults will require a residential option outside the family home, whereas the family home is the preferred living option for children with developmental disabilities. In 2021, 505 City of San Mateo residents with developmental disabilities lived in the family home compared to 389 in 2013 as reported in the 2015 to 2023 Housing Element. This 30% increase in reliance on the family home is 2.5 times greater than the City's 12% increase in the developmental disabilities population during that same period. Increased reliance on the family home is primarily explained by overall growth in the population with developmental disabilities coupled with significant declines in opportunities for the City's adults with developmental disabilities to live either in licensed care facilities (10% decline) or in affordable housing with supportive services (19% decline). (Table ____.) As adults with developmental disabilities age, they need opportunities to live outside the family home both because of the aging of their family caregivers and also because many adults with developmental disabilities would like to live in their own apartment with supportive services.

Table ____ Changes in Living Arrangements of Adults with Developmental Disabilities

Living Arrangements	2013 Number	2021 Number	2021 Percent of Total Adults	% Change Since 2013
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Own apartment with supportive services	64	52	10%	-19%
Licensed Facilities	294	265	50%	-10%
Other (including homeless)	7	13	2%	86%
Total Adults	Not reported--see note	531	100%	--

Note: The 2013 data are reported in the 2015 Housing Element, which failed to separately count those under 18 and those 18 and older, making it difficult to estimate changes in the significance of the family home as a residential setting specifically for adults. The 2021 data are published at the zip code level by the California Department of Developmental Services as of September 2021. These data assume that occupants of licensed facilities are 18 and older which is generally true, but if incorrect this assumption would tend to understate the need for other housing options for adults with developmental disabilities.

Increase of Autism Diagnosis Reflected in Increase in Adults in their 20s and 30s. Growth in the City of San Mateo's population with developmental disabilities since the 2015 Housing Element correlates with a significant annual increase in the diagnosis of autism that began in the mid-1980s and did not level out until after 2015. The cumulative impact of this trend is already seen in the growth in the San Mateo County population age 18 to 41 with developmental disabilities and will continue into the future. This

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Total adults	2514	2764	10%

Source: County level data is published by the Department of Developmental Services as of June 30, 2021 and as of September 30, 2015.

Longer Life Spans. Between September 2015 and June 2021, the California Department of Developmental Services reports that the number of San Mateo County residents with developmental disabilities age 62 and older grew by 33% (Table __). This is not due to migration of senior citizens with developmental disabilities to San Mateo County, but rather to well-documented gains in life span among people with developmental disabilities. With longer life expectancy, more adults with developmental disabilities will outlive their parents and family members with whom a growing number of City of San Mateo adults with developmental disabilities now live because of the lack of other residential options. Longer life spans will also slow the pace of resident turnover in the county's limited supply of licensed care facilities, which will further reduce opportunities for the growing population of people with developmental disabilities to secure housing outside the family home.

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Displacement. The California Department of Developmental Services has documented a 12% decline in the age group 42 to 51 and a 10% decline in the age group 52 to 61 in San Mateo County between September 2015 and June 2021. (Table ____). In light of gains in life expectancy, this loss can reasonably be attributed to homelessness or displacement from the county because of the lack of residential living options (either licensed facilities or affordable housing) when a parent caregiver passes away or becomes unable to house and care for the adult. Displacement takes a particular toll on adults with developmental disabilities who depend on familiarity with transit routes and shopping and services, as well as support from community-based services and informal networks built up over years in living in the City of San Mateo.

Higher Rates of Physical Disabilities. People with developmental disabilities are more likely than the general population to have an accompanying physical disability. Twenty-seven percent (27%) of San Mateo County residents with developmental disabilities have limited mobility, and 13% have a vision or hearing impairment. The need for an accessible unit coupled with the need for coordinated supportive services compounds the housing barriers faced by those with co-occurring intellectual and physical disabilities.

Ineligibility for Many Affordable Rental Units. Some adults with developmental disabilities depend on monthly income of under \$1,000 from the Supplemental Security Income (SSI) program, pricing them out of even the limited number of Extremely Low Income affordable housing units in the City of San Mateo. Those with employment tend to work part-time in the lowest paid jobs and also struggle to income-qualify for many of the affordable housing units for rent in the City of San Mateo.

Transit-Dependent. Most adults with developmental disabilities do not drive or own a car and rely on public transit as a means to integration in the larger community.

Best Practices for Inclusion of People with Developmental Disabilities in Typical Affordable Housing

As demonstrated by a growing number of inclusive affordable housing developments in neighboring jurisdictions, the City of San Mateo can meet the housing needs of people with developmental disabilities by adopting policies and programs to promote their inclusion with coordinated services in typical affordable housing. The following considerations should guide the City of San Mateo in this pursuit:

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- **Coordination of housing with onsite supportive services** funded by the Golden Gate Regional Center should be encouraged. These fully funded coordinated services provide a supported pathway for people with developmental disabilities to apply for and retain an affordable

apartment and are often as essential to a person with a developmental disability as a physically modified unit is to a person with a mobility, vision, or hearing impairment.

- **A mix of unit sizes** at inclusive housing properties would address the needs of those who require live-in aides, want to live with roommates or partners, or have children.
- **Location near public transit** would accommodate the transit-dependency of most adults with developmental disabilities.
- **Deeply affordable housing is needed**, targeting incomes not more than 30% of Area Median Income and taking advantage of Housing Authority Project Based Vouchers or HUD 811 Project Rental Assistance when available to create housing opportunities for those who cannot meet minimum income requirements for units priced at 30% of Area Median Income.

Policy and Program Recommendations

The City of San Mateo has a responsibility not simply to assess the housing needs of people with developmental disabilities but also to create policy, zoning, program and other changes that make it more feasible for affordable housing developers to include people with developmental disabilities in their housing in coordination with the supportive services available from the Golden Gate Regional Center. The City's 2015 Housing Element identified a need for housing for an additional 30 to 87 people with developmental disabilities, but the number of adults with developmental disabilities living in their own apartment actually declined by 11% since the last Housing Element, even as the population grew by 12%. The City's lack of progress in meeting the housing needs of people with developmental disabilities since the last Housing Element demonstrates the need for policies and programs that specifically incentivize inclusion of people with developmental disabilities in affordable housing with coordinated services provided by the Golden Gate Regional Center.

- **Establish and monitor a quantitative goal.** Tracking the City's success in housing people with developmental disabilities is essential to determine whether policies and programs are having an effect in overcoming historic patterns of discrimination and exclusion of people with developmental disabilities from affordable housing. Since its last Housing Element, the City of San Mateo facilitated land acquisition and provided city funding for one affordable housing project with a commitment to make 8 of the 225 apartments subject to a preference for people with developmental disabilities (Kiku Crossing). A goal of 100 new Extremely Low-Income housing units for City of San Mateo residents with developmental disabilities over the period of the 2023-2031 Housing Element would represent meaningful progress towards the total unmet housing need of this special needs population.

Sample Language: The City of San Mateo shall monitor progress towards a quantitative goal of 100 new Extremely Low Income housing units that are subject to a preference for people with developmental disabilities needing the coordinated services provided by Golden Gate Regional Center to live inclusively in affordable housing.

- **Target City-Owned Land, Land Dedicated to Affordable Housing under the Inclusionary Ordinance and City Housing Funds to Meet City-Specific Priorities.** City-owned land, land

dedicated to affordable housing in lieu of providing affordable units under the inclusionary ordinance, and city housing funds are often essential to the development of affordable housing that is financially feasible in high-cost City of San Mateo. In creating guidelines for the scoring of any competitive requests for proposals for these scarce resources, the City should grant additional points to affordable housing projects that address the housing needs of City of San Mateo residents who are most difficult to house under existing state and federal housing finance programs--for example, by prioritizing proposals with a higher number of extremely low income units or that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

Sample Language: In publishing requests for competitive proposals for any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance or city housing funds, the City of San Mateo shall grant additional points to proposals that address the city's most difficult to achieve housing priorities, by, for example, providing a greater number of extremely low-income units or committing to make a percentage of the units subject to a preference for people with special needs who will benefit from coordinated onsite services, such as people with developmental disabilities who receive services from the Golden Gate Regional Center.

- **Offer Developers Additional Alternatives Under the Inclusionary Ordinance.** Most adults with developmental disabilities and other special needs groups on fixed incomes, are unable to satisfy minimum income requirements for the Lower Income units currently required under the city's inclusionary ordinance. California law (AB 1505, the "Palmer Fix") explicitly allows cities to adopt inclusionary housing ordinances that address a range of income levels from moderate-income to extremely low-income. The City should take advantage of this authority to make its ordinance more responsive to local needs by offering developers of market rate housing an alternative means of compliance with the city's BMR program if deeper levels of affordability are targeted, such as by allowing a lower percentage of units to be set aside if they are affordable to Extremely Low Income households. This same alternative can be extended to projects that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center. Such a menu would address a broader range of City of San Mateo housing needs, while giving developers more options for meeting the inclusionary requirement.

Sample Language: The City of San Mateo shall revise its inclusionary housing ordinance to offer developers an alternative means of compliance with the BMR program, to consider an applicant's request to lower the percentage of set-aside units in projects which include extremely low income units or units for residents requiring specialized services (such as people with developmental disabilities who benefit from services of the Golden Gate Regional Center) in

connection with its review of the planning application for the project and may reject or accept the request in its sole discretion.

- **Reduce Parking Requirements for People with Developmental and Other Disabilities.** Adults with developmental disabilities have reduced parking needs because they rarely have a driver's license or own a car. This may also be true of other categories of people with disabilities. The City should revise its ordinances to limit parking required for affordable units for people with developmental disabilities to .5 space for each affordable studio or 1 bedroom unit and 1 space for an affordable 2 bedroom unit or larger. A similar reduction should be considered for physically accessible units required to be included in affordable housing.

Sample Language: The City shall encourage the inclusion of people with developmental and other disabilities in affordable housing by recognizing their transit dependence and establishing lower parking ratios for units targeted to people with developmental and other disabilities than would otherwise be required for affordable housing.

- **Local Density Bonus Priorities.** The state density bonus law incentivizes the production of housing at the Low and Very Low Income level. But in counties like San Mateo County, with the highest Area Median Income in the state, these incentives reward the targeting of income levels that effectively exclude the many people with disabilities and seniors living on fixed incomes well below the Very Low Income target. The City of San Mateo should create additional local incentives to the state density bonus law to reward the production of more housing for City of San Mateo residents who do not benefit from the Low and Very Low Income units produced under the state density bonus law—for example, projects with a percentage of Extremely Low Income units and/or projects that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

Sample Language: In addition to implementing the California density bonus statute, the City shall provide an additional local density bonus, incentives, or concessions for housing projects that include a percentage of the units for people at the Extremely Low-Income affordability level and/or target special needs populations, such as people with disabilities who will benefit from coordinated onsite services provided by the Golden Gate Regional Center.

Affirmative Marketing of Physically Accessible Units: Developers are allowed to affirmatively market accessible units to disability-serving organizations in San Mateo County (i.e. Golden Gate Regional Center, Housing Choices Coalition for Person with Developmental Disabilities, Center for Independence of Individuals with Disabilities and others) but rarely take this step. Affirmative marketing is particularly needed by people with developmental disabilities who, because of cognitive, communication and social impairment, may rely on housing navigation

services funded by the Golden Gate Regional Center to learn about and apply for affordable housing.

Sample Language: As a condition of the disposition of any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance, the award of city financing, any density bonus concessions, or land use exceptions or waivers for any affordable housing project, the City shall require that the housing developer implement an affirmative marketing plan for physically accessible units which, among other measures, provides disability-serving organizations adequate prior notice of the availability of the accessible units and a process for supporting people with qualifying disabilities to apply.

- **Extremely Low-Income Accessory Dwelling Units.** As part of a larger plan to increase the supply of Accessory Dwelling Units (ADUs), the City should consider creating a financing program for homeowners who build ADUs and rent them for at least 15 years at Extremely Low Income rent levels or that are subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

Sample Language: Subject to funding availability, the City shall devise a program of financing for Accessory Dwelling Units subject to rent restrictions for at least 15 years at Extremely Low-Income rent levels and/or target special needs populations, such as people with disabilities who will benefit from coordinated onsite services provided by the Golden Gate Regional Center.

- **Affirmatively Further Fair Housing.** Not only is disability the highest-ranked source of Fair Housing complaints, a growing body of San Mateo County data indicates that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of housing discrimination and severe rent burden than either BIPOC without disabilities or whites with disabilities. Currently the City of San Mateo offers its residents exceptional employment, educational and social opportunities but the City's severe shortfall of Extremely Low Income units means that BIPOC--particularly those with disabilities--are too often excluded from enjoying those community assets. Multiple barriers including high land and construction costs and limited funding make it difficult for developers to produce Extremely Low Income units that will overcome such disparities. Policies that lead to increased production of Extremely Low Income units, as well as city staff dedicated to implementing and overseeing those policies, will Affirmatively Further Fair Housing in the City of San Mateo and decrease displacement and homelessness for the most at-risk City of San Mateo residents.

Sample Language: The City of San Mateo's plans to Affirmatively Further Fair Housing for Black, Indigenous and other People of Color, particularly those with disabilities, shall include policies designed to increase the production of Extremely Low Income units, as well as adequate staff capacity to implement and monitor the impact of these policies.

[REDACTED]

From: Housing
Sent: Friday, May 6, 2022 4:59 PM
To: [REDACTED] y
Subject: FW: San Mateo Housing Element

From: Jennifer Martinez [REDACTED]
Sent: Friday, May 6, 2022 1:06 PM
To: Housing <housing@cityofsanmateo.org>
Cc: [REDACTED]
Subject: San Mateo Housing Element

May 4, 2022

Dear Mayor Bonilla and San Mateo City Council Members,

Thank you for the opportunity to provide a response to the 2022 Draft Housing Element. My letter focuses on the goal to Affirmatively Further Fair Housing.

State law requires that each community study patterns of racial segregation and concentrated affluence, identify the conditions that have contributed to these patterns, and plan for specific programs that will address these patterns.

First, San Mateo's Housing Element fails to sufficiently study this problem. While the neighborhoods where people of color live have been analyzed, the neighborhoods with high concentrations of white residents have not been studied. By failing to analyze the underlying conditions of these neighborhoods (exclusionary zoning, the history of racial covenants, etc.), the Housing Element also fails to propose policies and programs that will change those conditions and address the racial segregation that *those neighborhoods are also experiencing*. This is an egregious omission that flies in the face of *affirmatively furthering fair housing* to reduce segregation and create equal housing and opportunity access, regardless of race or ability.

Second, without adequate analysis, the Housing Element does not provide adequate solutions - by geography as is required by HCD guidelines - to meet the scale, depth, and nuance of the problem. Many of the proposed programs amount to "more marketing" in low-income neighborhoods. The programs and policy solutions should include approaches that address the underlying conditions of racial segregation, such as

- change the zoning of R-1 neighborhoods to allow for more density,
- pair investment strategies in under-invested areas with stronger anti-displacement measures to ensure low-income residents reap the benefits of neighborhood improvements,
- improve access to reliable, affordable transportation and access to high-quality schools

Third, the minimal AFFH analysis that does exist states that "there is a relative lack of affordable housing opportunities in higher-resourced areas of the city." Yet the Housing Element fails to propose housing sites, let alone affordable housing sites, in the high resource neighborhoods in the city. Again, those neighborhoods are left out of the equation and off the table in terms of being part of the solution to the city's segregation problems.

While much work has been done to create the current Housing Element, it falls short of state guidelines as well as the hopes and aspirations we should have for San Mateo. There is no reason why the burden of the housing crisis we face in our communities should continue to fall on low-income people and people of color,

while the windfall benefits of increased home values accrue to a largely-white, wealthier part of our community. Far from natural segregation, this is the outcome of decades of policies designed to favor some people over others, and we can choose differently. Now is the time to change this pattern of segregation and unequal benefits and burdens and create a different future for the next generations.

Respectfully,

Jennifer Martinez
Resident, San Mateo

[REDACTED]

From: Housing
Sent: Monday, May 9, 2022 8:30 AM
To: [REDACTED]
Subject: FW: Housing Element response by Social Action Ministry
Attachments: SAM_Housing Element Letter_Final.pdf

From: Mike Heagerty <[REDACTED]>
Sent: Friday, May 6, 2022 7:26 PM
To: Housing <housing@cityofsanmateo.org>
Cc: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Housing Element response by Social Action Ministry

Attached is the Social Action Ministry's response to the draft Housing Element. Thank you for your consideration.

Mike Heagerty
[REDACTED]



April 29, 2022

City Council Members: Rick Bonilla, Mayor; Diane Papan, Deputy Member; Joe Goethals, Council Member; Amourence Lee, Council Member; Eric Rodriguez, Council Member
Planning Manager
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403

RE: Draft Housing Element

To whom it may concern,

Thank you for reaching out to the community regarding the Draft Housing Element outlining the process and review for expanding housing within our community over the next eight years. The Social Action Ministry (SAM) group at St. Matthew Catholic Church in San Mateo is concerned about the availability of affordable housing in our community.

SAM encourages our City leaders to focus on affordable housing for those members of our community in the very low- and low-income categories of median income for San Mateo County, identified in the Housing Element, many of whom are working in essential services and/or underemployed. We believe too much of our new housing construction has focused on the highest income earners of our region.

Your draft Housing Element correctly identifies the loss of affordability covenants on developments within the City of San Mateo that could potentially create a loss of affordable units, rather than an increase, during a time when the housing shortage is so acute. We need to push strong planning and allow zoning flexibility to convert under-utilized commercial projects for affordable residential developments. Our community is blessed with diversity from many walks of life, and we do not wish it to be only a home for the elite. Shelter and housing are a human right, and this is the time to focus on those who are the most shelter-insecure in our community as housing pressures become more amplified than anytime in our lives.

We appreciate your efforts and consideration of our position. We look forward to the results of your City Council meeting on May 16, 2022.

Sincerely,

Social Action Ministry
of St. Matthew Catholic Church

All people deserve respect, justice and opportunity

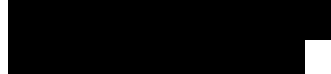


Selected SAM members residing in San Mateo:

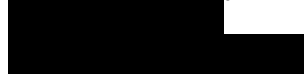
María del Carmen Muñoz



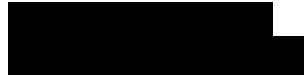
Anne A. Fariss



Michael Heagerty



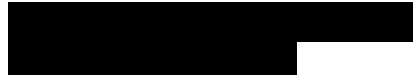
John H. Love II



Vilma Sanchez



Susan Wilbur



All people deserve respect, justice and opportunity

[REDACTED]

From: Housing
Sent: Monday, May 9, 2022 8:31 AM
To: [REDACTED]
Subject: FW: San Mateo draft housing element/Comments from One San Mateo

From: Planning <planning@cityofsanmateo.org>
Sent: Friday, May 6, 2022 5:08 PM
To: Housing <housing@cityofsanmateo.org>; [REDACTED]
[REDACTED]
[REDACTED]
Subject: FW: San Mateo draft housing element/Comments from One San Mateo

From: Eldridge, Karyl [REDACTED] >
Sent: Friday, May 6, 2022 3:28 PM
To: [REDACTED]
[REDACTED]
Cc: Planning <planning@cityofsanmateo.org>; housingelements@hcd.ca.gov; [REDACTED]
[REDACTED]
Subject: San Mateo draft housing element/Comments from One San Mateo

Dear Mayor Bonilla and Members of the San Mateo City Council,

This letter is submitted on behalf of One San Mateo to provide feedback in relation to the draft housing element for the City of San Mateo. One San Mateo is a community group formed in 2017 to work toward creating a city that is responsive to the needs of all. We strive to increase racial and economic equity, primarily through our advocacy for affordable housing and renter protections. We believe that safe and stable housing is fundamental to human dignity and well-being and essential to the health and sustainability of the overall community.

In reviewing the housing element, the core interest of One San Mateo has been to evaluate its effectiveness in upholding the mandates of Affirmatively Furthering Fair Housing. These mandates require cities to work proactively to reverse historical patterns of segregation and foster integrated communities. Our comments are offered from the perspective of these AFFH goals.

HOUSING NEEDS AND THE RISK OF DISPLACEMENT

Misleading metric. Preventing the displacement of existing residents is central to the fulfillment of AFFH, as is made clear by the AFFH guidance memo issued by HCD in April of 2021. As it currently stands, the needs analysis in the draft housing element contains metrics that seriously downplay the risk of displacement in San Mateo. One such metric appears as follows: “According to research from the University of California, Berkeley, 0.0% of households in San Mateo live in neighborhoods that are susceptible to or experiencing displacement ...” Regardless of the source, offering this as a meaningful metric of the displacement threat in San Mateo is extremely misleading. Elsewhere in the needs analysis, the northeast section of San Mateo, particularly the area south of Poplar Avenue, is said to be characterized by high poverty, concentrations of cost burdened households, and overcrowding. The existence of high levels of cost burden and overcrowding are clear predictors of

displacement. Furthermore, the needs analysis reveals that the North Central and downtown neighborhoods are “At Risk of Becoming Exclusive” or “Becoming Exclusive.” Looming exclusion necessarily translates into a threat of displacement. Thus, we maintain that this 0.0% statistic taken from UC Berkeley only serves to cloud the gravity of the displacement threat and underplay the need for aggressive action to prevent it. The credibility of the analysis would be strengthened if this statistic were removed.

Jobs-housing fit. The discussion of the increasing jobs-housing ratio does not go far enough toward exposing the growing pressures on lower-income residents and the displacement risk associated with this. While the rising jobs-housing ratio reflects the growing imbalance between jobs and housing, it does nothing to measure the relationship between affordability levels of the housing and the income levels of San Mateo residents. According to the needs analysis, “83.6% of permits issued in San Mateo were for above moderate-income housing, 6.2% were for moderate-income housing, and 10.1% were for low- or very low-income housing ...” Since many of the new jobs created over this period were low-wage, this signals a growing shortage of housing for residents at the lower end of the income scale. This, in turn, creates a risk of displacement. The needs analysis, particularly its assessment of displacement risk, would be strengthened by introducing a discussion of *jobs-housing fit*, a metric specifically designed to measure the number of low-wage workers within the city and the number of homes that are affordable to them.

MISSING CONSTRAINTS

Measure Y. The April 2021 guidance memo from HCD contains a list of zoning and land use barriers that includes an entry that reads: “Voter initiatives that restrict multi-family developments, rezoning to higher density, height limits, or similar measures that limit housing choices.” In discussing constraints, the draft housing element makes passing mention of Measure Y, the voter initiative that creates a limit on height and density for new buildings in San Mateo through 2030. However, the perfunctory character of this treatment dramatically understates the importance of Measure Y in restricting the development of new homes at all levels of affordability. Three years ago the city council considered an increase in the Below Market Rate (BMR) requirement to 20 percent. The economic consultants hired by the city ultimately concluded that it was infeasible, *given the height and density limits imposed by Measure Y*. This is but one illustration of how Measure Y operates to put a chokehold on the creation of housing, including affordable housing. A far more robust discussion of Measure Y is called for in the consideration of constraints.

R-1 zoning. The guidance memo from HCD states the following: “In addition to identifying and analyzing racially and ethnically concentrated areas of property, an analysis should also consider concentrated areas of affluence ... to guide meaningful goals and actions to address fair housing issues.” In the City of San Mateo, at least 70 percent of the land zoned for housing is R-1, and many of these R-1 neighborhoods are populated primarily by affluent whites. The draft housing element fails to discuss this reality, its causes, and the profound implications of R-1 zoning for segregating the community and perpetuating inequality.

SITES INVENTORY AND R-1 ZONING

One San Mateo’s strongest objection to the draft housing element is the fact that none of the sites are located in the highest opportunity areas. More specifically, we take issue with the fact that the housing plan takes a complete “hands-off” approach to neighborhoods zoned R-1. R-1 zoning is, by its very nature, exclusionary. First introduced in the wake of a 1917 Supreme Court decision that banned explicitly racist zoning, its very intent was to accomplish exclusion by other means. Also, the majority of R-1 neighborhoods in San Mateo were developed with racial covenants in their founding documents, barring all but whites from living within their borders. By protecting these neighborhoods from any meaningful densification, the housing element locks this history into place. It not only fails to reverse historical segregation, it entrenches it. Furthermore, this “hands-off” approach to R-1 is a missed opportunity, a huge and tragic one, since it prevents these neighborhood from unleashing their ability to address the community’s urgent housing need.

POLICIES, PROGRAMS AND AFFH

Funding for those most at risk. The housing element includes a variety of policies giving priority to the lowest income members of the community, including those with special needs. Since these are the residents hardest to serve and most at risk of displacement, this prioritization is important for the achievement of AFFH goals. However, what is urgently needed is funding to create additional numbers of affordable units for these vulnerable populations. Thus the city is urged to include in its action plan the creation of a new funding source for affordable housing, coupled with the prioritization of units for VLI and ELI and for those with special needs.

Remove the Measure Y constraint. Measure Y is a significant barrier in the effort to create new housing, including affordable housing. The housing element should incorporate a commitment by the city to initiate a community process resulting in a new ballot measure to remove this constraint.

Increase the BMR. San Mateo's Below-Market-Rate Program has been a powerful mechanism for generating affordable homes. As previously stated, the city council considered such an increase of the BMR in recent years, but the height-and-density limits of Measure Y (Measure P at the time) were found to render it infeasible. We encourage the city to include in its action plan an increase in the BMR, to be passed by council immediately in the wake of overturning Measure Y.

Transform exclusive neighborhoods into inclusive ones. As indicated above, there is currently no affordable housing located in the highest opportunity areas. This is clearly inconsistent with AFFH goals. The city should make the changes necessary to facilitate the meaningful densification of R-1 neighborhoods, thereby disabling a decades-old enforcer of segregation and enabling the transformation of exclusive neighborhoods into inclusive ones.

Protect tenants from displacement. In the housing element chart for Programs and Policies, Policy H3.4 includes an enumeration of tenant protections to be enacted during Cycle 6, many of which are currently being worked on. However, this list is muddled and insufficiently robust. Considering that this is an 8-year cycle, the list should include policies other than those currently under consideration. We suggest that this entry be revised to include the following:

- Expand tenant protections under AB 1482: Extend just cause provisions to the first year of tenancy, require documentation prior to remodel, expand relocation assistance for all no-fault evictions, provide first right of return for renovation and demolition.
- Create new resources for emergency rental assistance.
- Investigate adoption of a Community Opportunity to Purchase Act.

This last item, referred to as COPA, creates an opening for community nonprofits to purchase multi-family buildings when they first come on the market, providing an opportunity to preserve the affordability of the units and keep the tenants from being displaced.

Rent registry. Policy H3.6 currently reads "Explore rent registry." Elsewhere in the housing element draft, it says that in response to community input, a decision was made to "Adopt a rent registry." Thus the word "Explore" should be changed to "Adopt." Furthermore, the rent registry should also be listed in the AFFH chart, as is the case with Policy H3.4. A rent registry tracks whether existing renter protections are being complied with and functions as a powerful vehicle to prevent displacement.

The creation of this housing element provides an opportunity to chart a course toward a brighter future for San Mateo in which inclusion is at the forefront, disparities are overcome, and the needs of all San Mateo residents are taken into full account. One San Mateo encourages incorporation of the changes described above so that it will fulfill its potential for doing so.

Sincerely,

Karyl Eldridge
Vice Chair of One San Mateo

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

San Mateo Housing Element-Sandy's notes

At Risk Units/Preservation

Humboldt House

Why is expiration of Humboldt House (**2041!**) included in this Housing Element? See Table 9 policy H2.2 (page H-62) and Table 12 H5.3.3 (page H-72). Perhaps this got carried over from prior HE which required agreement extension for that planning period (accomplished in 2021).

Table 13 page H-75 remove Humboldt House 9 units under Preservation

Belmont Building

Section 3.3 page H-22 – the units were converted from commercial office to residential. Funds not used for acquisition, just construction. Although property is owned by private entity and loss of affordability is possible, owner has long participated in Section 8 voucher program, so it may or may not be a “high” risk situation.

Since this property expires in 2032, suggest adding a separate implementation date to work with owner. Perhaps 2030-2031 instead of 2025-2026? See Table 9 policy H2.2 (page H-62) and Table 12 H5.3.3 (page H-72).

Appendix D Attachment 1

Quantified Objective- “Advertise Bridgepointe units going to sale” Seems unlikely to assume that Bridgepointe owner would sell off affordable units since this is one large rental project . Suggest something more general like negotiate with owner to “explore” selling units to non profit and/ or provide rental assistance to displaced tenants

Similar language for Belmont- could also add explore extension of participation in Section 8 program for that building. Update timeline.

Remove Humboldt House.

Funding Sources/Programs-

Section 3.3.3 (page H-24)

State: Can add PLHA

Local funds listed: San Mateo Aff Hsg Fund/Housing Innovation funds (these are county programs, so add County to title). --I believe Innovation Fund was a one-time program and not available at this time- check with County staff

May want to add City funding sources as well.

Section 3.3.6 (page H-38)

Include sources listed on page H-24

Other State programs that could be mentioned, since City has used them: Infill Infrastructure Grant (IIG), Local Housing Trust Fund (LHTF)

Table 8 Policy 1.2 (page H-58) Target Column

Do you want to specify the “Talbots” parking lot project? (Could include some milestones and number of units in the target and timeline columns.)

Table 10 Policy 3.1 (page H-64)- Target Column

Add qualifiers to list of programs (“as funds are available”, “for programs that have been funded in the past such as “ etc) City does not traditionally fund Vendome, and may or may not continue to fund HIP Housing. Montara is likely only for a couple of years. Rapid ReHousing may or may not continue to get funding if other priorities are identified for future PLHA. This is an 8 year plan and these things can change on an annual basis.

Appendix C Housing Resources Pages HC-6-7:

Section 2.2.2 -could add other State programs as mentioned above

Section 2.3 Suggest adding County AFH Funds--City has relied on them extensively over the past several years.

Section 2.3.1 Former RDA funds include loan repayments from prior loans- this is the source of the \$2.85M for Kiku with 250K balance as described. Seems odd to mention this small fund balance, since it is projected to grow over the HE time period (I did revenue projections on the spreadsheet that summarizes Quantified Objectives.) especially since the other larger sources of funding are not quantified.

The \$706K plus 20% annual contribution (collectively called “boomerang funds- total over \$5M) are still available to spend. Maybe just keep this simple and leave dollar amounts out entirely. Or, go all in ,and list projected resources for all local City housing funds for the entire HE period.

Section 2.3.2 BMR program is not the name of the “fund”. It is referred to as “City Housing Fund”, which includes fractional BMR fees, as well as other misc housing revenues (fees collected for subordination processing, loan payoffs from old First time buyer program, etc). Also City Housing Fund is mentioned specifically in Section 3.11 (page HC10) and 3.11.2 (p HC 11), so it would be good to be consistent.

Section 2.3.3 The Commercial Linkage fees mentioned are adjusted each year using construction cost index. These are out of date already! Seems too detailed to include specific fee.

Section 2.4.4. HEART Down payment program income requirements are out of date- they change from time to time as median income changes. Also don’t think it is called Opening Doors anymore- check website for info.

Appendix C Housing Programs pages HC 9-12

Section 3.5 Acquisition of Land

3rd sentence is incorrect. The two parcels comprise one surface parking lot- does not include the toy store building. Internally, we’ve always called it “Talbots parking lot”, since it is adjacent to Talbots (closed toy store and owned by private party).

The last sentence refers to the other surface parking lot, which is next door to “Raviloli House” - it is not the site of the restaurant. (again staff nick name). The City has owned this surface lot for years and years, so might be misleading to say City acquired it. The “Ravioli” and “Talbots” parking lots are not adjacent to each other, but are about a block away from each other. Also correct Appendix E 4.6 pageHE10.

Section 3.11.1 Life Moves

The “annual CDBG funding” for First Step is relatively recent (2020) and not guaranteed since these funds are competitive. It would be awkward to infer this is a done deal for the future given its short history of funding. Could say “ City has provided operational funds in the past and may continue based on available funds”

Also Vendome is not a shelter. Perhaps say they have two properties in San Mateo, the First Step shelter and permanent supportive housing at the Vendome.

Section 3.12.3 HIP Self Sufficiency

City has not funded Self Sufficiency Program for over 15 years- I would eliminate funding comment. (This is different that Home Sharing program)

3.13 HOT Team

The final sentence is out of date- eliminate.

3.14 Homeless Prevention. Second sentence is confusing.

Section 3.14.2 Legal Aid.

Again this funding is not guaranteed since they need to compete for funding. That said, the odds of this program to be funded continuously is more likely than other programs. Maybe say City “traditionally” funds this on annual basis.

Special Needs/Homeless

FYI: Shelter Overview

City has **one** emergency/transitional shelter -First Step for Families (Life Moves)—City provided extensive capital funding to develop property, but typically has not provided ongoing operating subsidy. However, starting in 2020 Community Resource Commission awarded CDBG grants for operations (competitive process).

Vendome (Life Moves) Permanent supportive housing for formerly homeless. City provided 100% of acquisition/rehab costs for this property, but has not provided any annual operating subsidies, but does support their efforts to obtain HUD funds (PUSH) for operations through Continuum of Care process.

Special Needs

Humboldt House (Mateo Lodge)- Permanent supportive housing for individuals with mental illness. (not a shelter) City provided extensive funds for acq/rehab of apartment building formerly owned by private individual with County contracts to house mentally ill. City has never provided annual operating funds.

Delaware Pacific (Mid Pen)- City provided land/ subsidy to construct permanent affordable housing with 10 units set aside for households with mental health issues at risk of homelessness as referred by the County. City has never provided operating subsidies.

Montara (BRDIGE) -City provided land and subsidy to construct permanent affordable housing with 12 units set aside for formerly homeless veterans and 4 other formerly homeless (nonvets). Will provide operating funds for resident services for 4 years with PLHA funds.

Kiku (Mid Pen) - City provided land and subsidy to construct permanent affordable housing with 8 units set aside for IDD, and 16 for formerly homeless

Appendix B Constraints

2.9.5 Emergency Shelters page H B 29 final paragraph- City has one shelter, First Step. Humboldt House and Vendome are not shelters.

2.9.7 Emergency Shelter Strategies page HB 30

Re-use of residential buildings. Humboldt House is not an example of this since it is not a shelter and not really re-use since it was always, and still is, an apartment building. (It served as housing for the mentally ill by a private owner for many years prior to Mateo Lodge acquisition and rehab) Perhaps this example can be moved above to "Special Needs". Humboldt House serves the mentally ill, so conceivably could be considered Housing for persons with Disabilities. (2.9.1). Also, it serves more than 9 individuals since residents share units- Sandy B can provide the number of individuals who live there. The info about the services it provides the residents is correct.

Partnership with Faith Based Organizations -FYI there is a program in existence that does this- Home and Hope, based in Burlingame. Many years ago , it received CDBG Community Funding for the congregations who provided sites in San Mateo.

Appendix D AFFH

Section 5.4 R/eCAP Page HD-23 final paragraph—"Edge" Recap language was supposed to be removed by consultant- it's not required, and for SM is misleading for the CT by Belmont border-could pose AFFH problems for parcels on Sites List along southern stretch of ECR (Mollie Stones, etc.). I thought they made the correction on the revised draft they sent us. Remove final paragraph entirely.

Check top of page HD -24- Seems like a dangling statement--not sure if it is describing R/ECAP or Edge R/ECAP.

Appendix E Review of Prior Element

Section 2.4 page HE 3 ADU's Maybe compare the success of 40-60 units now to the prior average of 2-5/year to stress the success of revisions?

Section 2.7 Preserve Affordable page HE 5. The expiring agreements were negotiated with motivated non profit organizations, and frankly not much of an issue to achieve the affordability extensions. It is an overstatement that it involved “many meetings and prolonged” collaborative efforts. I would delete those describers and just say “ Through collaborative efforts between staff.....”

Table A H2.3 page5/12 Item 3 Kiku- Construction commenced in Jan2022—correct estimated dates

Manira Sandhir

From: Adam Nugent
Sent: Wednesday, April 27, 2022 9:56 PM
To: Manira Sandhir; Zachary Dahl
Cc: Eloiza Murillo-Garcia; HousingElements@hcd.ca.gov
Subject: San Mateo Planning Commission Input - Draft Housing Element - Apr 26
Attachments: Planning Commission Input - Draft Housing Element - Adam Nugent - April 26.pdf

Hi Manira and Zach,

Thank you, again, for your team's hard work on the City of San Mateo's Draft Housing Element. It is a massive undertaking!

Here are my notes and consolidated input from last night's Planning Commission review of the Draft Housing Element. I spent a few hours following the meeting getting as much of the discussion topics I commented on during the meeting incorporated into my notes as possible.

I hope the additional detail and clarifying elements in these notes prove useful to the team.

Best,
Adam

Adam Nugent, PLA

Planning Commissioner, City of San Mateo
anugent@cityofsanmateo.org

Commissioner Input Draft 2023-2031 Housing Element

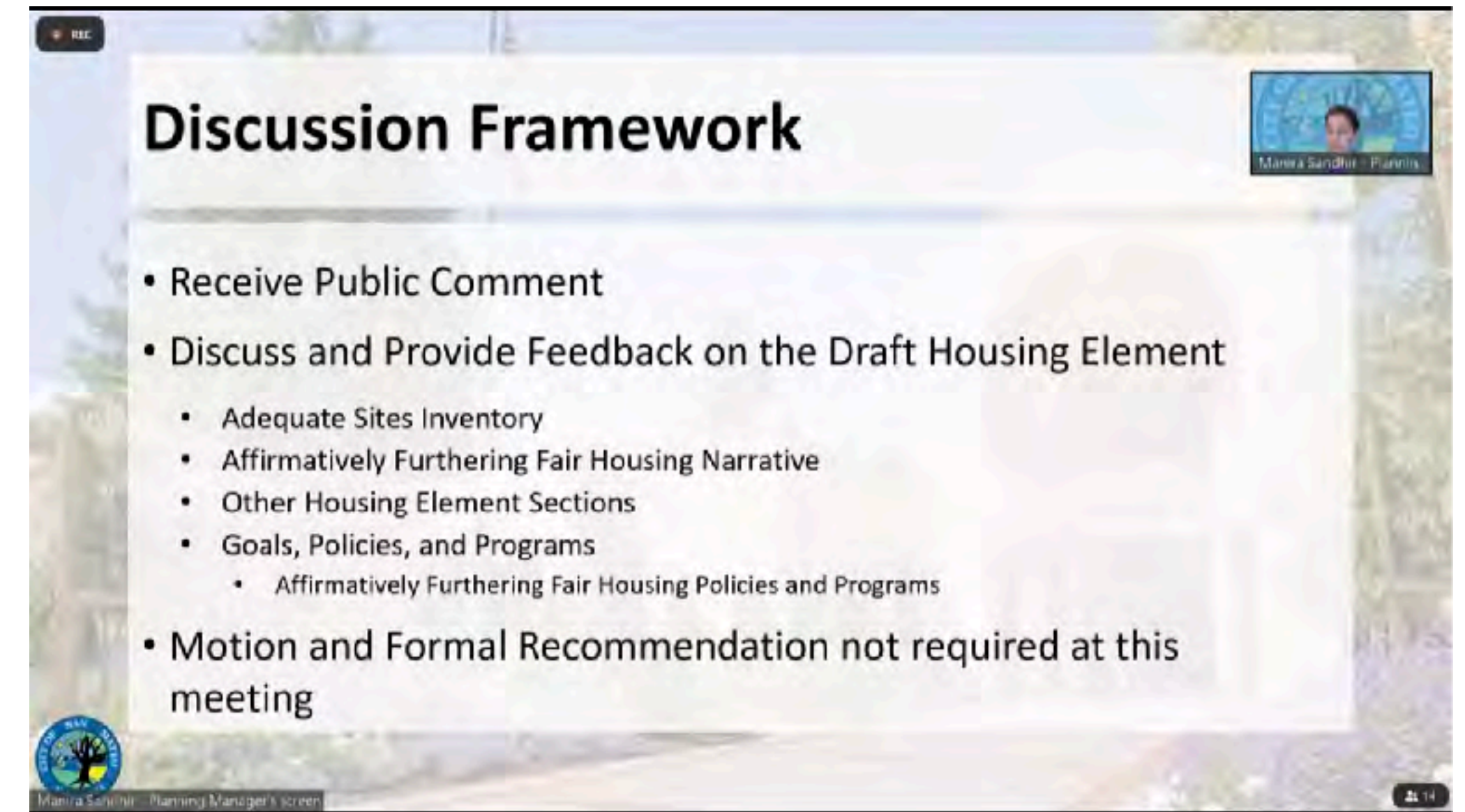
**Draft for Public Review: Housing Element of the General Plan
2023-2031, April 6, 2022**

Commissioner Adam Nugent, April 26, 2022 Planning Commission Meeting

Outline

Draft 2023-2031 Housing Element Input

- Introduction and Thank You
- Part 1: Site Inventory Comments
 - Methodology-focused
- Part 2: Affirmatively Furthering Fair Housing Comments
 - General Comments
 - Fair Housing Assessment
 - Contributing Factors



Note: Topics to be discussed at Continuance Meeting, May 3:

- Part 3: Other Housing Element Sections
- Part 4: Goals, Policies, and Programs
 - Including Affirmatively Furthering Fair Housing Policies and Programs

Introduction and Thank You

Thank you, Housing Element Team!

The work you are doing is extremely important and impactful

- All of my comments and questions come from a place of deep respect and appreciation for the hard work you are doing!
- I am proud to have a city with staff of such caliber, who genuinely desire to create a better, more just housing landscape for our future
- This is HARD WORK; and you are undertaking it in uncharted territory that is fraught with puzzles and potential pitfalls

Thank you, Housing Element Team!

Fair warning:

- My comments are extensive
- To implement the Housing Element in a way that truly advances fair housing goals and meets the needs of our younger generations it will take:
 - Tough decisions and a lot of work
- This Housing Element is an opportunity to make real progress:
 - Repair racial and economic disparities
 - Combat cost of living increases that are disproportionately harming younger adults

The Push for Change Has Never Been Greater

Demographics will drive our housing needs *and* our political will

- The younger half of our population has a different outlook and set of values than many who are in the older generations
- The political winds are blowing in the right direction for positive change
- The Millennial and Gen-Z generations are the largest generations in history and will have continually increasing political voice and power
- It is the younger generations that are feeling the most pain in this crisis, and they are the most motivated to bring about change
 - 14% of 4-year university students experienced homelessness last year; 42% experienced housing insecurity (*Governing*, 4/26/2022)
- We cannot botch this for the next generation

Quantified Objectives Discussion

Draft City of San Mateo 2031 Housing Element, Chapter 8

- “According to HCD, the sum of the quantified objectives for the programs should ideally be equal to or surpass the community's identified housing needs.” (Page H-75)
- Nevertheless, in the Draft Housing Element, the City has chosen not to produce a plan that meets our Regional Housing Needs Assessment (RHNA) allocation
- The City has (erroneously*) calculated its own, quantified objectives that are below its regionally identified housing needs
- The Draft Housing Element does not currently include meaningful, quantifiable actions that would significantly increase housing production to an appropriate level, but this can and should be changed
- The only way we can justify not planning to meet our identified housing needs is if it is impossible for us to create programs, policies, develop funding, or make land use changes that can commensurably increase housing production in line with our allocation, i.e. if there were no precedents in which municipalities reformed policies and subsequently increased housing production

* The quantified objectives themselves are incorrect due to omissions in the Housing Element's capacity calculation methodology, discussed next

“Unaffordable housing has one and only one cause: purposeful communal enforcement of it. This is legislated poverty.”

Kevin Erdmann

Part 1: Sites Inventory

Fundamentally, there is not a set of programs or proposals in the Draft Housing Element that justify an assertion that there will be a 300% increase in housing production over the next eight years.

My comments focus entirely on methodological issues and I will heavily reference state statutes and documented state guidance

Why does zoning capacity matter?

How much buffer do we have and how does it affect housing costs and fair housing?

Historically, most US cities planned for far more housing than was needed for the existing population. But as cities started to integrate in the post-war era of the 1950s and 60s, a backlash ended this practice, and a wave of mass downzonings followed.

The result: Housing is increasingly unaffordable for most households. This was deliberate, and often predicted, as downzonings greatly reduced the “zoning buffer” between current housing stock and the maximum allowable housing capacity. “Before 1960, the buffer in both New York and Los Angeles was at least 300% ... New York’s fell to roughly 50% after the 1961 zoning update, and it was just 12% in Los Angeles in 2010.” (Shane Phillips, Housing Initiative Project Manager, UCLA Lewis Center for Regional Policy Studies)



Methodological Shortcomings: Nonvacant Sites Analysis

A Necessary Threshold listed in the “HDC Housing Element Completeness Checklist 1/1/2021”:

- “Nonvacant Sites Analysis: For nonvacant sites, **demonstrate the potential and *likelihood* of additional development within the planning period based on extent to which existing uses may constitute an impediment to additional residential development, past experience with converting existing uses to higher density residential development**, current market demand for the existing use, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, **development trends, market conditions**, and regulatory or other incentives or standards to encourage additional residential development on these sites”

This information needs to be objectively quantified



HOUSING ELEMENT COMPLETENESS CHECKLIST

A Quick Reference of Statutory Requirements for
Housing Element Updates
Updated 1/2021

The purpose of this completeness checklist is to assist local governments in the preparation of their housing element. It includes the statutory requirements of Government Code section 65580 – 65588. Completion of this checklist is not an indication of statutory compliance but is intended to provide a check to ensure that relevant requirements are included in the housing element prior to submittal to the Department of Housing and Community Development pursuant to Government Code section 65585(b). For purposes of the Checklist the term “analysis” is defined as a description and evaluation of specific needs, characteristics, and resources available to address identified needs.

For technical assistance on each section visit [California Housing and Community Development Building Blocks Technical Assistance](https://www.hcd.ca.gov/community-development/building-blocks/index.shtml) (<https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>)

Methodological Shortcomings: Nonvacant Sites Analysis

A Necessary Threshold listed in the “HDC Housing Element Completeness Checklist 1/1/2021”:

- “If nonvacant sites accommodate 50 percent or more of the lower-income RHNA [which is the case in San Mateo], **demonstrate the existing use is not an impediment to additional development and will likely discontinue in the planning period**, including adopted findings based on **substantial evidence.**”



HOUSING ELEMENT COMPLETENESS CHECKLIST

A Quick Reference of Statutory Requirements for
Housing Element Updates
Updated 1/2021

The purpose of this completeness checklist is to assist local governments in the preparation of their housing element. It includes the statutory requirements of Government Code section 65580 – 65588. Completion of this checklist is not an indication of statutory compliance but is intended to provide a check to ensure that relevant requirements are included in the housing element prior to submittal to the Department of Housing and Community Development pursuant to Government Code section 65585(b). For purposes of the Checklist the term “analysis” is defined as a description and evaluation of specific needs, characteristics, and resources available to address identified needs.

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Realistic Development Capacity

My Underlying Questions

- How does the city plan to increase home building by over 300%?
 - And is this development increase realistic under the described methodology?
- What is different in cycle 6 from cycle 5?
 - The city's site's capacities have only decreased from cycle 5 as the city has grown and land uses intensified (new developments have replaced existing underutilized parcels)
 - So, is there a proposed program or group of new programs that can be shown to increase home building by over 300%, based on substantial evidence from other municipalities or from economic studies?

Sites Inventory Analysis is Incomplete

Current incompleteness prohibits City from assessing actual capacity to meet its RHNA allocation

- From the Draft Housing Element: “The purpose of the Sites Inventory is to evaluate whether there are sufficient sites with appropriate zoning to meet the RHNA goal. It is based on the City’s current land use designations and zoning requirements. The analysis does not include the economic feasibility of specific sites, nor does it take into consideration the owner’s intended use of the land now or in the future.” (Page H-25 Draft City of San Mateo 2031 Housing Element)
- **My Q: What substantial evidence, then, does the city provide that uses will be discontinued for nonvacant sites?**
- **My Q: How does the city incorporate redevelopment trends in its site capacity calculations?**

Site Inventory Methodology - State Law

(Compare to Draft City of San Mateo 2031 Housing Element, Page H-26)

- Government Code section 65583.2(c)(2) The housing element must describe the methodology used to determine the number of units calculated based on the following factors:
 1. Land use controls and site improvements requirements,
 2. *NEW* The realistic development capacity for the site,
 3. *NEW* Typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,
 4. *NEW* The current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

Site Inventory Methodology

Page H-26

Draft City of San Mateo 2031 Housing Element

- “The number of units that might be able to be developed at various affordability levels ***was then estimated***, e.g., available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was then completed ***using the actual average residential densities for developments*** built on land with various zoning designations over the past five years.” (Page H-26 Draft City of San Mateo 2031 Housing Element)
- This a surprisingly short description of a crucial part of our otherwise extensive Draft Housing Element
- “***was then estimated***” is doing a lot of work in this passage
- The City needs to show its math and data so the public can adjudicate its capacity calculations

- Locational requirements of identified sites (AB 686, 2018)
- Sites identified in previous housing elements (AB 1397, 2017)
- Non-vacant site replacement unit requirements (AB 1397, 2017)
- Rezone program requirements (AB 1397, 2017)

These laws are further described in Section 2.2 (Legislative Context) of the Housing Element.

3.4.2 Site Inventory Methodology

City staff inventoried vacant and underutilized parcels in San Mateo to determine what land is available for development at various levels of density. Types of sites included:

- Vacant sites zoned for residential use.
- Vacant sites zoned for nonresidential use that allow residential development.
- Residentially zoned sites, including non-residentially zoned sites with a residential overlay, that are capable of being developed at a higher density (non-vacant sites, including underutilized sites).
- Sites owned or leased by a city, county, or city and county.

The number of units that might be able to be developed at various affordability levels was then estimated, e.g., available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was then completed using the actual average residential densities for developments built on land with various zoning designations over the past five years.

The City of San Mateo's Sites Inventory for future housing includes property zoned for multi-family use that is currently vacant as well as land that is severely underutilized. Sites that are zoned commercial or office but allow residential uses were included. As seen in Table 7 below, the adequate sites analysis demonstrates that there is enough land to meet the City's RHNA. The analysis for affordable housing units for extremely low, very low, and low-income households is based on the assumption that land zoned at densities higher than 30 units to the acre can facilitate affordable housing development, given the City's inclusionary requirements of 15%. More than 50% of the City's below market rate housing would be developed on lands that are underutilized. However, the city is experiencing a high volume of residential and mixed-use development projects looking to revitalize these sites and seeking density bonus and other incentives to achieve higher density residential development.

3.4.3 Site Inventory Approach

Staff conducted a site-by-site review of all potential development sites, citywide. As will be demonstrated below, staff currently believes that the RHNA, plus a reasonable buffer, can be accommodated within the existing zoning densities and the growth limits of the voter-approved initiative known as Measure Y.⁶

Development Potential Ranking. Each site – or potential aggregation of sites – was analyzed to discern the likelihood and feasibility of development during the period 2023-2031. Factors such as underperforming or vacant uses, owner or developer interest, age and size of current improvements, site

⁶ Measure Y imposes height and density limits that will limit the amount of development that can be built on any site in San Mateo through 2030.

Site Inventory Methodology

Page H-26

Draft City of San Mateo 2031 Housing Element

- “The number of units that might be able to be developed at various affordability levels ***was then estimated***, e.g., available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was then completed ***using the actual average residential densities for developments*** built on land with various zoning designations over the past five years.” (Page H-26 Draft City of San Mateo 2031 Housing Element)
- **Q: What is the denominator used in calculating the average?**
- **Q: Does this denominator only use recently developed sites or does it look at all similarly zoned parcels?**

- Locational requirements of identified sites (AB 686, 2018)
- Sites identified in previous housing elements (AB 1397, 2017)
- Non-vacant site replacement unit requirements (AB 1397, 2017)
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- Sites owned or leased by a city, county, or city and county.

The number of units that might be able to be developed at various affordability levels was then estimated, e.g., available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was then completed using the actual average residential densities for developments built on land with various zoning designations over the past five years.

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Development Potential Ranking. Each site – or potential aggregation of sites – was analyzed to discern the likelihood and feasibility of development during the period 2023-2031. Factors such as underperforming or vacant uses, owner or developer interest, age and size of current improvements, site

⁶ Measure Y imposes height and density limits that will limit the amount of development that can be built on any site in San Mateo through 2030.

Site Inventory Methodology

Realistic Development Capacity for nonresidential, nonvacant, or overlay zoned sites

- Practically all sites are non-vacant, and so we must look at production trends...

Realistic Development Capacity

City must consider past experience converting existing uses for Nonvacant Sites

- HCD’s “Site Inventory Guidebook,” page 24:
- “If the inventory identifies nonvacant sites to address a portion of the RHNA, **the housing element must describe the realistic development potential of each site within the planning period.** Specifically, the analysis *must* consider the extent that the nonvacant site’s existing use impedes additional residential development, the **jurisdiction's past experience converting existing uses to higher density residential development, market trends and conditions,** and regulatory or other incentives or standards that encourage additional housing development on the nonvacant sites.”

“Development potential”

X period of time (“planning period”)

= *rate* of parcel conversion to new housing

PART D: NONVACANT SITES

Local governments with limited vacant land resources or with infill and reuse goals may rely on the potential for new residential development on nonvacant sites, including underutilized sites, to accommodate their RHNA. Examples include:

- Sites with obsolete uses that have the potential for redevelopment, such as a vacant restaurant.
- Nonvacant publicly owned surplus or excess land; portions of blighted areas with abandoned or vacant buildings.
- Existing high opportunity developed areas with mixed-used potential.
- Nonvacant substandard or irregular lots that could be consolidated.
- Any other suitable underutilized land.

Local governments can meet other important community objectives to preserve open space or agricultural resources, as well as assist in meeting greenhouse gas emission-reduction goals, by adopting policies to maximize existing land resources and by promoting more compact development patterns or reuse of existing buildings.

Definition of a Vacant Site

A vacant site is a site without any houses, offices, buildings, or other significant improvements on it. Improvements are generally defined as development of the land (such as a paved parking lot, or income production improvements such as crops, high voltage power lines, oil-wells, etc.) or structures on a property that are permanent and add significantly to the value of the property.

Examples of Vacant Sites:

- No improvement on the site (other than being a finished lot).
- No existing uses, including parking lots.
- Underutilized sites are not vacant sites.
- Sites with blighted improvements are not vacant sites.
- Sites with abandoned or unoccupied uses are not vacant sites.

If the inventory identifies nonvacant sites to address a portion of the RHNA, the housing element must describe the realistic development potential of each site within the planning period. Specifically, the analysis must consider the extent that the nonvacant site’s existing use impedes additional residential development, the jurisdiction's past experience converting existing uses to higher density residential development, market trends and conditions, and regulatory or other incentives or standards that encourage additional housing development on the nonvacant sites.

Nonvacant Site Analysis Methodology

From HCD's "Site Inventory Guidebook," May 2020, page 25

Development Trends:

The inventory analysis should describe development and/or redevelopment trends in the community as it relates to nonvacant sites, i.e., the rate at which similar sites have been redeveloped. This could include a description of the local government's track record and specific role in encouraging and facilitating redevelopment, adaptive reuse, or recycling to residential or more intensive residential uses. If the local government does not have any examples of recent recycling or redevelopment, the housing element should describe current or planned efforts (via new programs) to encourage and facilitate this type of development (e.g., providing incentives to encourage lot consolidation or assemblage to facilitate increased residential-development capacity). The results of the analysis should be reflected in the capacity calculation described in Part C

Part C: Example Calculation

From HCD’s “Site Inventory Guidebook,” May 2020, page 22

I cannot find this factor in our site inventory methodology

Example Capacity Calculation
Here is an example of the actual capacity calculation for a particular site in the inventory. The methodology analysis must describe how each of these adjustments was generated per the analysis requirements above. The factors used below are based on the factors outlined in the statute. The percentages and how the factors are applied will vary depending on the unique circumstance in each jurisdiction.

Site Description	
Size of site	2.5 acres
Zoning	Residential Mixed-Use
Allowable density	20 – 45 dwelling units per acre
RHNA affordability	Lower income
Existing Use	Nonvacant, single storefront
Infrastructure availability	Yes, no constraints
Environmental constraints	None known

Capacity Factors	Adjustment	Reasoning
Land Use Controls and Site Improvements	95%	For net acreage due to on-site improvements including sidewalks, utility easement
Realistic capacity of the site	55%	55% adjustment based on past development trends for residential redevelopment in the residential mixed-use zones, and programs to incentivize development in this zone.
Typical densities	95%	Affordable housing projects are built out to almost maximum density
Infrastructure availability	No adjustment	Not applicable, no constraint
Environmental constraints	No adjustment	No known site constraint

Realistic capacity utilizing factors = (2.5 X 45)(.95)(.55)(.95) = 56 units

Realistic Capacity = 56 Units

Site Inventory Approach

Page H-26-27

Draft City of San Mateo 2031 Housing Element

The closest thing I can find to a calculation of the rate at which similar parcels were redeveloped is this non-empirical “Development Potential Ranking”.

The writers of this draft used a **subjective**, ranked series of numbers, 1-5, in its calculations to encode what amounts to an unsubstantiated guesstimate of the “realistic development capacity” of sites

This is like using “thumbs up” emojis where we should be using available, numerical, development trend data

3.4.3 Site Inventory Approach

Staff conducted a site-by-site review of all potential development sites, citywide. As will be demonstrated below, staff currently believes that the RHNA, plus a reasonable buffer, can be accommodated within the existing zoning densities and the growth limits of the voter-approved initiative known as Measure Y.⁶

Development Potential Ranking. Each site – or potential aggregation of sites – was analyzed to discern the likelihood and feasibility of development during the period 2023-2031. Factors such as underperforming or vacant uses, owner or developer interest, age and size of current improvements, site size, and site constraints were reviewed. Depending on these considerations, sites were ranked from 1 to 5, with 1 being a site unlikely to develop/redevelop within the planning period, and 5 being highly likely to develop/redevelop during the period. Samples of these rankings include, but are not limited to:

- National chain gas stations, national chain fast food restaurants, and community-serving grocery stores. The State has indicated these types of sites are the most difficult to justify including in an inventory. Generally, no sites in this category are included in the inventory; however, the city has identified two sites with redevelopment interest that are ranked 4 (i.e. Bridgepointe Shopping Center and Olympic Shopping Plaza).
- Sites that are extremely small with little opportunity for aggregation, sites that may require substantial environmental clean-up, and other heavily constrained sites. No sites in this category are included in the inventory.
- Sites with existing uses that could be redeveloped along with adjacent parcels but which may have multiple owners, small underperforming strip malls, and certain office developments. Many of the City’s sites are within this category.
- Sites that have uses on them but in which a developer has expressed interest in the site, shopping malls with significant potential for redevelopment, adjacent sites with only one or two owners, and low-density commercial developments in high-density areas. Many of the City’s sites are within this category.
- Large sites with potential for substantial development, vacant sites, or sites with proposed or soon to be proposed projects and approved projects that have not yet been built. Majority of the City’s sites are in this category and have either proposed or approved projects that have not yet been built.

Realistic Development Capacity

for nonvacant sites

- Using *qualitative* characteristics to “rank” the “likelihood” of redevelopment for various sites is *not* an acceptable methodology in any HCD guidance documentation (Draft Housing Element, page H-26 to H-27)
- The likelihood of redevelopment should be based on *quantitative*, measurable *trends* [rates] (HCD “Site Inventory Guidebook,” page 21)
- The only valid exceptions should be for places without reasonably similar development history to calculate trends from, and that should generally not apply to the Bay Area

Realistic Development Capacity

for nonvacant sites

- Using *qualitative* characteristics to “rank” the “likelihood” of redevelopment for various sites is not an acceptable methodology in any HCD guidance documentation (Draft Housing Element, page H-26 to H-27)
- When ratings are subjective, it is impossible for the public to ascertain the quality of the City’s analysis.
- It amounts to staff saying, “there is enough capacity because, to us, it feels like there is enough capacity. Trust us.”
- It then becomes uncannily convenient that staff “determined” we have enough zoned capacity to meet our RHNA allocation.

Realistic Development Capacity

for nonvacant sites

- Using *qualitative* characteristics to “rank” the “likelihood” of redevelopment for various sites is not an acceptable methodology in any HCD guidance documentation (Draft Housing Element, page H-26 to H-27)
- When we use objective, quantitative data and we find that the probability of development is lower than what we need to meet our goals, we have the ability to draft policies that will enable changes that will help us meet our goals in predictable ways
- In contrast, when you base development capacity on subjective, non-empirical ratings, the Public has no way to understand how to change policies in ways that will meet our development needs

Non-Vacant Site Analysis Methodology - State Law

Government Code section 65583.2, subdivision (g)(2) states:

- “An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.”
- Q: How can a qualitative ranking of sites be considered substantial evidence?

Realistic Development Capacity - Nonvacant Sites

Current incompleteness prohibits City from assessing actual capacity to meet its RHNA allocation

- In sum, past production **trends** must be used, **including whether or not a site will be developed at all**. Staff or consultant “intuition” is not acceptable
- Unless there is substantial evidence that a site will be redeveloped according to a listed density, be it a letter from the property owner or a pre-application submission, the city should be using an objective, calculated probability of redevelopment based on all similar properties locally or regionally over the course of the past RHNA cycle.
- **For the City of San Mateo, that probability is 8.5% according to a UCLA study published in 2021**

Realistic Development Capacity - Nonvacant Sites

Current incompleteness prohibits City from assessing actual capacity to meet its RHNA allocation

- In sum, past production **trends** must be used, **including whether or not a site will be developed at all**. Staff or consultant “intuition” is not acceptable
- **Each parcel capacity calculation should be multiplied by the probability of development for parcels in San Mateo, something akin to 0.085 (or 1.0 if the parcel has *substantial evidence* of redevelopment)**
- **If there is additional, refined and warranted, *development trend data*, such as the probability of development for parcels with a specific zoning-designation that are of a functionally equivalent size, that probability may be factored into the calculation if reviewed and approved by the PC or council**

Non-vacant Site Analysis Next Steps

The City shall serve the Public in its evaluation of suitable sites

- From HCD Site Inventory Guidebook, page 27:
 - “If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site’s existing use is **presumed to impede** additional residential development, **unless the housing element describes findings based on substantial evidence** that the use will likely be discontinued during the planning period. The housing element must include the following:
 - As part of the resolution adopting the housing elements, findings stating the uses on nonvacant sites identified in the inventory to accommodate the RHNA for lower income is likely to be discontinued during the planning period and the factors used to make that determination. This can be included in the body or in the recital section of the resolution.”

Step 3A:

If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site’s existing use is presumed to impede additional residential development, unless the housing element describes findings based on substantial evidence that the use will likely be discontinued during the planning period. The housing element must include the following:

- As part of the resolution adopting the housing elements, findings stating the uses on nonvacant sites identified in the inventory to accommodate the RHNA for lower income is likely to be discontinued during the planning period and the factors used to make that determination. This can be included in the body or in the recital section of the resolution.

Example: WHEREAS, based on <name factors here (e.g., expiring leases, dilapidated building conditions, etc.)>, the existing uses on the sites identified in the site inventory to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore do not constitute an impediment to additional residential development during the period covered by the housing element.

- The housing element should describe the findings and include a description of the substantial evidence they are based on.

In general, substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. An example of substantial evidence would be a nonvacant site with a grocery store and with a building lease expiring in a year, and evidence that the store has entered into a lease to relocate to another site subsequent to the lease expiring.

Examples of substantial evidence that an existing use will likely be discontinued in the current planning period include, but are not limited to:

- The lease for the existing use expires early within the planning period,
- The building is dilapidated, and the structure is likely to be removed, or a demolition permit has been issued for the existing uses,
- There is a development agreement that exists to develop the site within the planning period,
- The entity operating the existing use has agreed to move to another location early enough within the planning period to allow residential development within the planning period.
- The property owner provides a letter stating its intention to develop the property with residences during the planning period.

If multiple sites make up a common existing use and the same factors affect each of the sites, the same findings can be used for each of the sites (e.g., an abandoned shopping mall with sites under common ownership that will not be restored to commercial use located in an area where there is recent residential development). The “substantial evidence” would indicate the existing use will not impede further residential development or that the existing use will be discontinued during the planning period. In this type of situation, use of the same findings for each of the multiple sites would be appropriate.

Non-vacant Site Analysis Next Steps

The City shall serve the Public in its evaluation of suitable sites

- When substantial evidence is provided for site redevelopment, it should be available to the public, early in the process, in an easy, user-friendly way that is connected to the site geographically,
- The substantial evidence's warrant for use should be adjudicated by the the Public through the Planning Commission and verified by HCD
- Absent substantial evidence:
 - The likelihood of redevelopment of any given site should default to the likelihood of development for all sites across the city (or all sites of a particular zoning category and equivalent size, if the data are available)

Realistic Development Capacity

Include a Monitoring Program with next-step actions

- Monitoring Programs with next-step actions should be incorporated if the expected housing development is not produced
- “In addition, the housing element should include monitoring programs with next-step actions to ensure sites are achieving the anticipated development patterns. The programs should identify modifications to incentives, sites, programs, or rezoning the jurisdiction will take should these strategies not yield the expected housing potential.” (HCD “Site Inventory Guidebook,” page 21)

Part 2: Affirmatively Furthering Fair Housing

**Using California HCD Guidance for Public Entities and Housing
Elements to advocate for our neighbors in San Mateo**

Commissioner Adam Nugent, April 26, 2022 Planning Commission Meeting

AFFH General Comments

Where are we going with this?

- We should have a very clear end-state where this city has solved the identified patterns of segregation, geographic disparities, and affirmatively furthered fair housing
- It does not have to be achieved by the end of this single cycle, but its expected year of achievement should be stated and agreed upon, under the direct consultation of identified, excluded demographics and protected classes, like an emissions goal
- This end-state should be discernible and anticipated by the goals and actions

“Many Americans have a hard time recognizing the magnitude and persistence of racial inequality because, psychologically, we resist these truths. Psychologists refer to this kind of broad bias in perception as “motivated cognition” — that is, most Americans want to live in a society that is more racially equal, and so they engage in mental actions that ignore, discount or downplay contradictory evidence to maintain coherence between belief and reality.”

Michael Kraus, a social psychologist and an associate professor at Yale University

Likewise, when progress toward equality is seen as inevitable, incentives for political action are low.

**We need to end residential segregation
and reinvest in our Northern
Neighborhoods**

Without displacement

State Guidance

Affirmatively Furthering Fair Housing

- New California laws require active steps by our city government to dismantle housing segregation
- Actions must be taken in the Housing Element/General Plan creation in 2021 and 2022
- HCD outlines best practices and policies for cities to use



**California Department of Housing
and Community Development**

Affirmatively Furthering Fair Housing

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)



Quick AFFH Overview for Readers of These Notes



**California Department of Housing
and Community Development**

Affirmatively Furthering Fair Housing

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)



What is AFFH?

Affirmatively Furthering Fair Housing

Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development.

Part 1: Duty of All Public Agencies to Affirmatively Further Fair Housing

AB 686 strengthens existing California fair housing and civil rights laws. California's Fair Employment and Housing Act (FEHA) provides broad protections to California residents, prohibiting housing discrimination based upon "race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information."³³ California's Government Code section 65008 prohibits discrimination in housing based on occupation, age, or protected characteristic; method of financing; or the intended occupancy by lower or moderate income people. While state law prohibited discrimination through public or private land use practices, decisions, and authorizations based on any of these characteristics, it had not included a state requirement to affirmatively further fair housing. As of January 1, 2019, AB 686 creates a state mandate requiring public agencies and jurisdictions to go beyond combating discrimination to affirmatively further fair housing.

"Affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development. - (Gov. Code, § 8899.50, subc. (a)(1))

Beyond the housing element requirements, AB 686 requires all public agencies (including, but not limited to, all cities and counties, and housing authorities) to ensure that their housing and community development programs and activities—taken together—affirmatively further fair housing, and that they take no action materially inconsistent with this obligation.³⁴

Affirmatively furthering fair housing includes taking proactive and meaningful actions that have a

³³ Gov. Code, §§ 12900-12996.

³⁴ Gov. Code, § 8899.50, subcs. (a)(1), (b), (d).

Meaningful Action

AFFH requirements

- Address significant disparities in housing needs and in access to opportunity
- Replace segregated living patterns with truly integrated and balanced living patterns
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity
- Foster and maintain compliance with civil rights and fair housing laws

1. Significant Disparities in Housing Needs and in Access to Opportunity: Examples include incentivizing new residential development to include below-market-rate housing; conserving affordability of existing housing, such as limitations on rents or conversion of such housing to higher rent or higher priced housing; encouraging systematic code enforcement activities that maintain housing stock while ensuring such enforcement does not cause displacement; and promoting housing mobility strategies and displacement mitigation strategies to ensure equitable access to opportunity. Housing mobility strategies may include providing affordable and accessible transportation options to enhance access to education and economic development opportunities. Displacement mitigation strategies may include tenant protections, conservation of existing stock, preservation of units at-risk of conversion to market-rate uses, acquisition and rehabilitation of existing stock, including naturally occurring affordable housing, and removing barriers to building affordable housing.

2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns: Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area (e.g., creating affordable housing, funding renter assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.³⁶

3. Transforming Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) into Areas of Opportunity: Examples include community-led, place-based strategies to revitalize communities, such as economic development strategies and prioritizing investment in R/ECAPs that meet the needs of existing low-income residents, such as safe routes to school, transit, parks, schools, bike and pedestrian infrastructure, urban forestry, other neighborhood improvements; preserving naturally occurring affordable housing, such as mobilehome parks; and preservation as affordable housing of market-rate units where low-income households live; and promoting mixed-income development coupled with strong anti-displacement protections. Conduct outreach and advertise city program to persons with limited English proficiency. Other examples include community engagement in planning processes, including targeted outreach, technical assistance to help apply for grants, economic development strategies, workforce development, youth engagement and educational programs, healthy food access, affordable energy, and transportation access.

4. Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws: Agencies must diligently comply with civil rights and fair housing laws, including the California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2), Government Code sections 8899.50, 65008, 65583, subdivisions (c)5 and (c)10, and 11135, Civil Code section 51 (the Unruh Civil Rights Act), and FEHA regulations in California Code of Regulations, title 2, sections 12005-12271.

Fair Housing Actions

What we need San Mateo to do

- Create housing mobility strategies
- Provide new housing choices and affordability in areas of opportunity
- Design place-based strategies to encourage community conservation and revitalization
- Protect existing residents from displacement

Examples of Affirmatively Furthering Fair Housing Actions

Housing Mobility Strategies consist of removing barriers to housing in areas of opportunity and strategically enhancing access. Examples include:

- Voucher mobility
- Housing mobility counseling
- City-wide affordable rental registries
- Landlord outreach to expand the location of participating voucher properties
- Landlord education and outreach on source of income discrimination and voucher programs
- Assistance with security deposits and moving expenses for voucher holders and other low-income tenants
- Extend search times for particular groups with housing choice vouchers, such as larger families with children or persons with disabilities
- Regional cooperation and administration of vouchers (such as through portability and shared waiting lists)
- Affirmative marketing can be targeted at promoting equal access to government-assisted housing or to promote housing outside the immediate neighborhood to increase awareness and the diversity of individuals in the neighborhood
- Collaborate with high performing school districts to promote a diversity of students and staff to serve lower income students
- Developing multifamily housing opportunities⁹⁵
- Encouraging the development of four or more units in a building
- Encouraging collaboration between local governments and community land trusts as a mechanism to develop affordable housing in higher-opportunity areas.⁹⁶
- Accessibility programs focus on improving access to housing, transit, public buildings and facilities, sidewalks, pedestrian crossings, and businesses.

New Housing Choices and Affordability in Areas of Opportunity means promoting housing supply, choices and affordability in areas of high opportunity and outside of areas of concentrated poverty. Examples include:

- Zoning, permit streamlining, fees, incentives and other approaches to increase housing choices and affordability (e.g., duplex, triplex, multifamily, accessory dwelling units, transitional and supportive housing, group homes) in high opportunity areas
- Target housing creation or mixed income strategies (e.g., funding, incentives, policies and programs, density bonuses, land banks, housing trust funds)
- Inclusionary requirements

⁹⁵ The federal FHA includes design and construction requirements for all residential buildings with four or more attached units. In buildings with stairs, all ground floor units must be accessible, and in buildings with elevator access, all units must have minimum access. There is no federally mandated standard for accessibility in single family homes. Government Code section 12956.1, subdivision (b), requires 10 percent of units in multifamily buildings without elevators consisting of 3 or more rental units or 4 or more condominium units are subject to accessibility building standards.

⁹⁶ See Community Land Trusts and Stable Affordable Housing, available at <https://www.huduser.gov/pdapl/popsdgc/pdf/cslatdc-featd-article-110419.html>, last visited on March 19, 2021.

Components of New HE Requirements for AFFH

1. Outreach
2. Assessment of Fair Housing (AFH)
3. Site Inventory
4. Identification & Prioritization of Contributing Factors
5. Goals and Actions/Programs



Affirmatively Furthering Fair Housing

6.3 San Mateo's Fair Housing Assessment

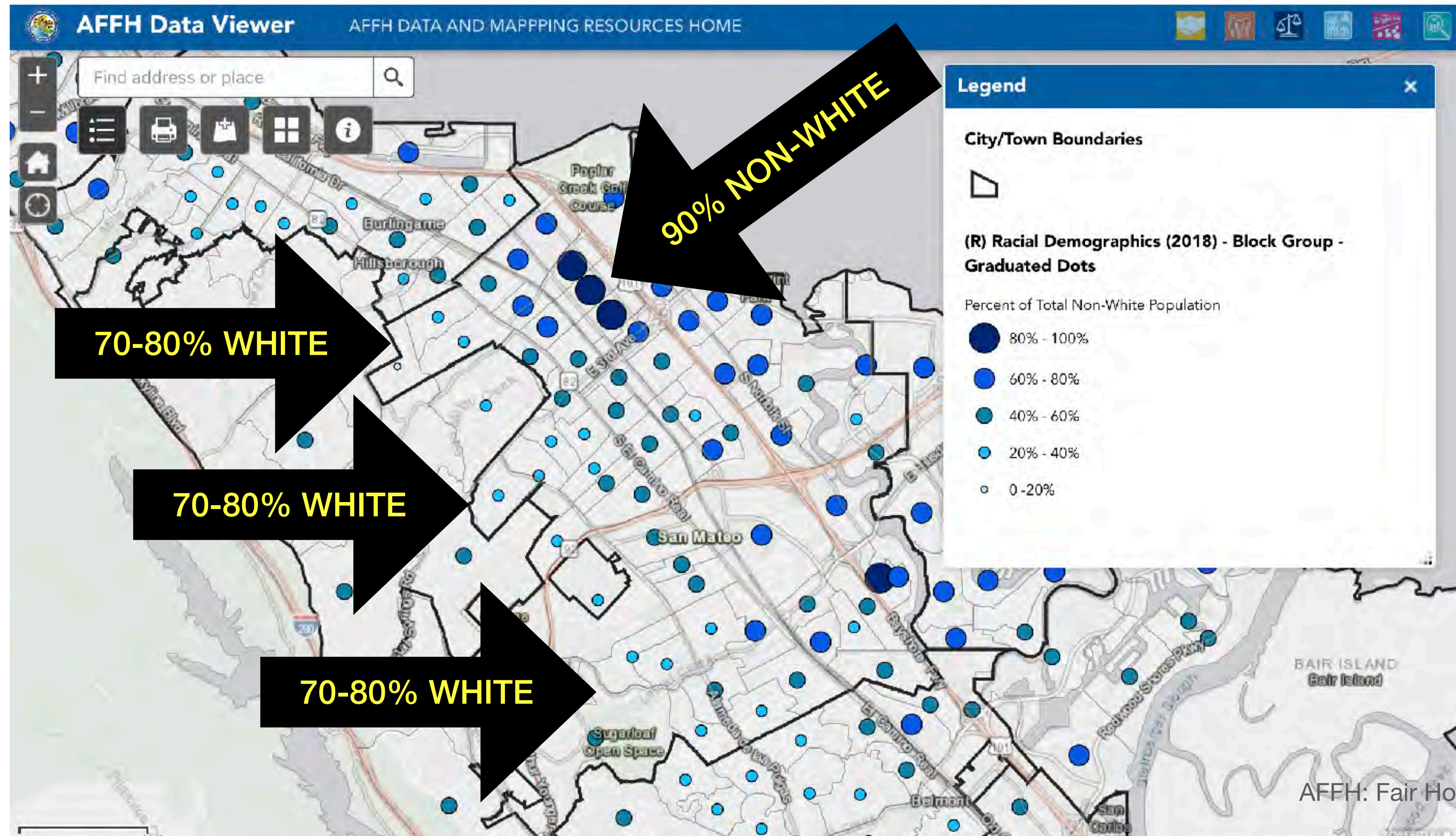
Fair Housing Assessment

Shortcomings In the Assessment of Segregation and Integration Patterns and Trends:

- No analysis of racially segregated, concentrated areas of affluence
 - Missing assessment of the most segregated racial population: non-Hispanic whites (APPENDIX D, Attachment 4 – UC Merced Segregation Report)
- No opportunity sites are located within the city's highest-opportunity areas

Assessment's Miss:

Racially Concentrated Areas of Affluence Completely Left Out of the Analysis and Sites Inventory



"Figure II-6: % Non-White Population by Census Block Groups," 2018, Root Policy Research Map and Data Packet, Page 10

Fair Housing Assessment

Shortcomings In the Assessment of Segregation and Integration Patterns and Trends:

- Why is income-segregation substantially higher in San Mateo compared to the rest of the Bay Area?
 - This assessment should highlight factors that can be fixed
- Why has San Mateo's income segregation at the neighborhood level not improved over time and why is it worse than the Bay Area average?

Fair Housing Assessment

Shortcomings In the Assessment of Segregation and Integration Patterns and Trends:

- Missing meaningful assessment of segregation in San Mateo relative to the Bay Area region
 - Extremely low population of black people. Why?
 - Need assessment of **causes** for the growing exclusion of this demographic from San Mateo in order to solve for this issue

Assessment's Miss: Black population

Exclusion and displacement —> low population relative to Bay Area

- Only 2% of the city's population is now black
- In 1990 the North Central census tract was 18% black, the highest in the city
- In 2017 it was only 4% black
- Discuss possible causes:
 - Disinvestment-driven displacement in North Central due to rising rental costs and lack of improvement of rental housing conditions
 - Government policy preventing home purchasing
 - Historical exclusion elsewhere in the city

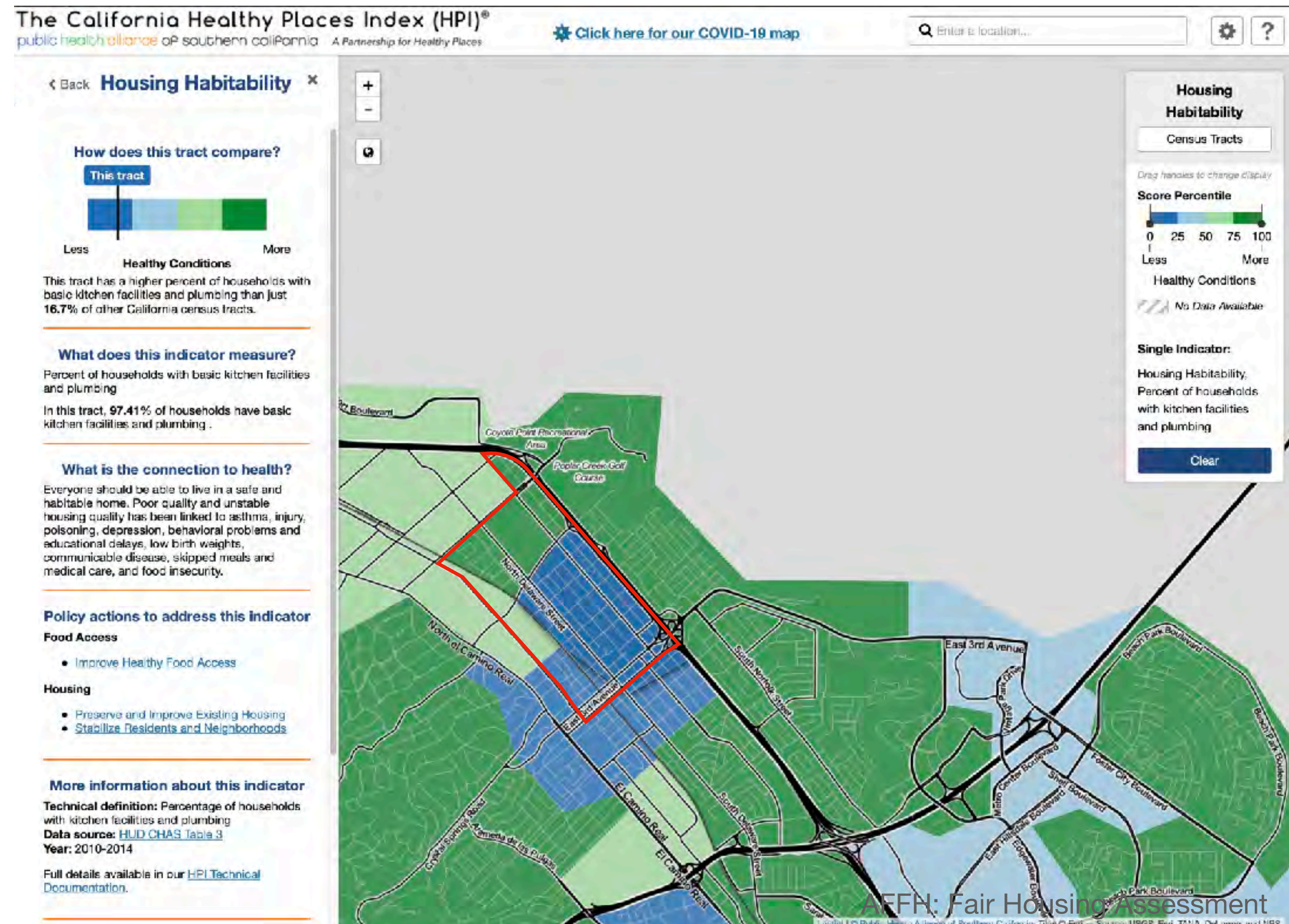
Black Population in Census Tract 6062 Census Period 1960-Present	
1990	18%
2000	11%
2010	6%
2017	4%

Assessment's Miss: Geographic Differences

Housing Habitability Issues

- Strong and distinguishing characteristic of North Central
- Highly concentrated in North Central and downtown
- North Shoreview is *not* characterized by this issue

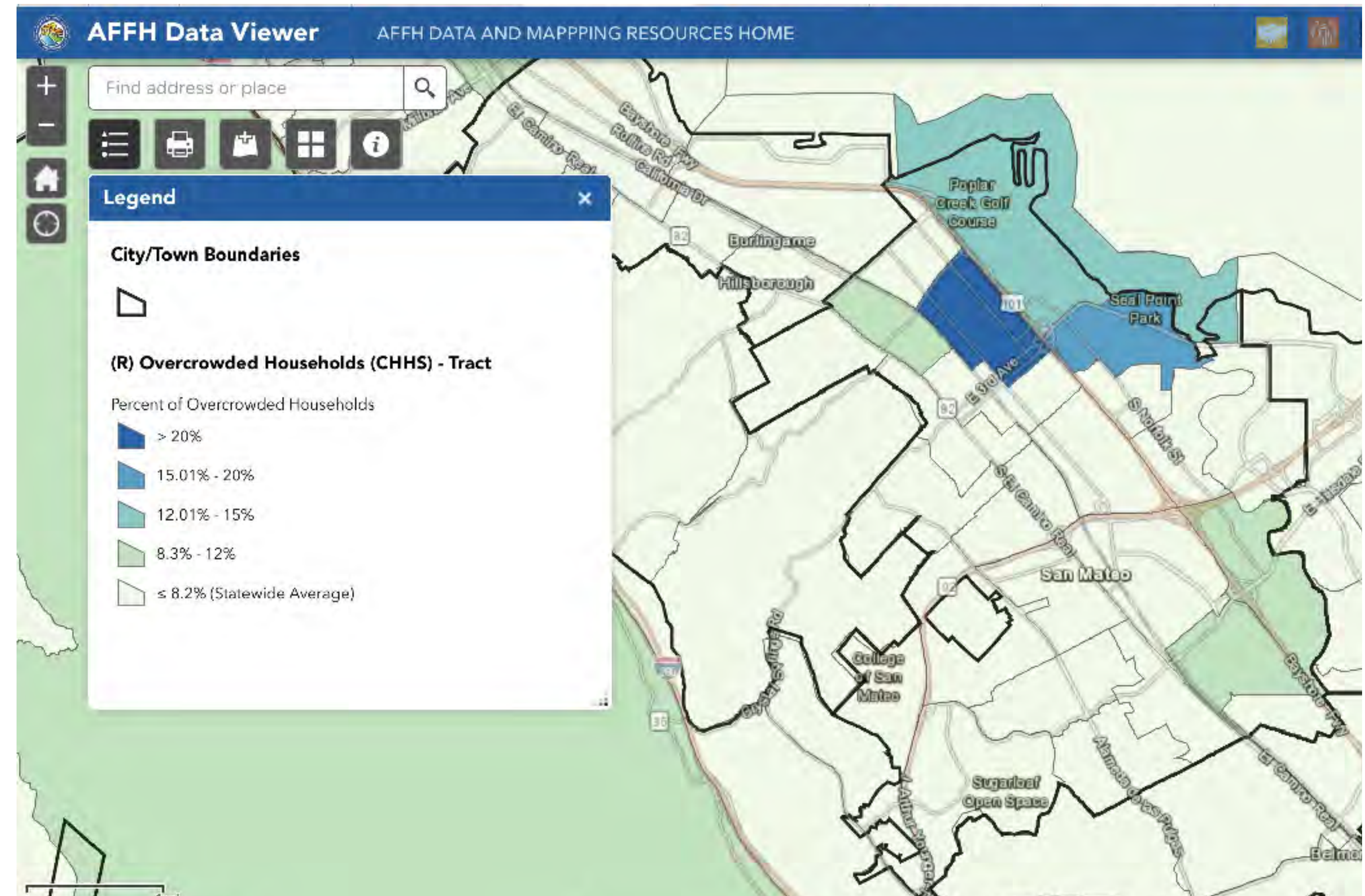
See also: "Figure III-11: Healthy Places Index by Census Tract, 2021," Root Policy Research Map and Data Packet, Page 40



Assessment's Miss: Geographic Differences

Overcrowding issues in North Central

- Strong and distinguishing characteristic of southern North Central
- Highly concentrated in one neighborhood
 - North Shoreview (13%) is much less characterized by this issue
- San Mateo overcrowding overall average: 7%, which is heavily skewed by North Central
- San Mateo Park: < 1%
- North Central north of Poplar Ave: 1%
- **North Central south of Poplar Ave: 27%**



"Figure IV-19: Overcrowded Households by Census Tract, 2019," Root Policy Research Map and Data Packet, Page 60

Fair Housing Assessment

Resident trauma and exclusion

- North Central residents, including many who are alive today, have experienced the trauma of exclusion and steering from other neighborhoods of San Mateo
- Paired with a strong history of disinvestment and government practices to prevent POC from home ownership, the neighborhood and its people will need thoughtful repair in both the public and private realms

6.3.2 Contributing factors and Fair Housing Action Plan.

Excerpt from HCD's AFFH Presentation

4. Identify and Prioritize Contributing Factors

- » The housing element must identify and prioritize significant contributing factors to segregation, R/ECAPS, opportunity access, & disproportionate housing needs
 - Fair housing contributing factor = a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues.
 - Contributing factors should be based on all prior AFFH analyses (Outreach, AFH, Site Inventory)

Excerpt from HCD's AFFH Presentation

4. Identify and Prioritize Contributing Factors

- » Identification and evaluation of contributing factors must:
 - Identify fair housing issues and significant contributing factors
 - Prioritize contributing factors, giving highest priority to those factors that most limit or deny fair housing choice, access to opportunity, or negatively impact fair housing or civil rights compliance
 - Discuss strategic approaches to inform and strongly connect to goals and actions. Goals and actions should stem directly from Contributing Factors
- » Prioritization is important – should be a manageable list (4-6, not 50)
- » Must be tailored to local conditions

Analysis of Contributing Factors is inadequate

- It currently focuses more on the characteristics of the victims of our discriminatory structures and thus functions more as a continuation of the fair housing assessment than what it's meant to be
- For instance, listing the fact *that Hispanic residents are more likely to work low-wage jobs or that Hispanic residents are primarily concentrated in the northeastern area of the city where residents face higher poverty and cost burden as well as poor opportunity outcomes* is something that belongs in the fair housing assessment, not in the contributing factors space

Analysis of Contributing Factors is inadequate

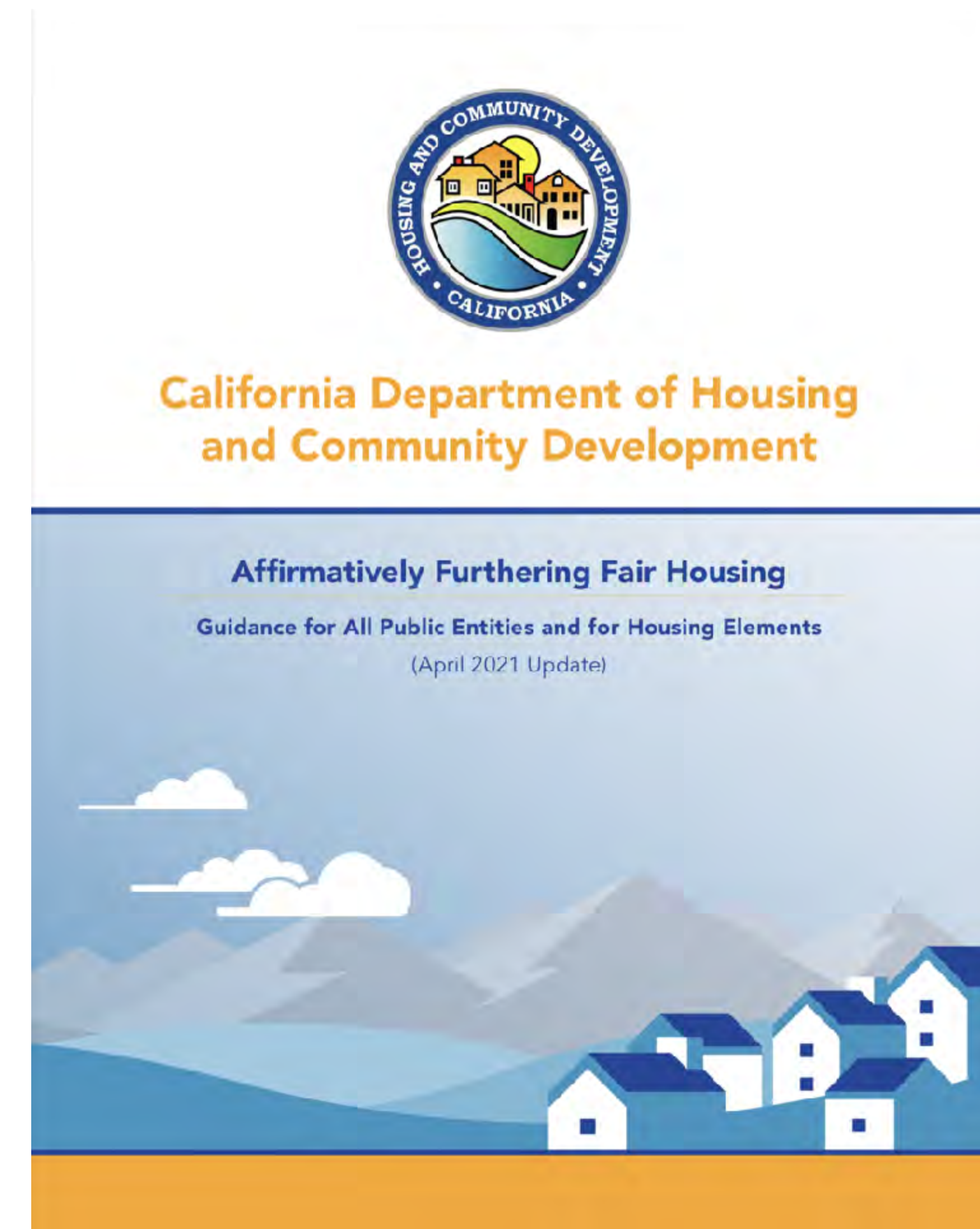
What is a fair housing contributing factor?

- Fair housing contributing factor = a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues
- **City-controlled regulatory factors, policies, or ways of doing business** that cause or contribute to fair housing issues ***should be fully identified and take primacy in this analysis***, but they are inadequately discussed

Examples of Contributing Factors to Fair Housing Issues by Area

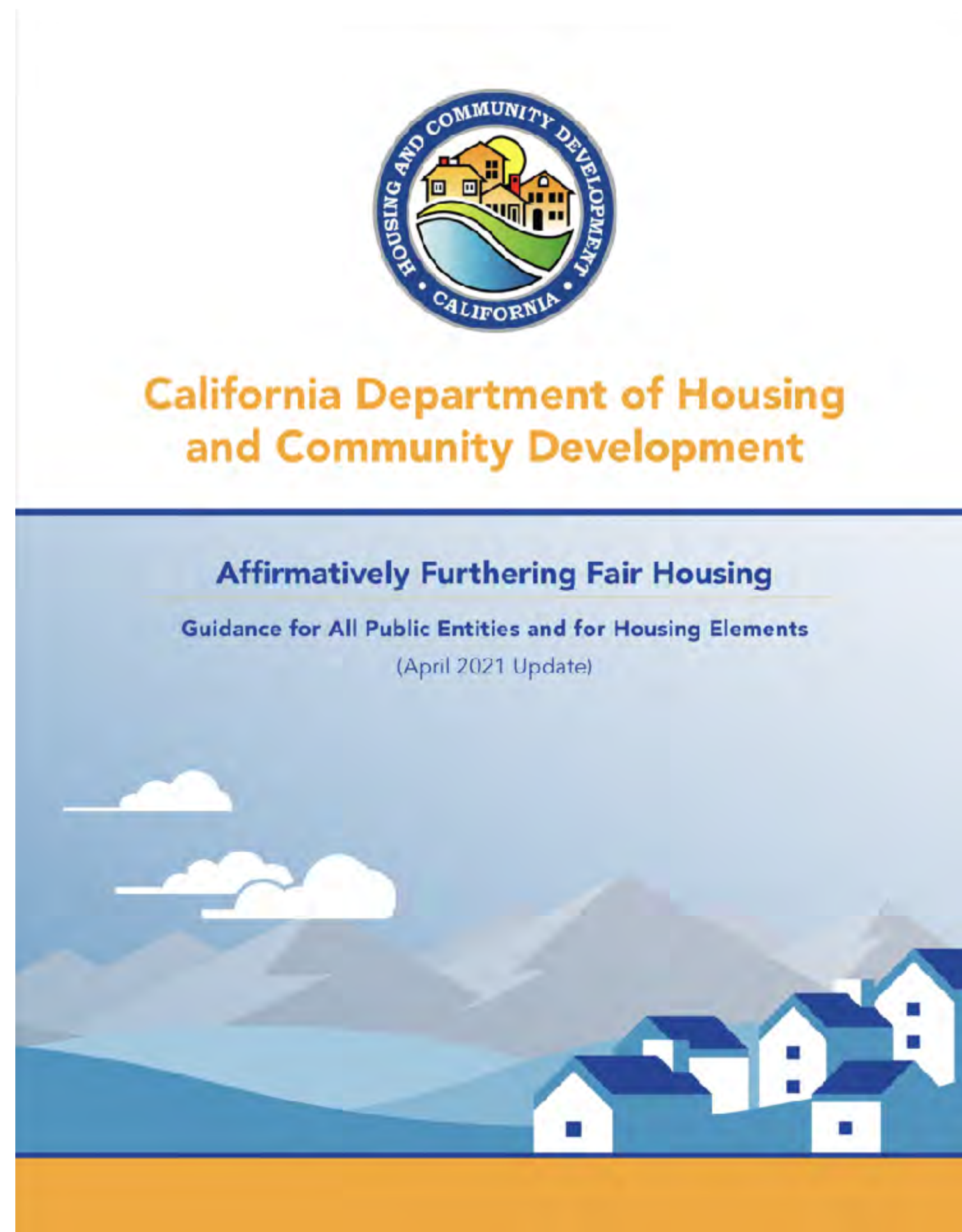
From HCD's "Affirmatively Furthering Fair Housing: Guidance to All Public Entities and for Housing Elements"
Pages 68-70

- **Segregation and Integration**
 - Community opposition
 - Lack of community revitalization strategies
 - Lack of private investments in specific neighborhoods
 - Land use and zoning laws



Examples of Contributing Factors to Fair Housing Issues by Area

From HCD's "Affirmatively Furthering Fair Housing: Guidance to All Public Entities and for Housing Elements"
Pages 68-70

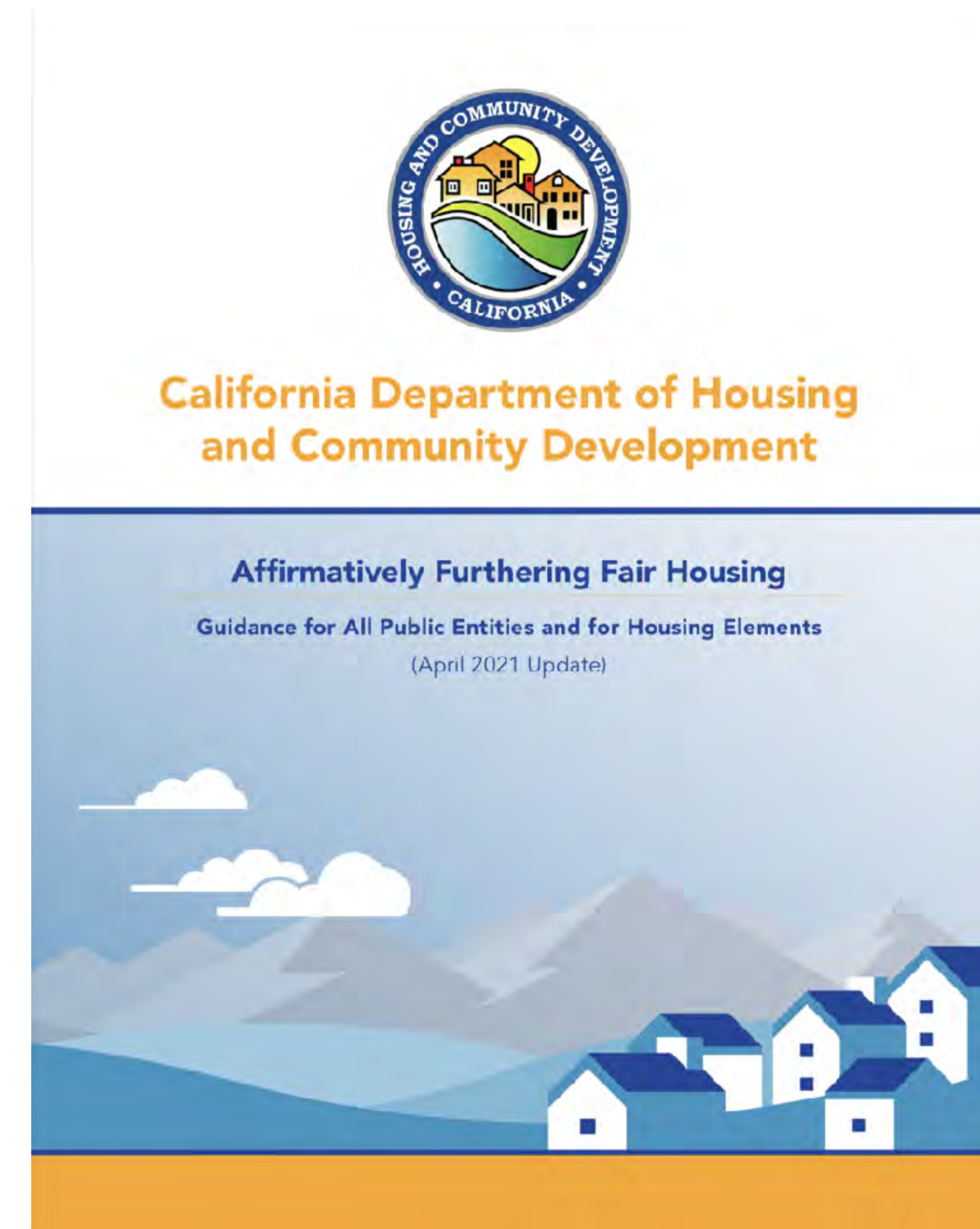


- **Racially and Ethnically Concentrated Areas of Poverty**
 - Deteriorated and abandoned properties
 - Displacement of residents due to economic pressures
 - Land use and zoning laws
 - Occupancy codes and restrictions

Examples of Contributing Factors to Fair Housing Issues by Area

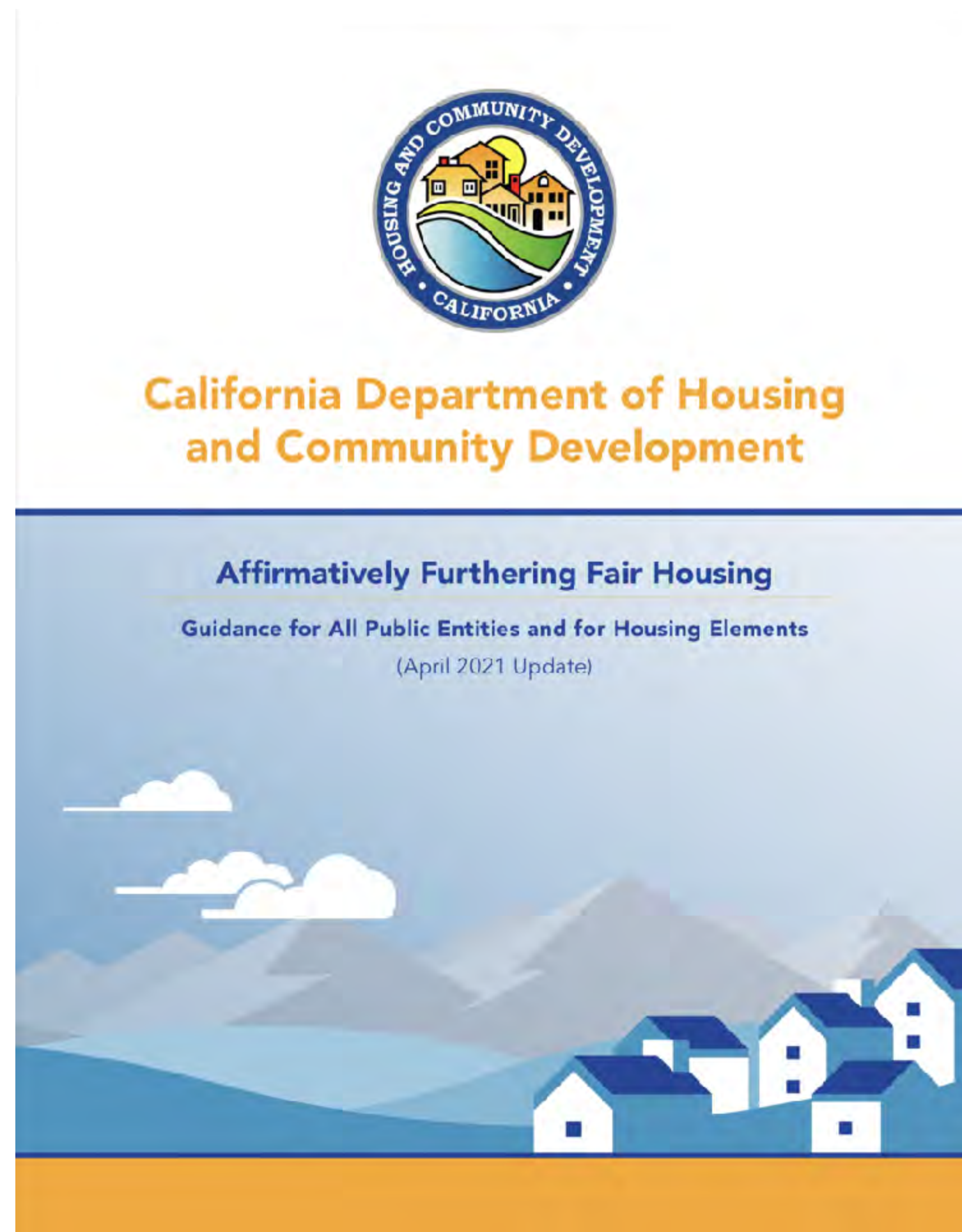
From HCD's "Affirmatively Furthering Fair Housing: Guidance to All Public Entities and for Housing Elements"
Pages 68-70

- **Disparities in Access to Opportunity**
 - The availability, type, frequency, and reliability of public transportation
 - Land use and zoning laws
 - Lack of public investments in specific neighborhoods, including services or amenities
 - Location of proficient schools and school assignment policies
 - Location and type of affordable housing



Examples of Contributing Factors to Fair Housing Issues by Area

From HCD's "Affirmatively Furthering Fair Housing: Guidance to All Public Entities and for Housing Elements"
Pages 68-70



- **Disproportionate Housing Needs, Including Displacement Risks**
 - The availability of affordable units in a range of sizes
 - Lack of renter protections
 - Land use and zoning laws

Analysis of Contributing Factors

Analysis of Contributing Factors is inadequate.

- Contributing Factors analysis must answer key “why” questions:
 - What unique factors, characteristics, and history in North Central and, separately, North Shoreview are leading to the concentration of higher poverty, low economic and environmental opportunity, high-cost burden, overcrowding, and flood hazards compared to the rest of the City of San Mateo?
 - What existing government constraints or policies have perpetuated these concentrated characteristics?
 - What factors, policies, and history in other parts of the city contribute to the absence of these characteristics, especially west of El Camino?

The Analysis of Contributing Factors

Shortcomings

- The Housing Element needs to assess the **geographic and regulatory causes** leading to the concentration of poverty, low economic and environmental opportunity, high-cost burden, and overcrowding in North Central and, to a lesser extent, North Shoreview
- The Housing Element also needs to assess the **geographic and regulatory causes** leading to the concentration of affluence and, disproportionately, white people in western neighborhoods
- This necessary assessment of **causes** is needed in order to develop place-based programs and actions that will meaningfully repair these issues

The Analysis of Contributing Factors

Must be able to guide Significant, Meaningful, and Sufficient policies to Overcome Patterns of Segregation

- Existing patterns of segregation in San Mateo are significant and persistent
 - Census tract divergence within the city ranges from 82% white to 6% white (San Mateo Park vs North Central, respectively)
 - Class segregation largely follows these lines
 - Actions and policies must be sufficient to overcome this pattern in a reasonable period of time
 - Why is the white population significant? Check out Appendix D and read *Segregation by Design* by Prof. Jessica Trounstein

The Analysis of Contributing Factors

Must be able to guide Significant, Meaningful, and Sufficient policies to Overcome Patterns of Segregation

- The Housing Element also fails to discuss strategic approaches to inform and strongly connect “Contributing Factors” to “Goals and Actions”
- This contributes to the the creation of goals and actions that are not yet sufficient to produce meaningful action

The Analysis of Contributing Factors

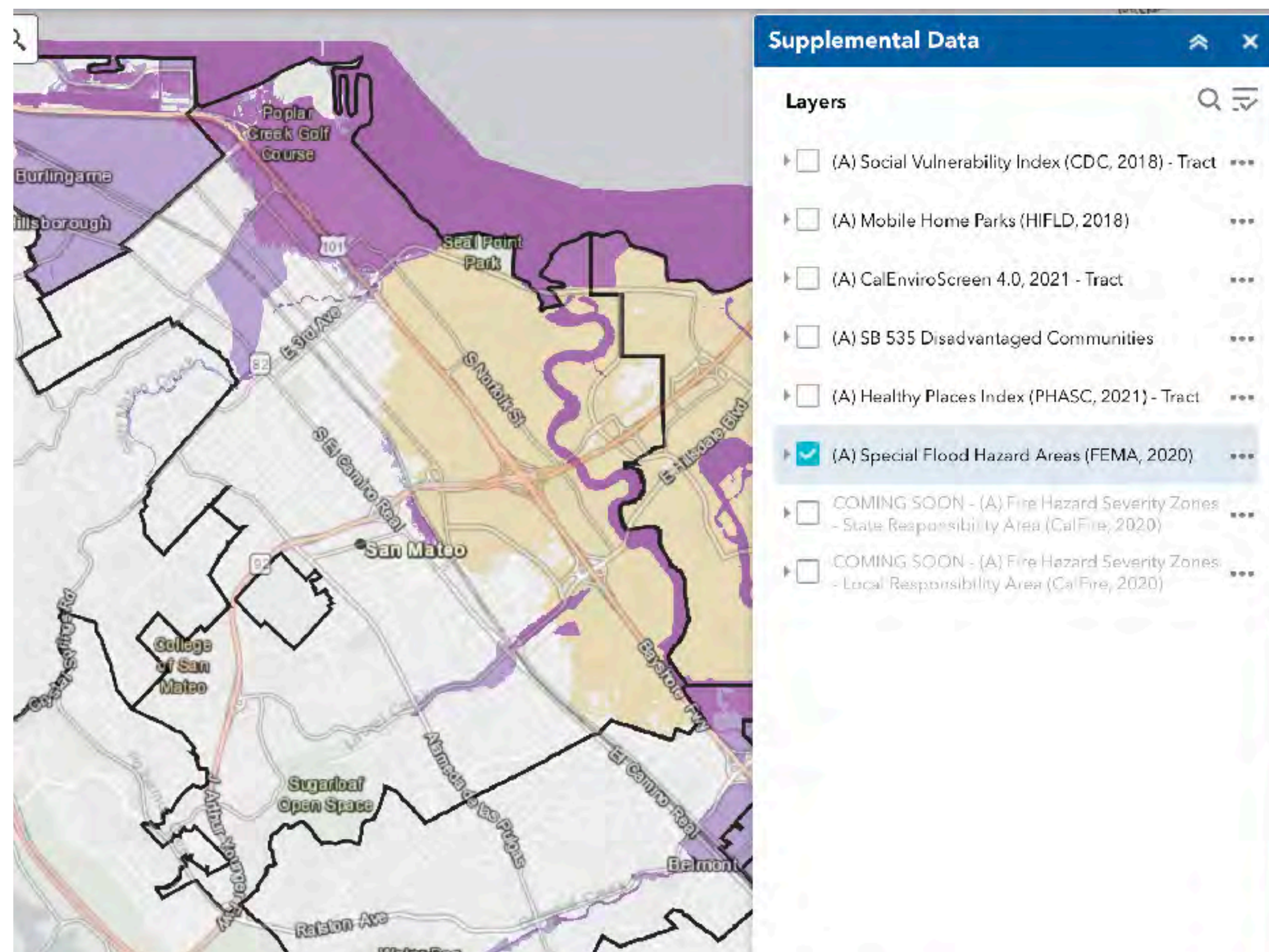
Must be able to guide Significant, Meaningful, and Sufficient policies to Overcome Patterns of Segregation

- Again, existing patterns of segregation in San Mateo are significant and persistent
- Analysis of Contributing Factors should be able to connect to Actions and Policies that are structured in a way that, economically, creates value for the city and for residents, without destroying the value of existing places
- This should not be about diminishing the quality of existing high-resource neighborhoods in order to achieve parity
- This process is about:
 - Lifting up disinvested portions of our city, and
 - Pairing that uplift with expanded access and residential integration across the city through thoughtful government-guided programs

Identify and Prioritize Contributing Factors

Tell the Story: North Shoreview: Environmental Hazard and Isolation

- Why is North Shoreview an edge Racially/Ethnically Concentrated Area of Poverty?
- What characteristics distinguish North Shoreview from other similar neighborhoods, and how might they lead to higher concentrations of marginalized or vulnerable groups?



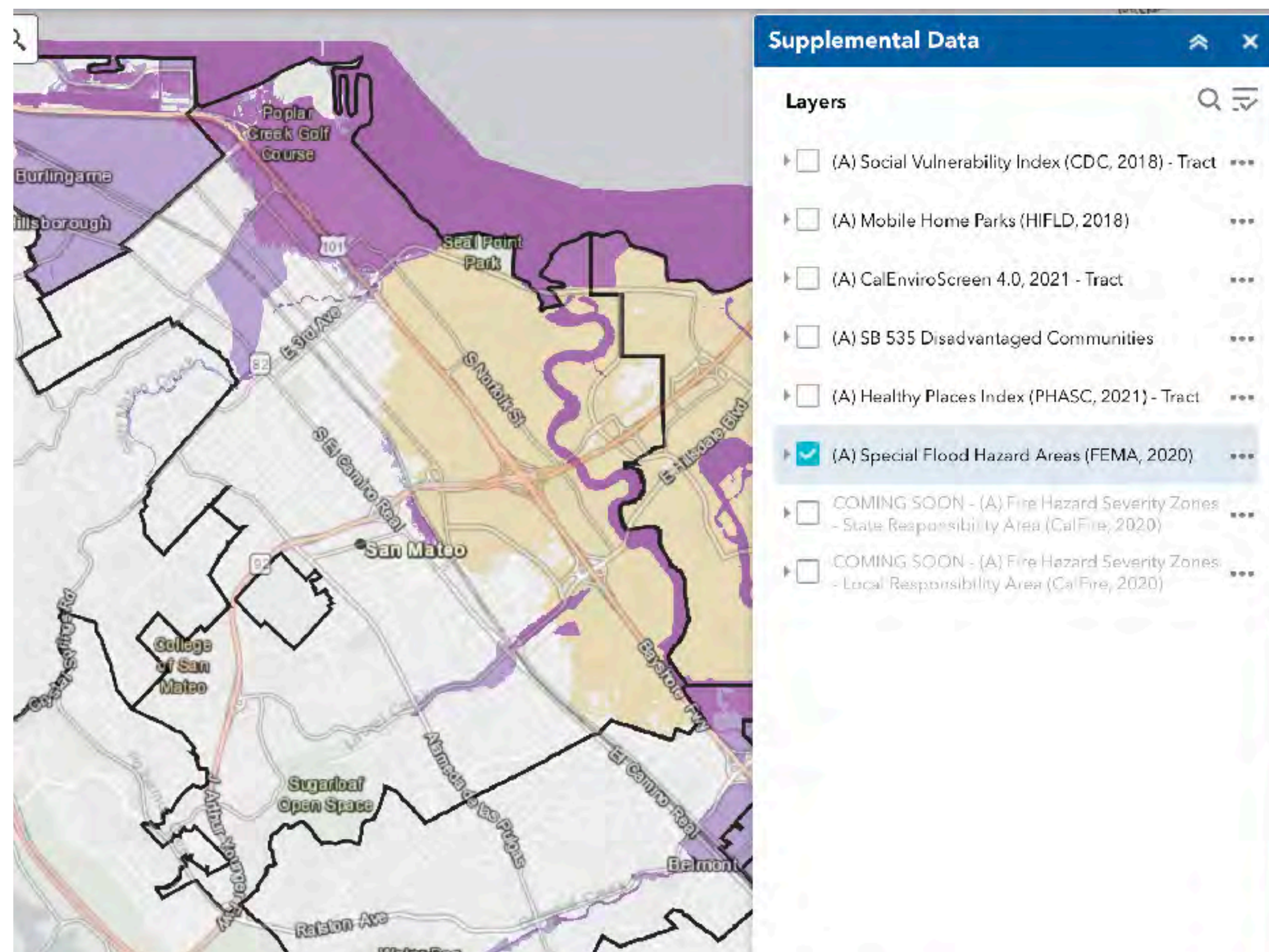
"Figure IV-31: Special Flood Hazard Areas, 2000,"
Root Policy Research Map and Data Packet, Page 69

**Identify and Prioritize Contributing Factors:
Tell the Story**

Identify and Prioritize Contributing Factors

Tell the Story: North Shoreview: Environmental Hazard and Isolation

- Why is North Shoreview an edge Racially/Ethnically Concentrated Area of Poverty?
- Key differences between North Shoreview and South Shoreview:
 - Levy protection and flood hazard chance.
 - Limited access to circulation and transportation



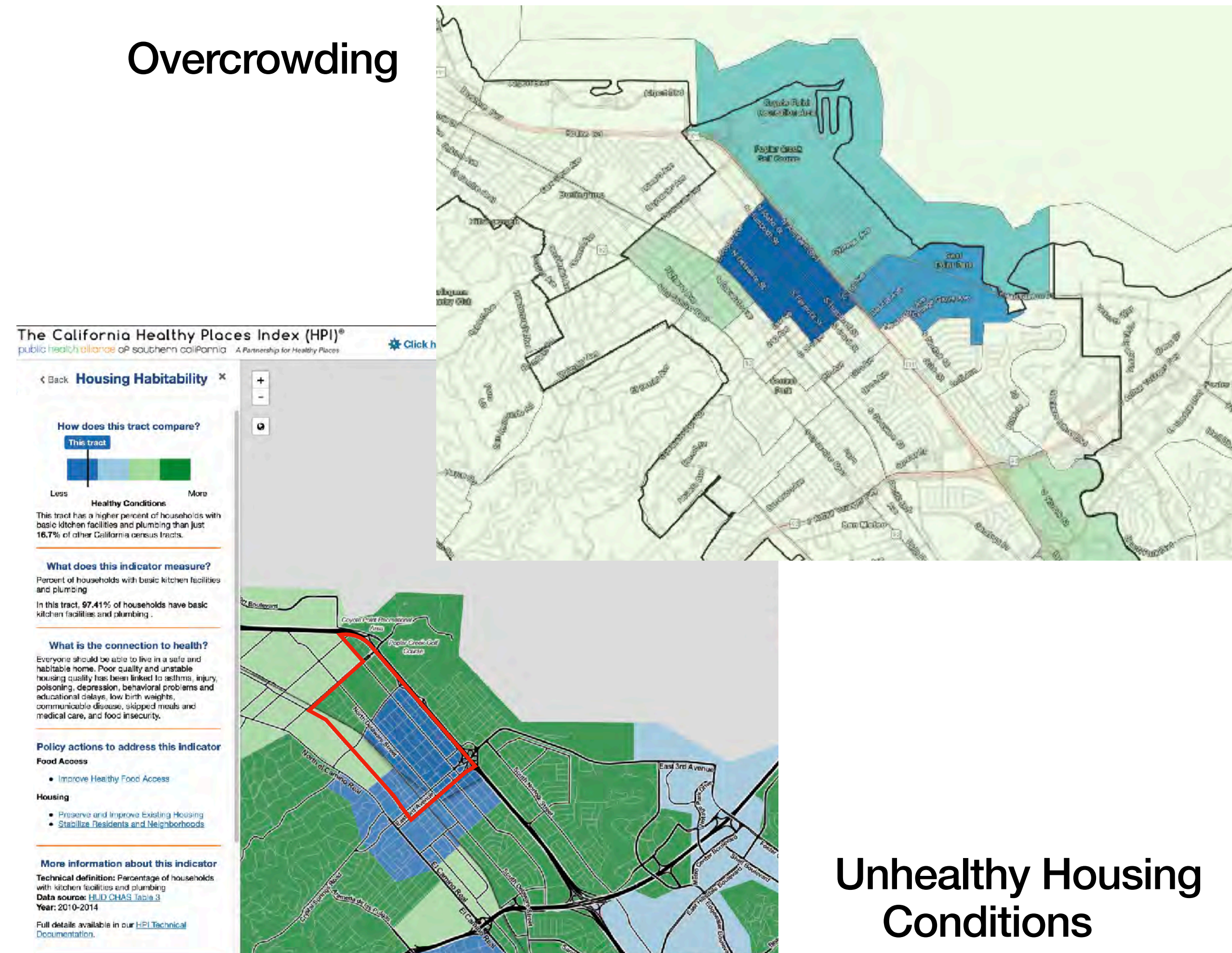
"Figure IV-31: Special Flood Hazard Areas, 2000," Root Policy Research Map and Data Packet, Page 69

Identify and Prioritize Contributing Factors

Tell the Story: North Central: Poor Housing Conditions + Overcrowding

- Why is North Central (south of Poplar) an edge Racially/Ethnically Concentrated Area of Poverty?
- What characteristics distinguish North Central south of Poplar Ave from other parts of the city, and
- How might they lead to higher concentrations of marginalized groups?

Overcrowding



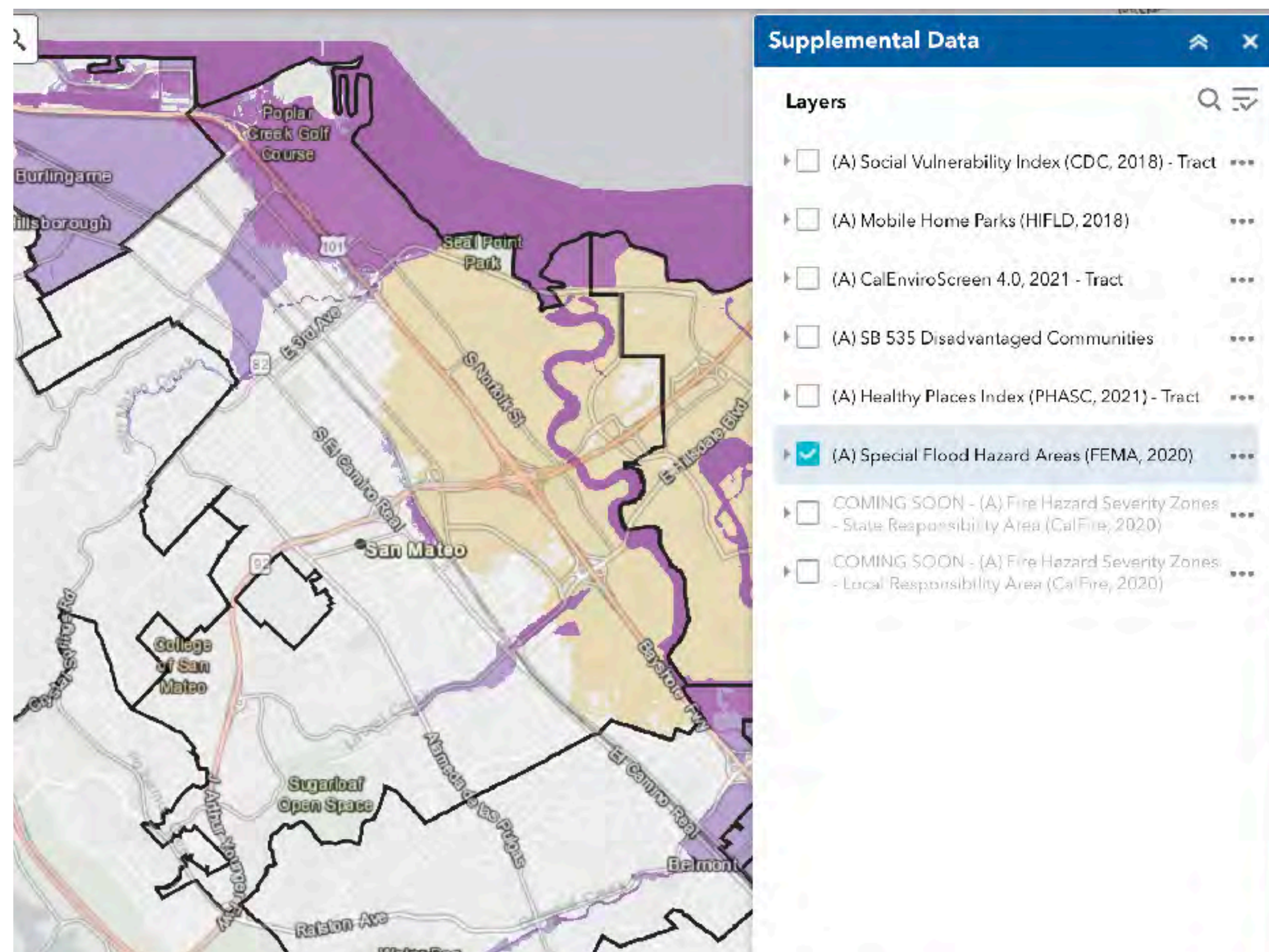
Unhealthy Housing Conditions

AFFH: Contributing Factors

Identify and Prioritize Contributing Factors

Tell the Story: North Central: Disinvestment + Environmental Hazard

- Why is North Central (south of Poplar) an edge Racially/Ethnically Concentrated Area of Poverty?
 - Key differences between North Central (south of Poplar) and other areas:
 - Decades of disinvestment:
 - Both private housing stock and public infrastructure
 - Overcrowding and poverty as both symptoms and causes of private disinvestment
 - Levy protection and flood hazard chance (in portions of that area)



"Figure IV-31: Special Flood Hazard Areas, 2000,"
Root Policy Research Map and Data Packet, Page 69

Identify and Prioritize Contributing Factors

Tell the Story: North Central: Historical Ghettoization + Failed, Segregated Schools

- Why is North Central (south of Poplar) an edge Racially/Ethnically Concentrated Area of Poverty?
 - Key differences between North Central and other areas:
 - History of a highly segregated neighborhood and its underperforming school
 - Neighborhood's Turnbull Learning Academy closed about 15 years ago
 - The building repurposed for the College Park Mandarin Immersion magnet school

THE DAILY JOURNAL

From the Daily Journal archives

Turnbull Learning Academy places dead last again

By Alison Hawkes Daily Journal Reporter Jan 19, 2001 Updated Feb 20, 2018 0

f t e p b in

Newly released reports which showing Turnbull Learning Academy as one of the worst in the state and in the lowest ranks among similar schools have some community members deeply concerned -- but the district administration is critical of the numbers.

The state Academic Performance Index, re-released on Wednesday, ranked schools' performance on the spring 2000 Stanford-9 tests to others across the state and to smaller groups of schools with a similar socio-economic background.

The information is meant to help school officials and the public better assess where a school stands in relation to others, and how much they need to improve in order to be eligible for additional state funding. Turnbull Learning Academy, an elementary school in San Mateo's North Central neighborhood, received an overall score of 468 out of a possible 1000 points, significantly lower than the state expectation of 800 points and hundreds of points behind all other schools in the San Mateo-Foster City School District.

Turnbull ranked at the very lowest level compared to the rest of the state -- a one, with 10 being the highest level.

AFFH Links and Resources

- California HCD Affirmatively Furthering Fair Housing (AFFH) Guidance https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf
- AFFH Data Viewer <https://affh-data-resources-cahcd.hub.arcgis.com>
- California Healthy Places Index <https://map.healthyplacesindex.org>



**California Department of Housing
and Community Development**

Affirmatively Furthering Fair Housing

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)



The Planning Commission discussion will resume on May 3rd at 7pm where we will discuss Goals, Policies, and Actions, including those related to AFFH

Manira Sandhir

From: Adam Nugent
Sent: Thursday, May 5, 2022 5:45 PM
To: Manira Sandhir; Zachary Dahl
Cc: Eloiza Murillo-Garcia; HousingElements@hcd.ca.gov
Subject: San Mateo Planning Commissioner Input - Draft Housing Element - May 3
Attachments: Planning Commission Input - Draft Housing Element - Adam Nugent - May 3.pdf

Hi Manira and Zach,

I appreciate the work you and your team is doing. Our May 3rd continuance meeting was the right call. Thank you for making it happen!

Here are my notes and consolidated input from that May 3rd Planning Commission review of the Draft Housing Element. Again, I hope the additional detail and clarifying elements in these notes prove useful to the team.

Best,
Adam

Adam Nugent, PLA

Planning Commissioner, City of San Mateo
anugent@cityofsanmateo.org

Draft Housing Element Comments

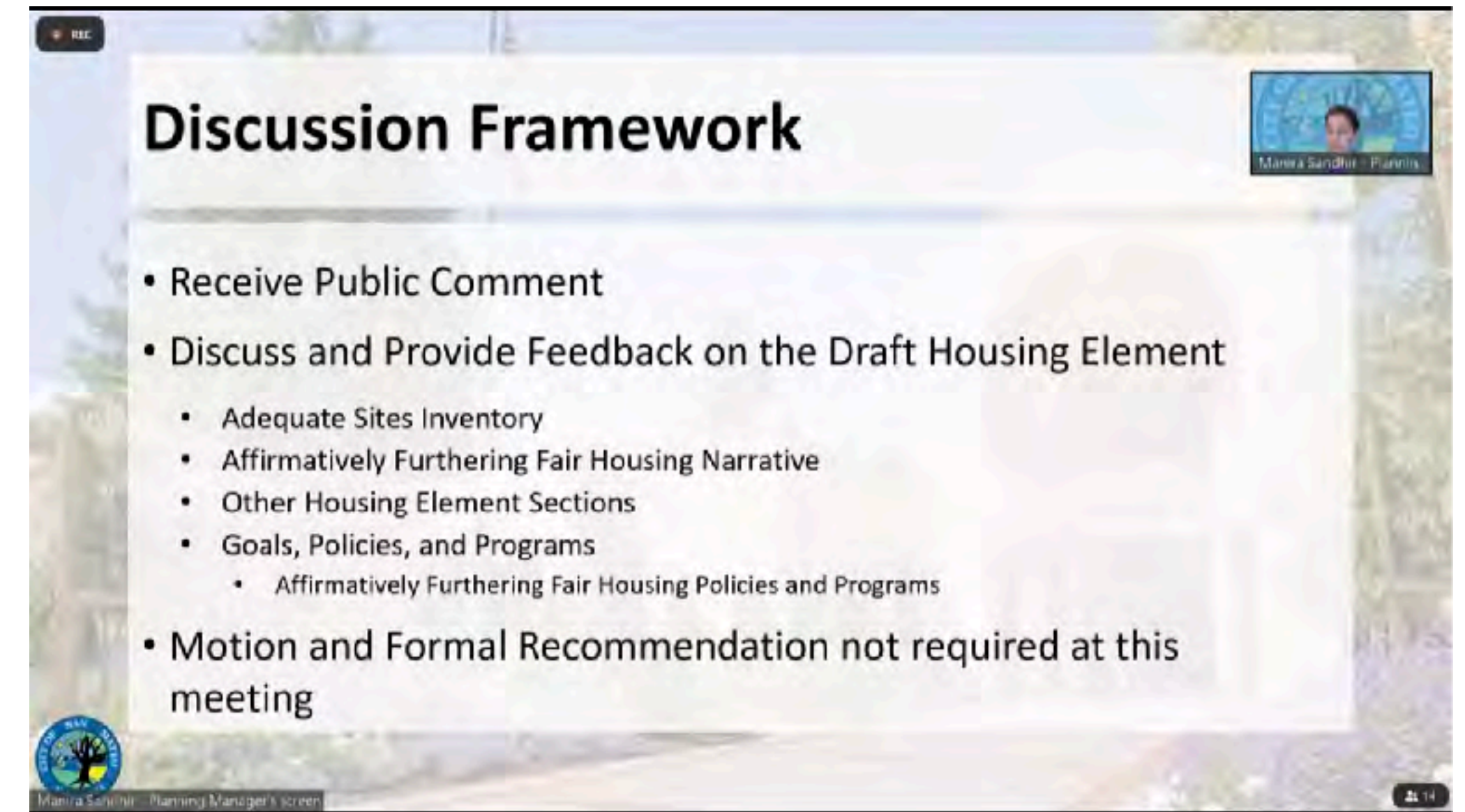
**Draft for Public Review: Housing Element of the General Plan
2023-2031, April 6, 2022**

Commissioner Adam Nugent, May 3, 2022 Planning Commission Meeting

Outline

Draft 2023-2031 Housing Element Input

- Introduction and Thank You (Same as 4/26)
- Part 3: Other Housing Element Sections
- Part 4: Goals, Policies, and Programs
 - Selected Excerpts of Rejection Letters for Other Cities
 - Goals, Policies, and Actions Discussion
 - AFFH-Specific Policy-by-Policy Review
 - Non-AFFH-Specific Policy-by-Policy Review



Note: Topics that were discussed at the April 26 Planning Commission Meeting:

- Part 1: Site Inventory Comments
 - Methodology-focused
- Part 2: Affirmatively Furthering Fair Housing Comments
 - General Comments
 - Fair Housing Assessment
 - Contributing Factors

Public Comments

Notes and Highlights

- Market special-needs units to the most appropriate special needs population. Unit-specific needs should be marketed so that the unique, appropriate population is matched with the special features of the unit
- Measure Y as an obstacle to affordable housing development

Thank you, Housing Element Team!

The work you are doing is extremely important and impactful

- All of my comments and questions come from a place of deep respect and appreciation for the hard work you are doing!
- I am proud to have a city with staff of such caliber, who genuinely desire to create a better, more just housing landscape for our future
- This is HARD WORK; and you are undertaking it in uncharted territory that is fraught with puzzles and potential pitfalls

Thank you, Housing Element Team!

Fair warning:

- My comments are extensive
- To implement the Housing Element in a way that truly advances Fair Housing Goals and meets the needs of our younger generations it will take:
 - Tough decisions and a lot of work
- This Housing Element is an opportunity to make real progress:
 - Repair racial and economic disparities
 - Combat cost of living increases that are disproportionately hitting younger adults

The Push for Change Has Never Been Greater

Demographics will drive our housing needs *and* our political will

- The younger half of our population has a different outlook and set of values than many who are in the older generations
- The political winds are blowing in the right direction for positive change
- The Millennial is the largest generation in history and Gen-Z is close behind; they will have continually increasing political voice and power
- It is the younger generations that are feeling the most pain in this crisis, and they are the most motivated to bring about change
 - 14% of 4-year university students experienced homelessness last year; 42% experienced housing insecurity (*Governing*, 4/26/2022)
- We cannot botch this for the next generation

“Unaffordable housing has one and only one cause: purposeful communal enforcement of it. This is legislated poverty.”

Kevin Erdmann

Part 3: Other Housing Element Sections

Constraints Analysis

Draft Analysis Not Very Useful

- Constraints analysis should provide metrics on how existing land use and related policies affect the City's ability to build housing
- What are the counterfactuals?
 - How much more housing could be built under different zoning scenarios?
 - What are the true limiting factors over the long term?
 - Why are construction costs so high and what can the city do to counteract these trends?

Constraints Analysis

Zoning and Land Use Constraints

- Height and Density Constraints on BMR Units: Measure Y
 - Height and Density constraints contained in measure Y are limiting the city's ability to increase the percentage of BMR units for the city's inclusionary ordinance
 - Recent city-commissioned study found increasing the inclusionary percentage to 20% would render projects infeasible
 - This adds up and translates to needing significantly more redevelopable land to achieve any given quantity of subsidized units than necessary
 - Increases costs substantially by increasing costs imposed by land acquisition and entitlement processes

Constraints Analysis

Zoning and Land Use Constraints

- Height and Density Constraints: Measure Y
 - Density limits also significantly reduce the number of units that can be built by 2-3x, even under the existing 5-story height limit
 - Doubles or triples the land costs per unit for all ranges of affordability
 - Doubles or triples the procedural, consultant, and time costs of additional design and entitlement processes

Constraints Analysis

Community Opposition

- Community opposition is a clear problem
 - Most people want more housing and to solve our housing crisis
 - It only takes a few, vocal or influential residents to block housing
 - Counterfactuals are hard to quantify, but the effects of a vocal, negative minority are likely enormous
 - When good, potential projects never even get proposed
 - When bad policies and zoning go unchanged
- Need policies to overcome community opposition - especially as it relates to AFFH

Constraints Analysis

Fee Disparities

- Fees take up an unusually large proportion of the total costs of development in the City of San Mateo compared to the rest of San Mateo County
 - Fees impact small multi-family projects especially hard
 - They are 3.5 times higher per unit than single family homes

Part 4: San Mateo's Goals, Policies, and Actions

“We must come to see that human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men willing to be coworkers with God, and without this hard work time itself becomes an ally of the forces of social stagnation.”

Dr. Martin Luther King Jr. “Letter from Birmingham Jail” 1963

Excerpts from HCD's AFFH Presentation

5. Goals and Actions

The HE must include a schedule of actions directly related to AFFH. Together it must:

- » Reflect results of the AFFH analyses and directly address contributing factors
- » Be specific, with concrete language – words like ‘explore’, ‘consider’ and ‘study’ don’t cut it
- » Have a clear timeline with specific dates and milestones – ‘ongoing’ usually not adequate
- » Quantifiable outcomes
- » Have a beneficial/meaningful impact during the planning period - that’s the bar to overcome patterns
- » Go well beyond a continuation of past actions
- » Not take any action materially inconsistent with the obligation to AFFH

Excerpts from HCD's AFFH Presentation

Common Mistakes & Pitfalls



- » High-quality Assessment of Fair Housing, but status-quo actions/programs
- » A local jurisdiction just refers to a county-level Analysis of Impediments to Fair Housing previously completed
- » Does not include regional comparison in analyses
- » Only analyzes patterns of low-income sites, not all sites
- » Does not ask the public to provide input on AFFH
- » Doesn't prioritize 4-5 contributing factors & connect to programs
- » High resource areas can't rely on ADUs alone
- » No data dumping! Tell the story

Selected Excerpts of Rejection Letters for Other Cities' 6th-Cycle Housing Elements

Los Angeles

LA's exemplary Housing Element Rejected

- Praised for metrics used to demonstrate and determine adequate sites for the Housing Element
- Pursuing large rezoning program

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

GAVIN NEWSOM, Governor



February 22, 2022

Vincent Bertoni, Director
Department of City Planning
City of Los Angeles
Los Angeles City Hall
200 North Spring Street, Suite 525
Los Angeles, CA 90012

Dear Vincent Bertoni:

RE: City of Los Angeles 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Los Angeles (City) housing element adopted on November 24, 2021 and received for review on November 24, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Alliance for Community Transit – Los Angeles (ACT-LA) and a coalition of 24 community organizations, Tieira Ryder and Abundant Housing LA pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses most statutory requirements described in HCD's September 3, 2021, review. For example, HCD applauds the substantial rezoning program and actions to facilitate housing choices, affordability and supply, the element now demonstrates adequate sites to accommodate the regional housing need allocation. However, an additional revision is necessary to fully comply with State Housing Element Law, as follows:

Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

LA Rejection Letter

Reason: AFFH

- Programs did not include metrics
- “In addition, while the element included some actions to replace segregated patterns, these actions lacked specific geographic focus (communities with fair housing issues), firm commitments and significant targets for AFFH outcomes.”

Vincent Bertoni, Director
Page 2

Goals, Priorities, Metrics, and Milestones: Programs and actions must include metrics and milestones to target significant and meaningful affirmatively furthering fair housing (AFFH) outcomes and evaluate the effectiveness and progress towards implementation. While the element included metrics for some programs, it did not include metrics for most programs related to AFFH. In addition, many actions do not appear to explicitly AFFH such as targeting geographic areas or neighborhoods. Without these components, whether the element is targeting meaningful outcomes is unclear, particularly related to place-based strategies to encourage community revitalization. Examples of programs that should be revised include Programs 10 (Affordable Housing Linkage Fee), 20 (New Local Revenue), 22 (Systematic Code Enforcement), 30 (New Models of Acquisition and Rehabilitation), 84 (Citywide Fair Housing Program) 88 (Eviction Defense Program) and 90 (Tenant/Community Opportunity).

In addition, while the element included some actions to replace segregated patterns, these actions, lacked specific geographic focus (communities with fair housing issues), firm commitments and significant targets for AFFH outcomes. Given the patterns and trends and other relevant factors noted in the assessment of fair housing, the element must include specific and significant actions that adequately promote community revitalization and conservation and replace segregated living patterns to foster more inclusive and equitable communities.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted to comply with the above requirements.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described in this letter, re-adopt, and submit to HCD to regain housing element compliance. For more information on housing element adoption requirements, please visit HCD's website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Programs

How should programs be structured?

- “Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes.” (From HCD’s Davis, CA rejection letter)
- “Programs should include specific actions and commitments the City will take to implement the program. For example, a Program should be specific on the regulatory incentives, zoning standards, and programs it will offer to assist in the development of housing.” (From HCD’s Davis, CA rejection letter)

AFFH-specific

Goals and Actions must be significant and meaningful

- “Goals and actions **must specifically respond** to the analysis and the identified and prioritized contributing factors to fair housing issues and **must be significant and meaningful enough to overcome identified patterns and trends...** Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices, and affordability in high opportunity areas, place-based strategies for community preservation and revitalization, and displacement protection.” (From HCD’s Redondo Beach rejection letter)

AFFH-specific

Programs must have metrics and milestones

- “Based on the outcomes of a complete AFFH analysis, the element must add or modify programs to include specific metrics and milestones to target meaningful AFFH outcomes, including providing mobility opportunity, place-based strategies [for community preservation and revitalization], new housing opportunities, and preservation and conservation efforts to address displacement.” (From HCD’s Davis, CA rejection letter)

AFFH-specific

Programs must have objective measures to determine success of outcomes

- [We need to] “replace non-committal language such as “if feasible”, “assess the feasibility of”, or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.” (From HCD’s Redondo Beach rejection letter)
- **Many policies with AFFH impacts proposed by San Mateo’s Draft Housing Element are characterized by this issue**
 - All proposed policies that have words like “investigate,” “explore,” or “evaluate” should be amended to provide specific timeframes for action and provide quantifiable descriptions of actions to objectively measure for successful outcomes

Goals, Policies, and Actions Discussion

Goals, Policies, and Actions

Actions must be:

- Significant
- Meaningful
- **Sufficient to Overcome** Patterns of Segregation
- Affirmatively Further Fair Housing

Goals, Policies, and Actions

Necessary Components

- Metrics and milestones for evaluating:
 - Progress on programs/actions
 - Fair housing results
- Remember:
 - Must have a clear timeline with specific dates and milestones paired with quantifiable outcomes
 - Meaningful impact during the planning period
 - Go beyond a continuation of past actions

Meaningful Action

AFFH requirements

- Address significant disparities in housing needs and in access to opportunity
- Replace segregated living patterns with truly integrated and balanced living patterns
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity
- Foster and maintain compliance with civil rights and fair housing laws

1. Significant Disparities in Housing Needs and in Access to Opportunity: Examples include incentivizing new residential development to include below-market-rate housing; conserving affordability of existing housing, such as limitations on rents or conversion of such housing to higher rent or higher priced housing; encouraging systematic code enforcement activities that maintain housing stock while ensuring such enforcement does not cause displacement; and promoting housing mobility strategies and displacement mitigation strategies to ensure equitable access to opportunity. Housing mobility strategies may include providing affordable and accessible transportation options to enhance access to education and economic development opportunities. Displacement mitigation strategies may include tenant protections, conservation of existing stock, preservation of units at-risk of conversion to market-rate uses, acquisition and rehabilitation of existing stock, including naturally occurring affordable housing, and removing barriers to building affordable housing.

2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns: Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area (e.g., creating affordable housing, funding renter assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.³⁶

3. Transforming Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) into Areas of Opportunity: Examples include community-led, place-based strategies to revitalize communities, such as economic development strategies and prioritizing investment in R/ECAPs that meet the needs of existing low-income residents, such as safe routes to school, transit, parks, schools, bike and pedestrian infrastructure, urban forestry, other neighborhood improvements; preserving naturally occurring affordable housing, such as mobilehome parks; and preservation as affordable housing of market-rate units where low-income households live; and promoting mixed-income development coupled with strong anti-displacement protections. Conduct outreach and advertise city program to persons with limited English proficiency. Other examples include community engagement in planning processes, including targeted outreach, technical assistance to help apply for grants, economic development strategies, workforce development, youth engagement and educational programs, healthy food access, affordable energy, and transportation access.

4. Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws: Agencies must diligently comply with civil rights and fair housing laws, including the California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2), Government Code sections 8899.50, 65008, 65583, subdivisions (c)5 and (c)(10), and 11135, Civil Code section 51 (the Unruh Civil Rights Act), and FEHA regulations in California Code of Regulations, Title 2, sections 12005-12271.

Table 4: 2019 Segregation and Select Neighborhood Outcomes^{65 66}

Indicator	Integrated Neighborhoods	Highly Segregated Communities of Color	Highly Segregated White Neighborhoods
Median Household Income	\$63,830	\$54,278	\$100,956
Median Home Values	\$244,162	\$266,927	\$474,798
% Below Poverty	14%	21%	7%
% Owner-Occupied Homes	59%	46%	77%
% With Bachelor's Degree	30%	23%	46%
Life Expectancy	78	77	81
Median Rent	\$1,177	\$1,174	\$1,545
% Unemployed	6%	8%	4%
% of US Land Area	7%	9%	7%
% of US Population	12%	20%	11%

The best life outcomes are found, however, in highly segregated white neighborhoods, which is consistent with a theory of "opportunity hoarding" that predominantly white cities and communities have greater resources and often have the fewest people of color living in them.⁶⁷ Household incomes in these neighborhoods are nearly twice those in segregated communities of color. That income differential contributes to wealth disparities, as home values are also nearly twice as high. Even life expectancy is four years longer in these neighborhoods than in segregated communities of color.⁶⁸ But critically, these neighborhoods are difficult to access: monthly rents are more than \$300 and \$400 per unit higher than in either integrated or highly segregated POC neighborhoods, respectively.

Goals, Policies, and Actions

How to combat exclusion and segregation

- We will need to tie our policies to key quantitative metrics focused on integration and segregation data
- We will also need well-defined anti-displacement program requirements
- Without these two things we will further collectivize the right to exclude

Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- Hispanic residents, single female parent households, renters, and the people of North Central, and to a lesser extent North Shoreview, have Disproportionate Housing Needs:
 1. Cost Burden & Severe Cost Burden
 2. Overcrowding
 3. Substandard Housing
 4. Displacement risk
 - Investment-driven
 - Disinvestment-driven

Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Cost Burden and Severe Cost Burden**

- Site inventory, together with goals, policies, and actions, must be sufficiently developed to actually produce at a minimum, the allocated 7000+ units of housing in San Mateo
 - Previous production trends indicate less than 1,000 units can be reasonably expected to be developed over the course of the 6th housing cycle, as currently planned in this Draft Housing Element
 - Failure to adequately plan for the minimum allocated number of units will lead to further increasing cost burden and severe cost burden. It will also drive young families out of the Bay Area
 - The City's methodology must be revised to produce a high likelihood of meeting our regional allocation in order to address this AFFH disparity

Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Overcrowding**

- Overcrowding is similarly affected by the reasonable achievement of the regional housing needs allocation goals
- Overcrowding is also highly location-specific and must be addressed in a combined effort to prevent displacement as part of a program to transform racially and ethnically concentrated areas of poverty into areas of opportunity
 - North Central contains an area that is nearly 4X the San Mateo average
 - 27% vs 7% overcrowded households
 - Thousands of people in North Central live in overcrowded conditions
- Overcrowding is a measurable factor.
 - Policies and Actions should be tailored to eliminate disparities in overcrowding and overcrowding in general within set timelines, say 1 and 2 decades, respectively

Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Substandard Housing**

- Substandard Housing is closely linked geographically to overcrowding in North Central
- Material conditions must be improved, as with overcrowding, in a way that prevents displacement
- Best done as part of a larger program to transform racially and ethnically concentrated areas of poverty into areas of opportunity
- Policies and Actions should be tailored to realistically eliminate substandard and unhealthy housing conditions within a set timeline, say 1-2 decades

Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 1**
 - Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
 - Robust **Right of Return** for renters, paired with...
 - Alternative option for **Unrestricted Negotiable Tenant Buyouts**
 - Some tenants may not want to return
 - All residents should be materially better off following any neighborhood investment
 - All zoning changes and production policies must be formulated to make the increased costs imposed by associated displacement protections feasible



Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 2**
 - Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
 - **Relocation Payments** for substantial remodel, demolition...
 - *and owner move-in*
 - All residents should be materially better off following any neighborhood investment
 - All zoning changes and production policies must be formulated to make the increased costs imposed by associated displacement protections feasible



Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 3**
 - Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
 - Create **Community Opportunity to Purchase/Tenant Opportunity to Purchase** program, paired with...
 - Partnerships with **Philanthropic Organizations** to bring funds to our most disinvested places
 - All residents should be materially better off following any neighborhood investment
 - All zoning changes and production policies must be formulated to make the increased costs imposed by associated displacement protections feasible



Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 4**
 - Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
 - **Extend AB1482 protections to tenants whose tenure is less than 1 year**



Goals, Policies, and Actions

Additional Policy Suggestions

- **Fee Parity**
 - San Mateo charges higher fees than the majority of its peers, and the city’s fees impose significant costs on developers—especially for small multi-family housing
 - The city’s massive fees for small multi-family projects impose obvious burdens on developers and should be amended to support lower-cost home building
 - Achieve parity with Single Family home development

Fees in the City of San Mateo ⁹			
	Single Family	Small Multi-Family	Large Multi-Family
Total Fees/Unit	\$99,003	\$133,658	\$44,907
Fees as a Proportion of Total Development Costs	4%	14%	6%

⁹“Fees” includes entitlement, building permits, and impact fees.

Goals, Policies, and Actions

Additional Policy Suggestions

- **Affordable Housing Overlay**
 - Provide affordable housing developers an advantage in the market for developable properties
 - Geographically locate the overlay(s) to compensate for existing housing disparities in access to opportunity

AFFH-Specific Policy-by-Policy Review



7.2.5 Goal H5: Affirmatively Furthering Fair Housing

To reinforce the objective that AFFH is a top priority for the city, an AFFH Fair Housing Action Plan with programs and actions has been included as the fifth goal of the Housing Element. This Action Plan cross references items that are interwoven with the Housing Plan's other four goals, policies, and programs. The actions to achieve the Fair Housing goal are meant to address the fair housing issues found in the AFFH analysis, specifically for groups that have disparate housing impacts when compared to the whole of San Mateo. This includes, for example, Hispanic and single-female heads of households who have disproportionate housing needs while being concentrated in census tracts that have high rates of poverty. Persons with disabilities are also more likely to experience housing discrimination due to low economic opportunity and failure of landlords to provide reasonable accommodations. Each of the actions identified in Table 12 have specific quantified objectives to reach the target households.

Table 12: Goal H5: AFFH - Implementation Plan

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Action Area 1. Enhancing housing mobility strategies: consist of removing barriers to housing in areas of opportunity and strategically enhancing access.									
Policy 5.1.1: Adjust the city's Below Market Rate (inclusionary) program to provide larger density bonuses, and/or increased City support in exchange for affordable units that address the needs of residents with disproportionate housing needs (e.g., accessible/visit able units for persons with disabilities, child-friendly developments with day care on site for single parents, and 3-4 bedroom units for larger families).	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units	Disparities in access to opportunities	Assist in development of housing for low-income households and households with special needs	Land use resources	City of San Mateo	Expand the variety of housing units produced under the inclusionary housing program. Currently developments of 11 or more units require 15% affordable to moderate income families for ownership and 15% for low-income families for renters.	Perform a feasibility analysis to redesign the program to allow a menu of options. This item is connected to Policy H 1.3, Policy H 1.5., Policy H 1.14, and Policy H 1.15.	Complete feasibility analysis by Fall 2023; Implement redesigned program by Spring 2024.

Policy 5.1.1

Adjust City’s BMR Program

- Positive program but:
- Lacks firm commitments
- Lacks significant targets for AFFH outcomes

Objectives	Quantified Objectives	Timeline
Expand the variety of housing units produced under the inclusionary housing program. Currently developments of 11 or more units require 15% affordable to moderate income families for ownership and 15% for low -income families for renters.	Perform a feasibility analysis to redesign the program to allow a menu of options. This item is connected to Policy H 1.3, Policy H 1.5., Policy H 1.14, and Policy H 1.15.	Complete feasibility analysis by Fall 2023; Implement redesigned program by Spring 2024.

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Policy 5.1.2: Participate in a regional down payment assistance program with affirmative marketing to households with disproportionate housing needs including persons with disabilities, single parents, and Hispanic households (e.g., Spanish and English, targeted to northeast neighborhoods).	Hispanic households have disproportionate housing needs.	Historic discrimination and continued mortgage denials; Concentration in low opportunity census tracts; High housing costs and low wages	Disparities in access to opportunities	Promote equal housing opportunity	Financial resources	Regional Partnership with HEART (San Mateo County has program with them)	Improve accessibility to home mortgage loans for Hispanic households who have the highest loan denial rates. Provide wealth building through homeownership for moderate income households.	Affirmatively market down payment assistance to 20 Hispanic households; Provide down payment assistance to 30 total households; Provide homebuyer education to 200 households. This item is connected to Policy H 4.4.	Meet quantified objectives by the end of the Housing Element period in 2031; Conduct homebuyer education quarterly in partnership with HEART
Policy 5.1.3: Support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households for 15 years.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units	Disparities in access to opportunities	Incentivize accessory dwelling units (ADUs)	Land use resources	21 Elements/HEART	Increase opportunities for lower-income households to find housing that is affordable.	Design a regional loan forgiveness program. This item is connected to Policy H 1.4.	Begin design in Summer 2025 and complete by winter 2026.
Action Area 2. Encouraging new housing choices and affordability in high resource areas: promoting housing supply, choices, and affordability in areas of high opportunity and outside of areas of concentrated poverty.									

Policy 5.1.2

Participate in a Regional Downpayment program

- Program with potential life-changing outcomes but:
- Limited scope will not significantly address large-scale Systemic issues

Objectives	Quantified Objectives
Improve accessibility to home mortgage loans for Hispanic households who have the highest loan denial rates. Provide wealth building through homeownership for moderate income households.	Affirmatively market down payment assistance to 20 Hispanic households; Provide down payment assistance to 30 total households; Provide homebuyer education to 200 households. This item is connected to Policy H 4.4.

Policy 5.1.3

Support the Design of Regional Forgivable Loan Program for 15-year ELI ADU Construction

- Potential to contribute to overcoming patterns of segregation
- Positive program with potential life-changing outcomes but:
- Limited scope will not significantly address large-scale systematic issues
- Deliverables should occur early in the planning period to ensure actual housing outcomes
- Lacks specific actions and metric-ready commitments

Objectives	Quantified Objectives	Timeline
Increase opportunities for lower-income households to find housing that is affordable.	Design a regional loan forgiveness program. This item is connected to Policy H 1.4.	Begin design in Summer 2025 and complete by winter 2026.

Policy 5.1.3 continued

Support the Design of Regional Forgivable Loan Program for 15-year ELI ADU Construction

- Policy revision recommendations:
 - Expand to SB 9 projects
 - Incorporate option for longer deed restriction (55 years) for one low income unit within a SB 9 program

Objectives	Quantified Objectives	Timeline
Increase opportunities for lower-income households to find housing that is affordable.	Design a regional loan forgiveness program. This item is connected to Policy H 1.4.	Begin design in Summer 2025 and complete by winter 2026.



Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Policy 5.2.1: Add more city supported housing with affordability restrictions in moderate and high resource areas. Affirmatively market the housing to households with disproportionate housing needs including persons with disabilities, farmworkers, single parents, and Hispanic households (e.g., Spanish and English, targeted to northeast neighborhoods).	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of Naturally Occurring Affordable Housing (NOAH) in low opportunity census tracts.	Disproportionate housing need for low-income households and protected classes	Assist in development of housing for low-income households and households with special needs	Financial resources	City of San Mateo	Affirmatively market the housing to households with disproportionate housing needs including persons with disabilities, single parents, farmworkers, and Hispanic households (e.g., Spanish and English, targeted identified neighborhoods).	Require developers to affirmatively market 1,000 units to those with disproportionate housing needs over the eight-year period (approximately 125 annually). This item is connected to Policy H 1.2. and Policy H 4.4.	2023 - 2031 (Annually)
Policy 5.2.2: Incentivize developers through direct subsidies, fee waivers, and/or density bonuses, to increase accessibility requirements beyond the federal requirement of 5% for subsidized developments.	Persons with disabilities have disproportionate housing needs. AND Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts.	Disproportionate housing need for low-income households and protected classes	Promote equal housing opportunity	Financial resources	City of San Mateo	Increase development of accessible units beyond minimum requirements	Modify developer agreements when appropriate; update inclusionary policy. This item is connected to Policy H 1.3	2026

Policy 5.2.1

Affirmatively Market BMR units to households with disproportionate housing needs

- Positive program with metrics
- People with special needs have unique and special needs. Each potential recipient may be quite different from the next and the program will need to be tailorable
- Limited scope will not significantly address large-scale systemic issues

Objectives	Quantified Objectives	Timeline
Affirmatively market the housing to households with disproportionate housing needs including persons with disabilities, single parents, farmworkers, and Hispanic households (e.g., Spanish and English, targeted identified neighborhoods).	Require developers to affirmatively market 1,000 units to those with disproportionate housing needs over the eight-year period (approximately 125 annually). This item is connected to Policy H 1.2. and Policy H 4.4.	2023 - 2031 (Annually)

Policy 5.2.2

Incentivize development of new accessible units

- Positive program with potential life-changing outcomes but:
- Limited scope
- Deliverables should occur earlier in the planning period to ensure actual housing outcomes
- Lacks specific actions and metric-ready commitments

Objectives	Quantified Objectives	Timeline
Increase development of accessible units beyond minimum requirements	Modify developer agreements when appropriate; update inclusionary policy. This item is connected to Policy H 1.3	2026

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Policy 5.2.3: Prioritize city funding proposals for city funded affordable housing that are committed to serving hard to serve residents (e.g., extremely low income, special needs, on site services)	Persons with disabilities have disproportionate housing needs. AND Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts.	Disparities in access to opportunity	Promote equal housing opportunity	Financial resources	City of San Mateo	Create more housing for hard to serve households.	Conduct a best-practices review and develop a program to prioritize City funding for housing projects. This item is connected to Policy H 1.5, Policy H 1.14, and Policy H 1.15.	2026
Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.									
Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

Policy 5.2.3

Prioritize city affordable housing funds for hard-to-serve residents

- Positive program but:
- Limited \$ = limited impact
- Lacks specific actions and quantifiable commitments

Objectives	Quantified Objectives	Timeline
Create more housing for hard to serve households.	Conduct a best-practices review and develop a program to prioritize City funding for housing projects. This item is connected to Policy H 1.5, Policy H 1.14, and Policy H 1.15.	2026

Policy 5.3.1

Conduct an area plan for North Shoreview and North Central

- Potentially substantial program, but:
- Currently lacking firm commitments and significant targets for AFFH outcomes
 - Policy 5.3.1 should be specific on the regulatory incentives, zoning standards, and programs it will offer
- Deliverables should occur earlier and demonstrate that the program will have a beneficial impact within the planning period
- Provide measurable milestones and a target dates to achieve goals

Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.									
Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

Policy 5.3.1 continued

Conduct an area plan for North Shoreview and North Central

- Actions **must specifically respond** to the analysis and the identified and prioritized contributing factors to fair housing issues and **must be significant and meaningful enough to overcome identified patterns and trends**
- Specific planning goals must also include:
 - Displacement prevention +
 - Elimination of disproportionate concentrations poverty, low income households, and overcrowding

Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

Plan for the opposite of Urban Renewal

Urban Renewal conflated overcrowding with urban density

- Must not repeat the horrors of these Mid-Century Planning Efforts
- Urban Renewal sought to:
 - Disperse and displace the resident population, without providing adequate accommodations elsewhere
 - “Clear” slums, and replace them with things like:
 - Freeways, stadiums, convention centers,
 - Inadequately-sized public housing projects



Policy 5.3.1 continued

Conduct an area plan for North Shoreview and North Central

- Planning goals should be structured with metrics and target dates, for example:
 - Eliminate overcrowding by 2040
 - Achieve parity with City in economic integration by 2050

Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.									
Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

Policy 5.3.1 continued

Conduct an area plan for North Shoreview and North Central

- Additional example planning goals:
 - Achieve health and housing habitability parity with City by 2040
 - Eliminate disproportionate concentrations of low-income residents while maintaining an outmigration rate below 20xx rate and increasing subsidized, deed-restricted affordable housing at 150% the rate of outmigration

Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.									
Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

Policy 5.3.1 continued

Conduct an area plan for North Shoreview and North Central

- Plan to *feasibly* accommodate **Community Benefits Agreements** that balance redevelopment proposals with tangible, local benefits to residents in the area, e.g.:
 - Creating affordable housing
 - Funding renter assistance programs for nearby residents
 - Other investments that meet community-identified needs, such as infrastructure and community amenities

2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns: Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area (e.g., creating affordable housing, funding renter assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.³⁴

Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

Policy 5.3.1 continued

Conduct an area plan for North Shoreview and North Central

- R-1 portions of these neighborhoods should be provided total parity of treatment with the rest of San Mateo’s R-1 neighborhoods
- Why? The lower home values and lower wealth of non-white, owner-occupant homeowners means we need to carefully manage and enhance the amenity-related value of ownership housing in places predominantly occupied by minorities
- Balance this task with displacement protections



Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

Policy 5.3.1 Conclusions

Conduct an area plan for North Shoreview and North Central

- Provide specific timeframes for action and a quantifiable description of actions to objectively measure for successful outcomes
- Metrics to evaluate the plan must be in place and they must ultimately:
 - Replace segregated living patterns with truly integrated and balanced living patterns
 - Transform racially and ethnically concentrated areas of poverty into areas of opportunity

Action Area 3. Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.									
Policy 5.3.1: As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/ integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28



Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Policy 5.3.2: Continue to fund minor home repairs and implement a preference for projects in low opportunity census tracts identified in the analysis.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units	Disparities in access to opportunity	Conserve and improve the existing affordable housing stock	Financial resources	City of San Mateo	Fund minor home repairs and accessibility improvements. Provide opportunity for home rehabilitation loans for low-income residents. Allow accessibility improvements on rental properties with owner permission.	Complete annual goals of 10 minor home repairs and 14 accessibility modifications through grants for low-income residents. Provide home rehabilitation loans for low-income residents. Affirmatively market to Hispanic and single female heads of household. This item is connected to Policy H 2.1 and Policy H 2.3.	2023-2031 (Annually; consistent with Policy H2.1)

Policy 5.3.2

Continue to fund minor home repairs

- Nice program but:
- Limited \$ = limited impact
- Existing program

Objectives	Quantified Objectives	Timeline
Fund minor home repairs and accessibility improvements. Provide opportunity for home rehabilitation loans for low-income residents. Allow accessibility improvements on rental properties with owner permission.	Complete annual goals of 10 minor home repairs and 14 accessibility modifications through grants for low-income residents. Provide home rehabilitation loans for low-income residents. Affirmatively market to Hispanic and single female heads of household. This item is connected to Policy H 2.1 and Policy H 2.3.	2023-2031 (Annually; consistent with Policy H2.1)

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Policy 5.3.3: Monitor affordable housing projects that are at risk of conversion to market rate. Support regional and local efforts to examine displacement of affordable housing and lower income households. Assist with the retention of special needs housing that is at risk of expiring affordability requirements.	Hispanic households have disproportionate housing needs.	Historic discrimination and continued mortgage denials; Concentration in low opportunity census tracts; High housing costs and low wages	Outreach capacity and enforcement	Conserve and improve the existing affordable housing stock	Human resources	City of San Mateo	Monitor affordable units whose subsidies are set to expire within the planning period develop a plan for preservation of the units to keep them affordable long term.	Bridgepointe Condominiums affordability requirements for 59 affordable units expire in 2027. Belmont Building affordability requirements for 6 units expire in 2032. The rental property is owned by a for-profit entity, potential for loss of units is high. Humboldt House affordability requirements for 9 units expire in 2041. Proactively coordinate with owners to advertise conversion units to non-profits, provide tenant education, add a displacement preference for new affordable housing for people displaced. Outreach and negotiate with owners for affordability extensions. This item is connected to Policy H 2.2	2025-26; Consistent with general GPP # H2.2

Action Area 4. Protecting existing residents from displacement: strategies that protects residents in areas of lower or moderate opportunity and concentrated poverty and preserves housing choices and affordability.

Policy 5.3.3

Monitor affordable housing projects at risk of conversion

- Important to preserve affordability, but:
- “Monitor” and “develop a plan” are inadequate policies

Objectives	Quantified Objectives	Timeline
Monitor affordable units whose subsidies are set to expire within the planning period develop a plan for preservation of the units to keep them affordable long term.	Bridgepointe Condominiums affordability requirements for 59 affordable units expire in 2027. Belmont Building affordability requirements for 6 units expire in 2032. The rental property is owned by a for-profit entity, potential for loss of units is high. Humboldt House affordability requirements for 9 units expire in 2041. Proactively coordinate with owners to advertise conversion units to non-profits, provide tenant education, add a displacement preference for new affordable housing for people displaced. Outreach and negotiate with owners for affordability extensions. This item is connected to Policy H 2.2	2025-26; Consistent with general GPP # H2.2



Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Policy 5.4.1: Establish tenant protections in local ordinance to extend measures of AB1482 related to relocation, documentation, and right to return policy in eviction cases.	Persons with disabilities have disproportionate housing needs. AND Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD. AND Hispanic households have disproportionate housing needs.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Historic discrimination and continued mortgage denials; High housing costs and low wages	Disparities in access to opportunity	Address governmental and non-governmental constraints	Human resources	City of San Mateo	Increase tenant protections to prevent displacement of those with disproportionate housing needs.	Extend AB1482 provisions to require tenant relocation payments for No Fault evictions for those with tenure less than one year and documentation from landlords who use remodel exemption to evict tenants. Establish Right to Return policy for tenants displaced from homes due to demolition or substantial remodels. This item is connected to Policy H 3.4.	2023-24; consistent with general GPP #H 3.4
Policy 5.4.2: Partner with Project Sentinel to perform fair housing training for landlords and tenants. Focus enforcement efforts on race-based discrimination and reasonable accommodations.	Persons with disabilities have disproportionate housing needs. AND Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Lack of understanding of reasonable accommodation requirements by landlords and property owners.	Outreach capacity and enforcement	Promote equal housing opportunity	Human resources	City of San Mateo/Project Sentinel	Increase awareness of fair housing laws and tenants' rights to reduce unlawful discrimination and displacement.	Provide annual funding to Project Sentinel to provide training every two years in the Spring, targeting 200 landlords each training.	Ongoing

Policy 5.4.1

Tenant Protections to extend AB1482 related to relocation, documentation, and right to return policy

- Vital, can be strengthened
- Relocation payments for demolition should be uncapped and negotiable

Objectives	Quantified Objectives	Timeline
Increase tenant protections to prevent displacement of those with disproportionate housing needs.	Extend AB1482 provisions to require tenant relocation payments for No Fault evictions for those with tenure less than one year and documentation from landlords who use remodel exemption to evict tenants. Establish Right to Return policy for tenants displaced from homes due to demolition or substantial remodels. This item is connected to Policy H 3.4.	2023-24; consistent with general GPP #H 3.4

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
Policy 5.4.3: Create a webpage specific to fair housing including resources for residents who feel they have experienced discrimination, information about filing fair housing complaints with HCD or HUD, and information about protected classes under the Fair Housing Act.	Persons with disabilities have disproportionate housing needs. AND Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Lack of understanding of reasonable accommodation requirements by landlords and property owners.	Outreach capacity and enforcement	Promote equal housing opportunity	Human resources	City of San Mateo	Increase awareness of fair housing laws and tenants' rights to reduce unlawful discrimination and displacement.	Provide information on the City's website about housing discrimination, laws, and protections. This item is connected to Policy H 4.1.	2024; consistent with general GPP #H 3.4
Policy 5.4.4: Ensure that all multi-family residential developments contain signage to explain the right to request reasonable accommodations for persons with disabilities. Make this information available and clearly transparent on the city's website and fund landlord training and outreach on reasonable accommodations.	Persons with disabilities have disproportionate housing needs. AND Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Lack of understanding of reasonable accommodation requirements by landlords and property owners.	Outreach capacity and enforcement	Promote equal housing opportunity	Human resources	City of San Mateo	Increase awareness of fair housing laws and tenants' rights to reduce unlawful discrimination and displacement.	Initially, create ongoing condition of approval to ensure both BMR and all-affordable developments contain this information. Explore options for recording against the property and/or including in the affordable housing agreement.	2024

Non-AFFH-Specific Policy-by-Policy Review

Policy Comment Potpourri

Selected Policies

- Policy H 1.2 - Utilize Public Funding for Low/Moderate Income Housing
 - Comment: Well defined, ongoing program
- Policy H 1.3 - Increase Below Market Rate Unit Production through Density Bonus/Community Benefits Programs *
- Policy H 1.5 - Encourage Family Housing *

* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

Policy Comment Potpourri

Selected Policies

- Policy H 1.9 - Create Minimum Densities for Mixed-Use Residential Projects
 - Comment: Provide quantifiable description of actions to objectively measure
- Policy H 1.13 - Encourage Development of Missing Middle Housing *
- Comment: Provide a quantifiable, developed program of actions
- Policy H 1.14 - Evaluate and Update Special Needs Group Housing Requirements *

* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

Policy Comment Potpourri

Selected Policies

- Policy H 2.1 - Fund Housing Rehabilitation Efforts
 - Comment: Provide metrics to evaluate effectiveness of program based on citywide habitability and health trends
- Policy H 2.3 - Encourage Energy and Water Efficiency in Existing Units
 - Comment: Provide metrics to evaluate effectiveness of program based on citywide habitability and health trends
- Policy H 2.4 - Explore Capital Improvements in lower-resourced Neighborhoods *

* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

Policy Comment Potpourri

Selected Policies

- Policy H 2.5 - Promote Housing Resilience
 - Comment: Existing, ongoing, important
- Policy H 2.6 - Require Replacement Units
 - Comment: Make this a permanent local ordinance

Policy Comment Potpourri

Policy H 3.3 “Evaluate Housing Revenue Sources”

- **Change “Evaluate” to “Pursue” Additional Local Funding Sources:**
 - **Vacancy Tax** - Parcel taxes in the form of a vacant property tax have been used by cities (VPT, Oakland) to fund affordable housing and homeless services; as well as to entice owners of undeveloped sites to either sell or build homes on their parcels.
 - **Increase Commercial Linkage Fees** - To help mitigate the increase in demand for housing, cities have the ability to charge a fee on new commercial developments. The revenue generated can then be used to help fund affordable housing construction.
 - **Transfer Tax** - A one-time tax payment that is levied by a government on the transfer of ownership to property (i.e. sale of a home) from one individual or entity to another within it’s defined boundaries. The raised revenue can then be utilized to fund affordable housing within the jurisdiction.

Policy Comment Potpourri

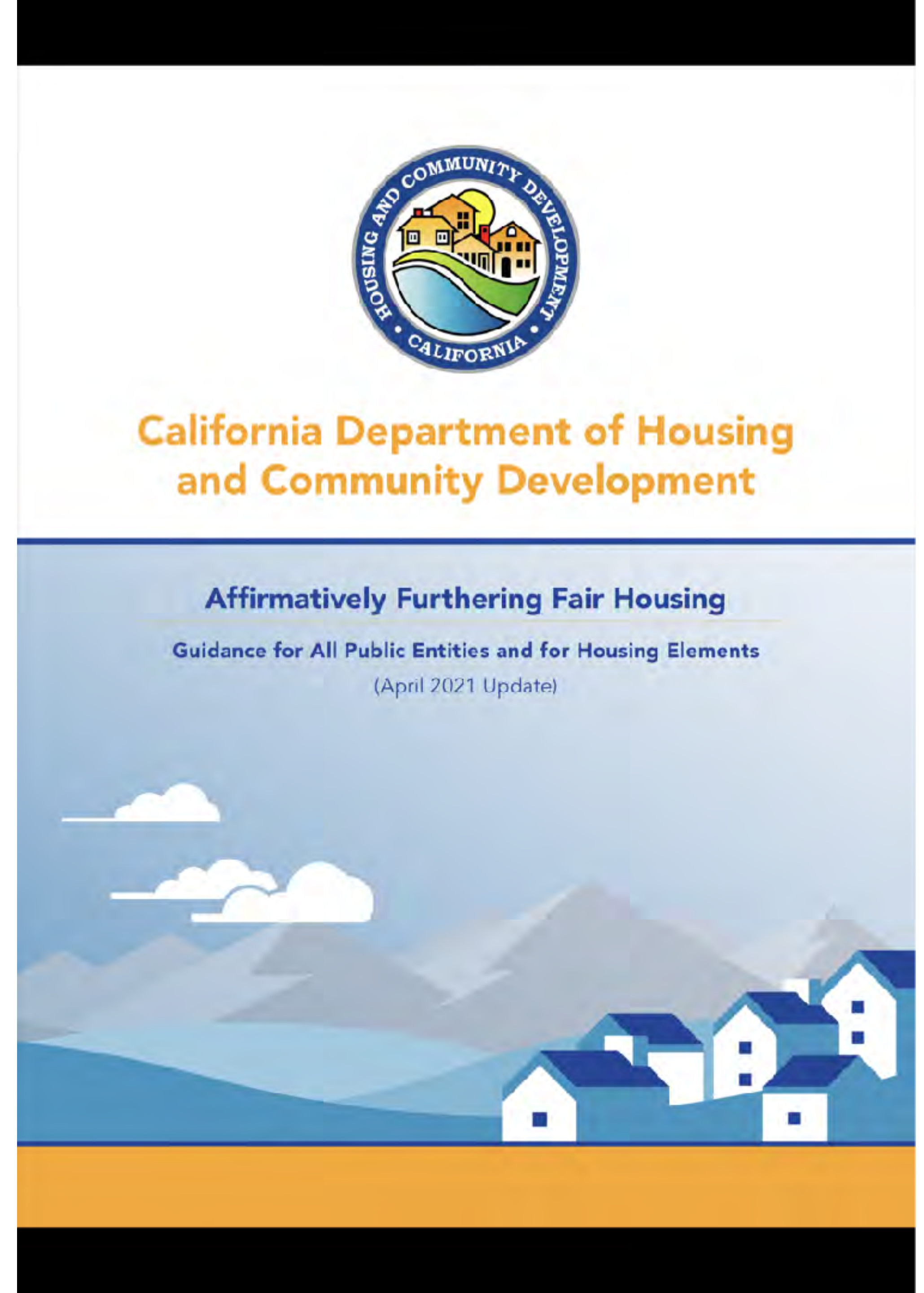
Selected Policies

- Policy H 3.3 - Evaluate Housing Revenue Sources*
- Policy H 3.5 - Explore Below Market Rate Set Asides*
- Policy H 3.6 - Examine a Rental Registry Option*
 - Change to: Adopt a Rental Registry based on best practices
- Policy H 3.7 - Explore Code Amendments and Collaboration opportunities for Expanding Homeless Shelters*

* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

Links and Resources

- California HCD Affirmatively Furthering Fair Housing (AFFH) Guidance https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf
- AFFH Data Viewer <https://affh-data-resources-cahcd.hub.arcgis.com>
- California Healthy Places Index <https://map.healthyplacesindex.org>



Nicholas "Nicky" Vu

From: Housing
Sent: Tuesday, January 3, 2023 10:17 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Follow Up Flag: Follow up
Flag Status: Flagged



Sandra Belluomini
Administrative Tech | Housing
330 W. 20th Ave., San Mateo, CA 94403
[REDACTED]

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, December 30, 2022 10:40 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	William

Last Name	Graham

Email Address	[REDACTED]

Comment on 2023-2031 Draft Housing Element	Thank you to city staff and others for their work on the 2023-31 housing plan. As with all plans, there are many things residents

will agree on and many they won't. The plan, though, is well thought out and addresses many challenges the city faces in meeting housing need at all levels.

I may have missed it in my review, but it appears the plan doesn't speak to public education and alignment with the elementary and high school districts to ensure they have the resources to support additional capacity.

It's very likely these discussions are happening in other settings. However, knowing that this has been an area of concern for many in the past, I encourage staff to address this upfront to ensure it doesn't become a barrier. The districts are capable and can meet the need with appropriate planning and integration with the city.

Thank you again for the thought and well considered plan.

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Nicholas "Nicky" Vu

From: Housing
Sent: Tuesday, January 3, 2023 10:17 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element

Follow Up Flag: Follow up
Flag Status: Flagged



Sandra Belluomini
Administrative Tech | Housing
330 W. 20th Ave., San Mateo, CA 94403
[REDACTED]

From: Susan Shankle [REDACTED]
Sent: Friday, December 30, 2022 11:02 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Great report. I have one comment, which relates to Section 4.3, Climate Change and Energy Conservation:

Let's follow the lead of the CA Central Valley agricultural canal system which, after decades of suggestion and input, finally capped the canals with solar panels, which both significantly reduces evaporation plus offers an additional power source. Smart!

I've been asking for more City solar panel installation in San Mateo for years, especially during the planning and construction of the new 92/82 interchange. Lots of space there for panels. It's getting easier, cheaper and more necessary all the time.

Every new building should have solar panels on its roof.

Thank you,
Susan Shankle
30-year San Mateo resident
Lifetime Bay Area resident
Citizen, Taxpayer and Voter

Nicholas "Nicky" Vu

From: Housing
Sent: Tuesday, January 3, 2023 10:17 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Follow Up Flag: Follow up
Flag Status: Flagged



Sandra Belluomini
Administrative Tech | Housing
330 W. 20th Ave., San Mateo, CA 94403
[REDACTED]

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, December 31, 2022 11:19 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	Kailun

Last Name	Wu

Email Address	[REDACTED]

Comment on 2023-2031 Draft Housing Element	Hi city staff, planning commissioners and council members,

Happy New Year! I'm commenting as a homeowner in Hillsdale and am only representing my small family of three. My wife and I both live and work in San Mateo.

I want to first thank you for your hard work. This is a pivotal moment for current and future San Mateans. For decades our city has been built around driving and parking for literally everything in life, which unfortunately causes climate change, congestions, slow housing production and high cost of living. I believe that a more human-centric, not car-centric San Mateo is popular and achievable so this housing element is our chance to make real progress.

My comments on the housing elements:

1. Teamwork

I urge the newly elected city council to collaborate in good faith, debate and make compromises no matter which sides you're on. After the disastrous and widely publicized mayor appointment in 2022, this is your moment to show teamwork, transparency and integrity. Use our shared core values when you disagree. Show us that you are fixing our housing crisis by completing a compliant housing element.

2. Zoning

Simplify zoning and improve objective standards. Legalize diverse and medium density buildings. Legalize small scale local shops, daycare, and other services in single family communities (Sunnybrae, North Central, the Village, Hillsdale) to reduce car trips. Allow more homes in downtown to increase home supply while minimizing car traffic because walking can get a lot more done in downtown. Develop empty lots in Bay Meadow and Event Center.

3. Circulation

Building thousands of new homes cannot be done without traffic improvements. I know this is outside of the housing element but it is a chicken-egg problem. A city-wide, continuous bike highway needs to be built to encourage more people to run errands, go to school and offices without driving. Palm Ave, Delaware St are streets that could be a north-south bike highway. SF, Mountain View and many more examples are there for us to copy. Allocate more money on e-bike rebate, bike paths and traffic calming features.

Building homes unfortunately has become so contentious and expensive throughout California. My house is across the street from the Hillsdale Mall which is ripe for more housing/services. I hope to see new homes, shops and neighbors replacing the lifeless and underutilized parking garage. I want more homes built not for profit but for my friends, coworkers and children to be able to stay without being severely burdened by mortgage or rent.

Inclusivity is one of the values of the City. \$1.5M home prices are not inclusive. I really appreciate what you have done given the constraints and history of San Mateo. I believe you can do the right thing for us and the silent majority.

Thanks again!
Kailun

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Nicholas "Nicky" Vu

From: Housing
Sent: Tuesday, January 3, 2023 4:28 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
[REDACTED]

Notice of Holiday Closures:

City Hall will be closed on Thursday and Friday, November 24-25, for the Thanksgiving Holiday.

City Hall will be closed on December 28th (in observance of Christmas) and on January 2nd (in observance of New Year's Day). Happy Holidays!

Sandra Belluomini
City of San Mateo
[REDACTED]

From: Bill Williams [REDACTED]
Sent: Tuesday, January 3, 2023 12:53 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

1. The Sewage Treatment Plant should be completed before additional construction is started.
2. Since the City of San Mateo has paid fines for untreated storm runoff into the Bay, the storm water overflow system should also be completed before additional construction is started.
3. Open Space calculations for developments should not include rooftops and balconies.

Nicholas "Nicky" Vu

From: [REDACTED]
Sent: Thursday, January 5, 2023 9:32 PM
To: Housing
Subject: housing

I am not really sure who really reads our comments and also assume you committee just trashes what you do not like to read I get it but here goes

my name is rick karr and was born in San Mateo Mills Hospital 72 yrs ago and bought my house at [REDACTED] 39 1/2 years ago

Basically I understand you committee gets marching orders from the Board of Supervisors or the Governor ,,I am hoping you do not volunteer the number of increased housing to be 7000

Again I will state the infrastructure of San Mateo cannot accomodate a great deal of more building ..The traffic is bad The sewage system is overloaded and I can go on and on You have heard all the reasons why big population growth here in the confines of San Mateo is really almost impossible

No one is going to rip up train lines or destroy freeways to provide more housing space There is not a lot of open space left and I do not expect large landowners like the BOHANNON family to just provide a lot of land to the city so that being said I provide the following solutions

HIP Housing and similar should submit a list of numbers of people who are placed each month and use those number to show that the city of SM has complied or is trying to comply,,,I have no idea The city can also publicize to home owners or similar the advantages to renting out a room for extra income,,,I realize many people may be afraid to take a stranger in the home and those apprehensions are realistic ,,However volunteers fo assist and publicize HIP and similar organizations would be great as some decent types can rent a room or similar and the homeowners will have some extra money each month,,,I suggest that the HIP contact the nursing department at CSM as these students and others are ideal for elderly types who are still living at home,,,I personally rented out my front bedroom to someone who was pals with a SM pal of mine and he works in Burlingame and has been here for five years now ,,i also now have another SM person living in my back room (tv sports room) who has been here for three months now and maybe another four as he split up with his GF,,,What I am trying to say is that the city and volunteers can assist others like HIP to find people and then those numbers can be tallied ,,

we do not have the space or ability to build say 5000 houses in the city of San Mateo. Yes there are places like FRESNO or MODESTO that have a lot of land but San Mateo does not

I highly suggest you counter this absurd high figure of say 7000 and have it reduced and also delayed The recapture of people provided housing like I mentioned above should be seriously mentioned to these GOV HACKS who dictate these absurd numbers...Those people who do build duplexes or fourplexes are helpful of course ...

I do not consider this issue to be a Republican or DEMOCRATIC party issue ,,,it is a common sense issue for us the tax payers of San Mateo and residents and unfortunately I have no trust in the ability or courage of these elected or appointed people to stand up for us

please respond to my comments You need to solicit others for great ideas and not wait for the elected types to dictate to us ..

We have a 55 foot height limit that was voted in and cannot be changed by one hack using a pen,,,that is what is done in RUSSIA or North Korea or CHINA (PRC) or CUBA

Rick Karr
[REDACTED]

Nicholas "Nicky" Vu

From: Housing
Sent: Friday, January 6, 2023 3:26 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

-----Original Message-----

From: David Eligator [REDACTED]
Sent: Friday, January 6, 2023 1:37 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Dear Mayor Lee, Councilmembers and Commissioners:

I own and live at [REDACTED] in North Central (at Delaware), a beautiful 1913 Victorian that I have been renovating myself from decades of neglect. I invite you to stop by and see it.

I took a day off and read the most recent draft Housing Element. I commend those who drafted it. My comments are specific to North Central, where you'll find me picking up litter or walking with my dog Susie.

North Central screams with unmet potential. Its location next to downtown is fantastic. It suffers from past redlining, a too-high percentage of renters, and concentrated poverty. By allowing investment, development and growth, North Central could blossom and become one of the truly great walkable neighborhoods in the San Francisco Bay Area.

The housing element acknowledges the damage done by North Central's former redlined status. The City can and should remedy by allowing significant new development in North Central to replace our obsolete housing stock and create vibrant neighborhood commercial areas. Even with the 55ft height limit there is potential to build interesting,

stylish, ornate and even iconic buildings with visual architectural appeal, which provide both public and private benefit and serve far more than mundane utilitarian function. Architectural beauty is key. Let's build while at the same time keeping North Central free of huge, streetlife-deadening projects and bland five-over-one boxes (which the 55-foot limit unfortunately encourages). Let's harness the market to encourage investment in North Central and allow people to build! We want more neighborhood commercial areas, taquerias, cafes, art galleries, music venues, corner stores and commercial gathering places. Please empower mom-and-pop builders and emphasize small scale developments, many small footprint projects, which create a charming, diverse, varied and interesting urban fabric. And more gardens and trees throughout North Central, please!

The housing element rightly focuses attention on AFFH and social issues affecting low-income and other vulnerable residents. For North Central, the way to address this is to invite wealth and economic growth in. While the housing market remains strong, the City can use market forces to reshape North Central in a bold and transformative way so as to make it a more dynamic and truly diverse place and not an island of disenfranchisement and poverty. Look to other cities' models of desirable neighborhoods that truly work. Jane Jacobs' *Death and Life of Great American Cities* discusses what physical spaces actually work for and feel good to human beings. North Central needs well-constructed, well-designed, architecturally-pleasing housing of all types, not mere utilitarian, uninspired buildings without aspiration, style, design, craftsmanship, ornament, or redeeming aesthetic qualities. (Who would want to live in a shoebox?)

Especially for North Central, the housing element provides an exciting opportunity for bold action. Why not use principles of New Urbanism to make North Central a truly diverse, leafy, walkable and desirable neighborhood with flats, townhouses, and a high percentage of owner-occupants (which create strong communities, prevent blight and permit people and families to build equity and long-term economic strength)? North Central will greatly benefit from having more stakeholders with long-term economic self-interest.

To make an omelet one must break some eggs. Let's not think small when it comes to North Central! North Central has all the ingredients of becoming a stunning, spectacular, highly desirable neighborhood that transcends its redlined past, for the benefit of all. Let's not be timid or cling to mediocre visions from the past.

David Eligator



North Central

Sent from my iPhone

Nicholas "Nicky" Vu

From: Housing
Sent: Friday, January 6, 2023 3:26 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
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Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: Skye Nygaard [REDACTED]
Sent: Friday, January 6, 2023 1:59 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Hello,

After reading through the new draft housing element, I am overall quite happy with the changes and how they address the needs of the community.

However, I have some points of concern.

On page H-31, there is reference to "physical constraints" limiting the development of smaller lots. Rather, it is zoning regulations, such as setbacks, that are the constraining factor. I would hardly call a law "physical". I would prefer the wording to reflect that it is a result of current policy rather than some universal rule that you can't develop as much on smaller sites.

I appreciate the inclusion of SROs in the latest update. However, it is not a big change. Simply being more specific about where SROs *can* be built does not get them built. SROs tend to have unit sizes in the range of 100-200 sq ft. 1 acre = 43560 sq ft. At just 1 story, you could fit upwards of 200 SRO units. When we have a limit of 50 units per acre, no SROs are going to be built. It is a subpar use of limited unit counts. I would like some mention of this constraint to be included in the housing element, to reflect the reason SROs are not being built.

I appreciated the mention of putting adjustments to measure Y on the ballot, on page H-41. However, I would like it mentioned where measure Y conflicts with state law. Density bonus and state law supersede measure Y already in several conditions, and there was no mention of this in the housing element (at least that I found).

The phrase "a variety of housing" was mentioned on page H-23 and several other locations. On H-23, it was then listed the breakdown of single-family vs 2-4 unit multifamily, vs > 4-unit multifamily. This leads to the implication that the variety of housing merely comes down to single-family vs multi-family, as well as the price point. However, I think there are other very large variety factors. These include the number of lots, rather than units, and the location of those lots. While single-family homes are spread throughout the city, multi-family dwellings are concentrated in just a few locations. As a renter, there are many places in the city where I cannot find a rental available. Therefore, the diversity of locations for multi-family is severely limited, due to the much smaller number of lots available with this zoning. I would like this location diversity to be explicitly mentioned, as it is something I have personally dealt with.

Best,
Skye Nygaard, a San Mateo Resident

Nicholas "Nicky" Vu

From: Mayhew, Tom (22) x4948 [REDACTED]
Sent: Saturday, January 7, 2023 4:39 PM
To: Housing
Cc: Planning Commission; City Council (San Mateo); Higley, CJ (25) x4942
Subject: Housing Element - Comments of Housing Action Coalition
Attachments: 2023-01-07 Housing Action Coalition - Second Round Comments on San Mateo Draft Housing Element(15225917.pdf; Housing Element

Please see two attachments:

1. The January 7, 2023 letter on behalf of Housing Action Coalition, commenting on the draft December 2022 Housing Element.
2. An earlier email and attachments sent on behalf of Housing Action Coalition on December 16, 2022. This email and its attachments are being re-sent because it was not included in Appendix F (Public Participation) and we wanted to make sure that you have it.

Please include our comments in the packet for the Planning Commission meeting for January 10, 2023 and City Council meeting (date TBD) concerning the adoption of the Housing Element.

Thank you,
Tom Mayhew
CJ Higley

Thomas B. Mayhew
Partner



San Francisco, CA 94104
www.fbm.com

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For more information please visit <http://www.mimecast.com>



January 7, 2023

Via E-Mail

Housing Manager
City of San Mateo
Planning Division
330 W. 20th Avenue
San Mateo, California 94403

E-Mail: housing@cityofsanmateo.org

Re: Draft Housing Element for City of San Mateo 2023-2031
Comments of Housing Action Coalition

Dear Housing Manager, Planning Commission, and City Council:

On behalf of the Housing Action Coalition,¹ we write to further comment on the draft 2023-2031 Housing Element for the City of San Mateo, including changes in the December 2022 draft. The draft Housing Element still does not meet the City's obligation to plan and provide for affordable housing. Absent substantial revisions, it may be found in violation of state law.

Below, we identify two significant issues to be addressed as San Mateo continues to work on formulating an acceptable Housing Element. First, San Mateo has included a number of sites that do not have a realistic likelihood of becoming housing during the next eight years, as required to meet the need for new housing. The inventory includes a major shopping center and a regional mall and claims that these are housing sites that will redevelop in the next eight years, despite busy stores, new long-term leases, and even multimillion dollar improvements that conclusively demonstrate that the current retail uses will continue. Second, San Mateo's methodology for identifying how much of the regional need will be met by the sites on the inventory appears both unprincipled and inconsistently applied. In order to properly evaluate whether the site inventory will meet the needs of San Mateo's anticipated population growth, San Mateo needs to formulate a proper methodology and then apply it consistently, and explain how it evaluates site-specific information, other potential uses of the property, and market evidence on what is likely to actually be built.

¹ The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

A. The City Includes Sites That Are Not “Suitable And Available” Because They Do Not Have A “Realistic And Demonstrated Potential” For Redevelopment During The Planning Period To Meet The Need For Housing.

One of the most concrete aspects of any housing element is the inventory of land “suitable and available” for residential development to meet the city’s regional housing need by income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p. 1 (https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf). The list is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels.

Where nonvacant sites are listed on the sites inventory, there must be a “realistic and demonstrated potential for redevelopment” during the next eight years. Government Code § 65583(a)(3). To address past abuses – including where cities list unrealistic sites in order to avoid required rezoning – the California Legislature created a high standard for listing sites that are currently being used for something other than housing. Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development “based on substantial evidence that the use is likely to be discontinued” during the planning period. Government Code § 65583.2(g)(2) (final sentence). The City must analyze the evidence: existing leases, market demand for the existing uses, and anything else that would indicate whether existing uses will continue. Government Code § 65583.2(g)(1).

As explained below, the current draft prepared by San Mateo identifies a number of non-vacant sites that are not realistic, suitable and available for redevelopment. The City relies heavily on the speculative and unlikely assumption that existing uses will cease during the next eight years in favor of affordable housing.

1. The Bridgepointe Shopping Center
(APN 035-466-070, -080, -090, -100, -110)

The City’s draft fails to address whether the existing uses will cease during the next eight years. Absent substantial evidence that existing uses will “likely” discontinue, San Mateo cannot count the Bridgepointe Shopping Center parking lot and stores as addressing the need for sites available, realistic, and suitable for 233 units of lower income housing.

As our prior letter explained, the parcels that make up the Bridgepointe Shopping Center have existing uses, with long-term leases and likely rights to the parking lot, that preclude residential development during the period covered by the next Housing Element. While the City has now dropped the ice rink parcel, which had been unoccupied but is now back in operation as

an ice rink, the City fails to mention, much less evaluate, evidence concerning existing leases from major national tenants in place at this power center, with existing leases extending for almost the entire period covered by the Housing Element:

- APN 035-466-070 includes current retail uses by Ross Dress for Less, Marshall's and Total Wine & More. Total Wine & More has a lease through 2027. See Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 4. Ross opened here in 2021. It is unlikely that Ross moved in with a short-term lease. The City does not appear to have analyzed leases to determine their effect on whether sites are available for housing, as required.
- APN 035-466-080 is occupied by Hobby Lobby, with a lease through 2029. See Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 1.
- APN 035-466-090 is occupied by a number of national retailers, including Verizon, Petco, Ulta Beauty, and Cost Plus World Market. Ulta Beauty is known to have a lease through 2032. See Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 2.
- APN 035-466-110 is the loading dock access for all of the stores on parcels APN 035-466-070, -080, and -090, and too narrow to feasibly develop for housing.
- APN 035-466-100 is the parking lot, and is likely subject to the leases of each of the retailers. It is also likely subject to lease rights from the non-listed restaurant parcels on the periphery, and the ice rink.² While it is theoretically possible the lease agreements for the shopping center are compatible with residential development on the parking areas that serve the shopping center, the burden is on the City to demonstrate that such development is likely during the planning period. The City has failed to analyze lease rights that may impede housing uses, as required by the statute.

Particularly given the existing uses, and the publicly known information about existing long-term leases with major national retailers that preclude building housing within the next eight years, the City cannot credibly claim that it is "likely" that these existing uses will

² The parking lot is also larger than 10 acres, and so is subject to the additional analysis of Government Code section 65583.2(c)(2)(B) ("A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing."). No site of this size was developed for 147 units of lower (very low, low) income housing; the closest comparable size, Station Park Green, was a market rate project with only 60 units of lower income housing in a project of 599 units.

discontinue. While the City explains that it has had “a variety of discussions with the shopping center’s ownership representatives who expressed interest in mixed-use redevelopment,” (December 2022 draft at H-36), it fails to address *when* redevelopment might occur. The City asserts that the General Plan Update is exploring policies to “guide redevelopment of the shopping center,” and refers to a “draft land use plan designat[ing] Bridgepoint as Mixed-Use High, which could allow up to 200 units per acre.” *Id.* But given that City voters have twice approved a cap of 50 units per acre (Measure P, extended to 2030 by Measure Y), the City’s optimism provides no realistic assurance that affordable housing will be built here before Measure Y, and the 2023-2031 draft Housing Element, expire. Finally, the City’s broad reference at page H-C-14 to a “market trend” of developers that “bought out long term businesses to allow redevelopment into housing” refers only to “underutilized” properties; the Bridgepointe Center is not underutilized. The City’s argument does not meet the substantial evidence standard for the likelihood of development of this specific site, with its specific constraints and existing uses, during the relevant planning period.

Don’t get us wrong: Housing Action Coalition also hopes that Bridgepointe will begin redevelopment within the planning period, and it hopes that the City is successful in rolling back the restrictions of Measure Y through its General Plan revision efforts so that Bridgepointe can be developed with high-density housing. But without a showing, based on substantial evidence, that it is *likely* that Bridgepointe will redevelop “within the planning period,” the City should add sites to the inventory that are available to meet the need for affordable housing.

2. Hillsdale Mall

(APN 042-121-040, -060, -080; 039-490-050, -170; 039-353-010, -020, -030, -040)

As discussed in Housing Action Coalition’s prior comment letter, the question about Hillsdale Mall is not about whether the owner is interested in some mixed use housing for the site. The issue is when and how much housing will be built, and on which parcels or portions of parcels. Here, the City lacks evidence to justify the projections on the site inventory, or to claim that the existing uses are likely to discontinue soon enough for housing to be built during the required timeframe.

Retail uses of Hillsdale Mall are almost certain to continue through the next eight years. With the owner just having spent \$240+ million on the Hillsdale North project on 12.5 acres of APN 039-490-170, including a new food court on the portion spanning 31st Avenue to connect to the even larger portion of the mall that includes Macy’s and Nordstrom, the City Council cannot credibly make findings that all existing uses of that parcel will likely discontinue in the next eight years. Government Code § 65583.2(g)(2). Similarly, the substantial improvements and

new long-term leases at Hillsdale South show that redevelopment of that portion of APN 039-490-170 is also unlikely to take place during the period covered by the draft Housing Element.³

The City makes much of the owner's expressed desire to build housing, including showing images of the owner's proposals to modify the City's general plan to allow housing of 100-200 units/acre on portions of the site. Current San Mateo law does not permit these plans to go forward. As with Bridgepointe, the reality is that the City's voters have constrained housing production by adopting Measure P, then Measure Y, which prohibit such density until 2030. Without knowing the outcome of a hypothetical ballot initiative in 2024 that might permit such density (see December 2022 Draft at H-B-56), the City cannot reliably predict that the owner will attempt to build before Measure Y, and the current Housing Element, expire.

3. The Atrium: 1900 South Norfolk Street (APN 035-391-090)

As stated in Housing Action Coalition's earlier comment letter: The executive office building located at 1900 South Norfolk Street is currently used by a large number of office tenants. The draft Housing Element does not perform any analysis of the current use, including whether existing leases would create obstacles to residential development of the site during the next eight years. Publicly available information indicates that a number of leases continue to be signed or renewed for this three-story office building, with at least one such lease publicly reported to extend until 2030. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 9. The City should perform the required analysis under Government Code section 65583.2(g)(1), and evaluate whether it has substantial evidence to make the finding that existing uses are "likely to discontinue" during the next eight years, as required by section 65583.2(g)(2). If not, the City should not claim that this site meets the need for 99 lower income affordable housing units, even if the owner has expressed a long-term interest in redevelopment.

The site is currently zoned "executive office," with no residential overlay to make residential housing a permitted use (except by discretionary application for a special use permit). The City does not include a plan to rezone the site to make residential use a permitted use, as required by Government Code sections 65583.2(a)(4) and 65583(c). The owner of the property has indicated an interest in building housing *if* the site is rezoned; nothing suggests that the owner has an interest in going through an expensive two year gauntlet to apply for discretionary

³ Parcel 039-490-170 is also subject to the same problem as the Bridgepointe parking lot site: the City lacks any evidence that a site this large can be developed for 485 units of affordable housing. Government Code § 65583.2(c)(2)(B). The City has never seen a development include that much affordable housing; none of its cited examples come anywhere close. Under the City's inclusionary housing ordinance, even if all 28.91 acres of the parcel were developed and resulted in 1,199 units, only 15% of them would be required to be affordable for lower income households: 179 units, not 485. Meanwhile, the City's citation to projects that were predominantly market-rate, with only limited numbers of lower income units, fails to meet the statutory requirement.

permission to see if the City is willing to let residential housing be built here. The City needs substantial evidence that the existing use will discontinue, paired with a rezoning of the site, in order to take credit on the site inventory towards meeting the Regional Housing Needs Allocation (RHNA).

4. Borel Shopping Center (71-77 Bovet; 1750 El Camino Real)
(Consolidated Site AH: APN 039-011-450, -460, -470, -480, -500, -510)

As stated in Housing Action Coalition’s earlier comment letter: This site is a busy shopping center anchored by a CVS Pharmacy, a 24 Hour Fitness,⁴ a branch of Patelco Credit Union, a UPS store, and a separate restaurant building for Jack’s Restaurant and Bar. There is publicly available information showing that the lease for Jack’s extends well into the planning period. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 11 (indicating Jack’s lease extends from 2013-2029). The City should perform the required section 65583.2(g)(1) analysis of the existing leases, and current market demand for the retail uses at the location. The City currently lacks substantial evidence that the site’s existing use is “likely to be discontinued” during the next eight years. It should not count towards 85 units of housing affordable to lower income households.

5. The Elks and The Shriners – 229 W. 20th Street and 150 W. 20th Street
(APN 037-052-350 and APN 039-030-220)

The Benevolent and Protective Order of Elks, Lodge 1112 (“San Mateo Elks Lodge”), has been located at 229 W. 20th Street since 1954. The San Mateo Elks Lodge has a membership of over 1,100 as of earlier this year. The Elks use their lodge to operate a popular swimming center for kids and families, hold crab feeds and other events in the meeting hall, and engage in fun activities and philanthropic works.

The only suggestion that the San Mateo Elks are not likely to continue their existing use of the Elks Lodge at 229 W. 20th Street is the statement on the site inventory that “Preliminary conversations with the owner to convert to residential have occurred.” That kind of statement might sometimes go unnoticed and unquestioned by the City Council, HCD, or a court. But here, no one should take it as an adequate answer to the question of whether the San Mateo Elks will stop using their lodge in the next eight years. The reason is that the 2015 Housing Element, when listing the same site, said the same thing, word-for-word: “Existing private member club. Preliminary conversations with the owner to convert to residential have occurred.”⁵ Nothing has

⁴ In 2008, the 24 Hour Fitness substantially modified the building it occupies when it moved into a space formerly occupied by Albertson’s. It added locker rooms, a swimming pool, basketball courts, showers, and other tenant improvements at a cost exceeding \$2.2 million. BD-2007-230493; BD-2007-230029; BD-2008-230692.

⁵ In order to rely on conversations purporting to express intent, the public needs to know much more. Who had the conversation cited by the City, and with whom did they have it? Has

happened in the last eight years to suggest that “preliminary conversations” are substantial evidence on which to predict a likely discontinuation of the existing use, even if the more recent note is based on more recent preliminary conversations, instead of the “preliminary conversations” that took place eight years ago. This site should not be counted towards accommodating the need for 77 units of housing affordable to lower income households. Government Code § 65583.2(g)(2).

A second private club is located just down the street at 150 W. 20th Street: the Shriners. The Shriners are likewise a longtime institution in San Mateo, and are likewise committed to philanthropy and social activities. The Shriners’ building is used in part for a day care center. The site inventory provides insufficient detail to evaluate whether they plan to move out in the next eight years, saying only “Owners have considered mixed use with residential.” Without more, this is insufficient to justify concluding that the Shriners actually plan to leave or redevelop in the short or mid-term, or to treat their property as accommodating the need for 32 units of lower income housing.

The same analysis applies to other sites. *See, e.g.*, 1500 Fashion Island Blvd. (APN 035-550-040) (“Developer interest in redevelopment.”); Consolidated Site B (APN 032-312-250, -270, -150, -100, -070) (“General interest in redevelopment”). Vague expressions of interest do not constitute substantial evidence that the existing use will likely cease during the next eight years. Sections 65583.2(g)(1) and (g)(2) require more analysis, more evidence, and more likelihood.

6. Mollie Stone’s – Olympic Shopping Center

(Consolidated Site AD:

APN 042-242-050, -060, -070, -160, -180;

042-243-020, 042-244-040, -050;

042-245-040, -050, -060, -070, -080, -090, -100, -110, -120, -130;

042-263-010, 042-264-010)

This site, consisting of twenty parcels, is claimed to accommodate 161 units of housing affordable to those with lower incomes. The only basis for including it appears to be the claim that there is “ownership interest in specific plan redevelopment,” which does not indicate that all of the parcels would be redeveloped as housing at the maximum density, or indicate who said what to whom, and when.⁶

the Lodge taken any affirmative steps toward redevelopment beyond this conversation? Without more, the vague reference to “preliminary conversations” between unidentified speakers on an unidentified date does not constitute “substantial evidence.”

⁶ Here too, the concern about specificity is not idle. There are five separate owners. Carstens Realty owns most of the parcels, but CLC Investments, Sadigh Sassan, Shamco E LLC, and San Mateo Investment Co. each own one. The City does not discuss or address whether the

Meanwhile, and as discussed further in section B below, the draft Housing Element does not adequately analyze or demonstrate the realistic capacity of the site. Under section 65583.2(g)(1), for a nonvacant site like this, the city must “specify the additional development potential for each site within the planning period.” The required analysis is currently missing. A realistic assessment of the current uses and market conditions would preclude listing the entire site at maximum density. Mollie Stone’s is the only full-service grocery store in the surrounding area. For households in the southwestern portion of town (for example, everyone near Laurel Elementary School and south to the Belmont border), closing Mollie Stone’s would more than double their travel times to the nearest grocery, and extend them well beyond the one-mile used to define a “food desert” – a condition no one expects to develop in this well-resourced city.⁷ Currently San Mateo’s land use pattern follows the predictable pattern: few, if any, households are more than one mile from a grocery. There is no reason to believe that the market need for grocery stores will make the need for Mollie Stone’s, or another grocery store, superfluous in this part of town. Particularly as San Mateo’s population grows, the need for grocery stores will increase, not diminish.

This means that any redevelopment or specific plan of the Olympic Shopping Center will almost certainly include a substantial retail component, at least on the ground floor. Mixed use may be a responsible way to increase density, but it precludes listing the site at maximum density, particularly given the constraints of Measure Y. The City must conduct further analysis, including an analysis of existing leases, common ownership, and market conditions, before claiming that this site will meet the needs for construction of 161 units of housing affordable to lower income households. And, given the substantial demand for the existing use, the City may not be able to make the required finding under section 65583.2(g)(2).

7. Site AN (4100 and 4142 El Camino Real)
(APN 042-242-170 and -080)

On the draft Housing Element site inventory, consolidated Site AN consists of a City-owned vacant site and a neighboring parcel. In a recent staff report for the November 7, 2022 meeting, the chart responding to HCD comments indicated that the City had two City-owned sites: the “Talbot’s” site (APN 034-179-050 and -060), and APN 042-242-170, which it referred

five are willing or interested in a joint project, though it lists each of them as having expressed interest in a specific plan. Without evidence of what makes consolidation likely, the smaller sites are deemed insufficient to accommodate the need for lower income housing. See Government Code § 65583.2(c)(2)(A).

⁷ If Mollie Stone’s closed, and no grocery store was rebuilt in its place, it would create the unlikely situation where an affluent, urban community became a “food desert.” The United States Department of Agriculture has defined a “food desert” as an area where at least 500 people, or 33% of the tract population, reside more than one mile from a full-service supermarket. https://www.ers.usda.gov/webdocs/publications/45014/30940_err140.pdf.

to as the “Ravioli” site. The chart indicated that staff recommended adding to the narrative about the Talbot’s site, but recommended removing the Ravioli site from discussion.

The draft Housing Element had shown the two sites APN 042-242-170 and APN -042-242-080 as having a potential for consolidation, but if the City does not plan to sell APN 042-242-170, and instead plans to take it off of the site inventory, it should also remove APN 042-242-080 as unsuitably small for affordable housing.

However, the staff report is confusing on this point. It refers to APN 042-242-170 as the “Ravioli” site, and lists a street address of 505 South B Street. This is not the location of APN 042-242-170. APN 042-242-170 is located at 4140 El Camino Real. If it is indeed City-owned, we encourage the City to make plans to develop it, preferably by issuing a Request for Proposals to transfer it to a non-profit housing developer who could build a 100% affordable project on the site. If the site can be consolidated with the neighboring parcels – which have one-story commercial or professional uses, and a relatively large percentage of surface parking – the opportunity would be even more meaningful in terms of providing for the need for housing affordable to those with lower incomes. Even still, the City would need to engage in the process of determining that it is likely the existing uses on the neighboring parcels are likely to be discontinued during the planning period such that consolidation of the sites is feasible and realistic.

B. The Analysis Supporting The Government Code Section 65583.2(c) Calculation Is Insufficient.

In order to determine that the City has a sufficient number of sites to meet the need without rezoning, a key calculation is the projected number of units at each level of affordability. If the City overestimates how many units will be built on the sites it includes, it will incorrectly conclude that it does not need to identify any more. Unfortunately, the City’s current draft makes just this error.

The estimate of units on each site is governed by Government Code section 65583.2(c), which provides:

The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) . . . If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic

development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

The draft Housing Element fails to demonstrate that the site inventory numbers reflect the realistic development capacity for each site. For sites with the potential for mixed or non-residential use, the Housing Element calculates a discounted probability of residential development, but fails to apply it. For sites zoned entirely residential, the site inventory cherry-picks the data in an effort to claim that every site is likely to be developed at the maximum density permitted by San Mateo zoning laws.

1. Mixed Use/Non-Residential Zoning.

In the site inventory guidebook, HCD explains that where a city uses sites that are zoned for nonresidential uses, the city must evaluate the capacity analysis by taking into account that some or all of the site may be developed – as city law allows – for such nonresidential uses, such as commercial or office uses.

The City discusses this issue at pages H-31 to H-34 of the draft Housing Element, using the data in table 5. It states that 80% of sites developed during 2017-2022 were developed with at least some residential housing.⁸ It states that to account for this, “For those sites that assume mixed-use with residential components in the site inventory, potential density is assumed more conservatively at 30 to 35 du/ac.” December 2022 draft at H-31.

Unfortunately, the City does not consistently apply the results of this analysis. Instead of applying the mixed-use density number uniformly, it picks and chooses which sites the City “assume[s]” will be mixed-use, and then ignores the prospect that others may also have mixed-use or no residential use at all. The following sites are zoned for non-residential uses per the site inventory with a reported maximum density of 50, but the City nonetheless lists them at densities higher than what it claims is the “conservative” 30-35 du/ac:

⁸ Note that here the City counts projects, instead of evaluating by acreage. Larger sites are more likely to be developed for commercial or office uses. Table 5 shows that while 20 of 25 sites contained at least some residential component, only 19.99 of the 80.88 acres (75%) did. A realistic calculation of the likelihood of residential development should apply the proportion developed by acreage before multiplying it times the allowable units per acre, rather than using the percentage of sites with entirely non-residential uses.

Mixed Zoning Sites With Max Of 50, Not Properly Adjusted For Mixed Zoning:

Site	Zoning ⁹	Capacity per Inventory	Capacity at 30-35 du/ac because of mixed or non-residential potential (before accounting for site-specific factors)
G: 77 N. San Mateo	E2-0.5/R5	25 [39.682 du/ac]	19-22
N: 487 S. El Camino/ 62 E. 4 th /E 5 th and San Mateo Dr.	CBD/R	157	94-110
1500 Fashion Island	E1-0.62/R	273 [45 du/ac]	182-213
2118 El Camino: Catrina Hotel	C3-1/R4	56 [76.71 du/ac, despite a City-wide maximum of 50]	22-26
2955 El Camino	TOD	114 [50 du/ac]	69-80
039-360-140	TOD	67 [50 du/ac]	40-47
AC: Parkside Plaza	C1-0.5/R4	332 [50 du/ac]	200-233
220 W. 20 th	E1-1/R4	77 [50 du/ac]	46-54
150 W. 20 th	E1-1/R4	79 [40 du/ac]	59-69
2900 El Camino	C3-1/R4	54 [50 du/ac]	32-38
2838 El Camino	C3-1/R4	59 [50 du/ac]	35-41
4060 El Camino	C3-1/R4	51 [50 du/ac]	31-36

⁹ E1 = Executive [Office] Park.
E2 = Executive Offices
C1 = Neighborhood Commercial
C3 = Regional/Community Commercial
TOD = Transit Oriented Development (mixed use)
/R = Residential Overlay (residential as permitted, rather than special, use)

2028 El Camino	C3-1/R4	19 [50 du/ac]	11-13
2030 S. Delaware	TOD	52 [50 du/ac]	31-36
AL: Ah Sam	C3-2	105 [46 du/ac]	69-80
AM: 1670 Amphlett Blvd.	E2-1	289 [50 du/ac]	173-202
AM: 1700 Amphlett Blvd.	E2-1	203 [50 du/ac]	122-142
AM: 1720 Amphlett Blvd.	E2-1	230 [50 du/ac]	138-161
AN: 4100/4142 El Camino	C1-1.5/R4	28 [39 du/ac]	22-25
	Totals:	2,270	1,395-1,628
	Overestimate:	642-875 units	

The sites in the following chart are zoned for non-residential uses per the site inventory with a reported maximum of 30 or 35 units/acre, but the City does not discount them to take into account the possibility of non-residential development. Applying the City's data showing that mixed zoning sites develop at less than 80% of the maximum zoning, these sites should be estimated at no more than 24-28 units/acre:

Mixed Zoning Sites With Max Of 30-35, Not Properly Adjusted For Mixed Zoning:

Site	Zoning	Capacity per Inventory	Capacity at 80% of maximum zoning (before accounting for site-specific factors)
1885 S. Norfolk St. (Fish Market)	C1-1 Neighborhood Comm'l	105 [30 du/ac; zoning max is 35]	98
AB: 210 S. San Mateo	CBD "Central Business Dist."	35 [50.7 du/ac; zoning max is 30]	17
AE: The Great Entertainer	R3/C2-1 Regional Comm'l/Medium Density	44 [29.72 du/ac; zoning max is 35]	41

AF: 350 N. San Mateo/220 E. Poplar	C2-1, C2-2 Regional Comm'l	19 [30 du/ac; zoning max is 35]	18
AH: 71-77 Bovet	C1-2 Neighborhood Comm'l	209 [35 du/ac; zoning max is 35]	186
1900 S. Norfolk	E1-0.5 Exec. Office Park [no resid. overlay]	245 [30 du/ac; zoning max stated as 35]	229
	Totals:	657	589
	Overestimate:	68 units	

The City also takes an inconsistent approach to “pre-application” projects. Some are estimated based on similar experience throughout the City (e.g., Fishmarket, estimated at 35 du/ac despite the owner’s proposal of 260 units).¹⁰ But for others, the City takes credit based on the projected number of units out of a “pre-application” or pending application, even though the application itself has not yet been approved or, in most cases, even submitted. While some of these sites may ultimately develop for the proposed density, using the un-approved density from a pre-application is not a realistic assessment of their likely capacity. Until entitlements issue and the projects move forward, the realistic estimate of the site’s capacity should be based on the typical capacity based on the mixed-use sites that have been approved or built, i.e., 30-35 units/acre:

“Pre-Application”/Pending, Not Properly Adjusted for Mixed Zoning:

Site	Zoning	Capacity per Inventory	Capacity at 80% of maximum zoning (before accounting for site-specific factors)
Site AO: Block 20	CBD/S Central Business District Support	84 [72.4 du/ac]	35-41
Site Y: Hillsdale Inn (477 E. Hillsdale Blvd.)	C2-0.5 Regional/Comm. Comm'l	230 [75.4 du/ac]	92-107
1495 El Camino	E2-1/R4 Executive Office/High	35	20-24

¹⁰ At 260 units on 3.5 acres (75 du/ac), the owner’s proposal would appear to exceed Measure Y, and so is indeed unrealistic, at least for purposes of calculating a site inventory capacity. This also assumes that all 3.5 acres is developable, despite Bay Conservation District jurisdiction over this shoreline parcel.

	Density Residential	[51.47 du/ac] ¹¹	
R: 4 th /Railroad “Bespoke” ¹²	CBD/R Central Business District	60 [52 du/ac]	35-41
Site AG: Nazareth Vista	C1-3/R5 Neighborhood Commercial with Residential Overlay	48 [75 du/ac]	19-22
477 9 th Ave.	E2-2 [Executive Office, No Residential Overlay]	120 [75 du/ac]	48-56
	Totals:	577	291
	Potential Overestimate:	249-291	

By failing to follow through on the HCD required analysis – that properties zoned for non-residential uses will sometimes not become housing at all – the draft overestimates the capacity of its inventory. Based on the City’s own analysis, that sites where mixed or non-residential use is permitted should be estimated at 30-35 units/acre, the City overestimated the capacity by 710-943 units, over 10% of the RHNA totals. And if the “pre-application” sites are adjusted to reflect average capacities for mixed use zoning, instead of accepting pre-application numbers at face value, the overestimate is as high as 1,234 units, constituting 17.5% of the RHNA totals. Before adopting the Housing Element, the City should adjust the site inventory capacity calculations to comply with the state law requirement of realistic, demonstrated capacities, and then identify additional sites to make up for the shortfall.

2. Residential Zoning.

For the limited number of sites on the inventory that are zoned residential without the potential for non-residential uses, the City’s analysis is also flawed. As discussed in the Housing Action Coalition’s prior comment letter, the draft “cherry-picks” data to argue that capacities should be calculated based on the maximum permitted under the City’s zoning laws. At pages H-30 through H-31, and in table 4, the City separates prior residential developments into two categories: “in-fill” and “outliers.” The so-called “outliers” represent over 20% of the units, and 46% of the residentially zoned land: it is unreasonable to disregard them when computing the

¹¹ Note that this pre-application appears to have been submitted in 2017, suggesting that it might be a particularly poor basis for an estimate made in 2023.

¹² Note: Only two of the six parcels described at page H-C-33 (narrative description of the “Bespoke” project) are listed on the site inventory.

average. The average density for residential projects, combining both parts of table 4, is approximately 40 units/acre.

Notably, the draft applies the “outlier” density of 18.2 units/acre to only three sites, all adjacent to one another at 717-801 Woodside Road. The sites are in a residential neighborhood surrounded by other apartment buildings.

Meanwhile, the City does not apply the “outlier” density to sites that would appear to have far more in common with those on the list. The “outlier” project on Waters Park Drive was zoned “executive office”; it borders Borel Creek as it flows into Seal Slough. Less than 100 feet away, on the opposite side of Borel Creek as it flows into Seal Slough, is 1900 S. Norfolk Street, zoned “executive office.” Yet while the Waters Park Drive project developed at a density of just 17 units/acre, the City projects a capacity for 1900 S. Norfolk of 245 units on 8.18 acres: 30 units per acre. If indeed the Waters Park Drive project resulted in low density because of site-specific conditions (adjacency to the busy Highway 101-Highway 92 interchange; located in a flood zone; no residential zoning overlay), then consistency would demand similar treatment for 1900 S. Norfolk. For that matter, Parkside Plaza and Fishmarket are similarly adjacent to Seal Slough and right next to the interchange; they should also be projected at the “outlier” density.

3. Site-Specific Adjustments.

State housing law requires that site-specific conditions also be taken into account. In the narrative discussion of specific sites in draft Appendix C at pp. H-C-35 through H-C-49, the City identifies site-specific issues that should further reduce the realistic, demonstrated capacity. At the Fish Market and 1900 S. Norfolk sites, for example, there are required setbacks from Borel Creek and Seal Slough. 1900 S. Norfolk is also next to a freeway interchange, and so has restrictions on height relating to the height of the freeway railing; the site also has a long tail that winds around a PG&E substation, none of which could be developed and which should therefore be ignored in calculating realistic capacity. See December 2022 Draft Appendix C at p. H-C-39. Meanwhile, the City seems not to have considered the potential effect of San Mateo Zoning Code section 27.44.065 to this site (currently zoned E1): at least 35% of the parcel area must be open-space, preventing over 1/3 of the land from being developed for housing. Other sites also have odd shapes or watercourse adjacencies. Still others are subject to other rules governing setbacks or required ground-floor uses. See, e.g., San Mateo Zoning Code § 27.29.118 (prohibiting residential uses on first floor in mixed use projects in downtown), § 27.30.027 (prohibiting ground floor residential uses in the first 30 feet facing El Camino Real or 25th Avenue), § 27.39.100 (required retail frontage in downtown), 27.42.010 (“Street Wall” regulations requiring upper floor setbacks in the downtown). Meanwhile, the City mentions, but never really analyzes, how Measure Y can prevent housing from being built at the densities projected, unless state density bonuses are used to override this constraint.

Similarly, given that the \$240+ million construction of Hillsdale North Block precludes use of the 12.5 acres there, and that the pedestrian bridge shows an intention to continue use of significant portions of the main mall building, the City needs to analyze which portions of the

Hillsdale site might realistically be developed as residential housing during the next eight years, then reduce the calculation to take these site constraints into account. The existing leases at Bridgepointe mean that the proper calculation for that site's potential is to determine how large a parking structure would need to be built on the current surface lot to meet the requirements of the existing retail center, ice rink, and restaurants, and then determine the development potential of the fraction of the parking lot that would be available for housing. Applying a 30-35 unit average to these two sites seriously overstates the development capacity for all levels of affordability.

State law requires that the City develop and justify a cogent, realistic methodology to support its anticipated production calculations, and requires that it apply that methodology consistently and thoughtfully to the site inventory to yield realistic results. Unfortunately, the City's draft fails to meet the required standard.

C. Additional Comments On Zoning Status.

As noted above, a number of sites included in the City's inventory are zoned commercial or office without a residential overlay. We request that San Mateo rezone these sites to add a residential overlay, so that developers are assured that residential uses will be permitted, rather than hope the desired inclusion of residential uses will be permitted on a site-by-site basis as part of project-specific approvals. Uncertainty regarding the ultimate success of a rezoning effort discourages residential development in the City. December 2022 Draft at Appendix B, p. H-B-26. The entire point of the housing inventory is to determine if there are sufficient sites that are either (1) vacant and zoned residential, (2) vacant and zoned for nonresidential use "that allows residential development," (3) residentially zoned sites capable of being developed at a higher density, or (4) "sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element contains a program to rezone the site, as necessary, to permit residential use." Government Code § 65583.2(a)(1)-(4). The sites zoned for commercial or office use, without a residential overlay, do not fall within section 65583.2(a)(3), because they are not zoned residential. They should therefore be included in a program to rezone to affirmatively permit residential use. Having the City retain discretion to refuse or condition residential development on these properties does not make them available as required by state housing law.¹³ This issue would appear to apply to the following sites¹⁴:

¹³ We note, for example, that the Waters Park Road project, zoned E1, sought a rezoning because it was not zoned residential, as part of its attempt to seek permission to redevelop the site. Sites listed on the inventory should not have to go through this step.

¹⁴ Under San Mateo Zoning Code section 27.44.020, permitted uses in the E1 district include "Residential units, only on parcels designated with a residential overlay district classification . . ." *Id.* § 27.44.020(g). For parcels "without a residential overlay district classification," residential units are permitted only "subject to approval of a special use permit." *Id.* § 27.44.030(g). The same rules apply to E2. *See id.* §§ 27.48.020(b) and 27.48.030. The same rules apply to the C1 and C2 districts, absent a residential overlay. *Id.* § 27.30.010(a)

Sites Where Residential Units Are Not A Permitted Use:

Site	Zoning	Claimed Capacity
A: 117-121 N. San Mateo	E2	15
T: 1600-1620 El Camino Real, and 1535-1541 Jasmine	E2-2	44
901 El Camino Real	E2-1	17
1650 Borel Place	E1-2	74
1900 S. Norfolk	E1-0.5	245
477 9 th Ave.	E2-2	120
Portion of AI: 723 N. San Mateo Dr.	E2-1.5	34
AM: 1670 Amphlett Blvd.	E2-1	289
AM: 1700 Amphlett Blvd.	E2-1	203
AM: 1720 Amphlett Blvd.	E2-1	230
1863-1885 S. Norfolk (Fish Market)	C1-1	105
Y: Hillsdale Inn, car wash	C2-0.5	207
AF: 350 N. San Mateo/220 E. Poplar	C2-1, C2-2	19
AH: 71-77 Bovet, 93 Bovet	C1-2	243
2000 Winward Way (Residence Inn)	C2-0.62	160
Portions of AI: 727 and 733 N. San Mateo	C3-2	[counted above]
AL: Ah Sam Florist	C3-2	105
190 W. 25 th Ave.	C1-2	2
Total Capacity Not Zoned For Residential As A Permitted (Not Special) Use:		2,112

In determining how to rezone to add a residential overlay, the City should also consider whether the overlay after rezoning will enable the sites to realistically achieve the density claimed on the site inventory. See San Mateo Zoning Code § 27.29.110 (imposing maximum floor area ratios).

The City should also consider the impact of Government Code section 65583.2(h). Section 65583.2(h) provides that at least 50% of the need for very-low and low-income housing must be accommodated on sites designated for residential use where non-residential uses are not permitted. San Mateo's site inventory does not appear to satisfy this rule, because at least 50% of the need is proposed to be met using sites that allow exclusively commercial uses. (For

(permitting "residential units only on parcels designated with a residential overlay" for C1 district); § 27.32.010(n) (same for C2); 27.30.020 (requiring special use permit for "residential units on parcels without a residential overlay district classification" in C1); § 27.32.020(g) (same for C2). It does not appear that residential uses are permitted in the C3 district at all; consistent with the intention "to create and maintain major commercial centers accommodating a broad range of office, retail, and service uses of community-wide or regional significance," residential uses are not listed as a permitted use in § 27.34.010, though they arguably could be permitted as a special use because they are special uses permitted in C1 and C2. *Id.* § 27.34.020(a).

example, the Bridgepointe and Hillsdale shopping centers, zoned for commercial uses, *see, e.g.*, City of San Mateo Zoning Code § 27.34). Meanwhile, the statutory alternative of accommodating 100% of the very low and low income need on sites designated for mixed uses, “if those sites allow 100 percent residential use,” would appear not to apply to certain City zoning designations. *See, e.g.*, City of San Mateo Zoning Code § 27.38.110. The City should evaluate how to address the impact of this statutory provision as part of the final drafting of the Housing Element.

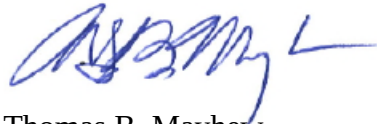
* * *

Based on the analysis above, San Mateo’s draft Housing Element does not comply with state law, because it proposes to meet more than 50% of the need for affordable housing with sites that are not vacant, and does so without substantial evidence that they are likely to be redeveloped. The City’s current analysis, which fails to analyze or account for leases, whether parcels proposed to be consolidated are under common ownership, recent remodeling or construction indicating that existing uses will continue, and other obstacles to development in the next eight years, is insufficient to meet its responsibility under state housing law. In particular, the City lacks substantial evidence showing that the Bridgepointe and Hillsdale shopping center sites have existing uses that are “likely to discontinue” during the next eight years, but as the other examples we cite above illustrate, the required analysis under Government Code section 65583.2(g)(1)-(2) must be done for each site separately in order to have a valid Housing Element.

Meanwhile, the City has also overestimated the capacity of the sites listed on the inventory. Correctly calculating the realistic capacity – even by using the high end of the City’s range of 30-35 units for mixed zoning sites with a maximum of 50, and 80% of the zoned capacity for sites zoned for 30 or 35 units/acre – reduces the City’s claimed buffer for all categories, and leads to a shortfall for the “very low” and “moderate” categories, even if all sites satisfied section 65583.2(g)(2). Further site-specific analysis leads to an even greater gap. The City should address these shortfalls by planning to rezone more sites. The City should also rezone the inventory sites in districts where residential is not a permitted use without a special use permit; the City itself recognizes that this is a substantial constraint on housing production, and the current zoning prevents the sites from falling into any of the categories of section 65583.2(a)(1)-(4) without rezoning under section 65583(c).

Given these flaws, San Mateo is not yet ready to adopt its Housing Element. Additional sites will need to be identified and potentially rezoned to ensure compliance with state housing law. A more substantial inventory will avoid the possibility that the Housing Element will be invalidated in the event that HCD or a court agrees with the legal issues identified above.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

Nicholas "Nicky" Vu

From: Housing
Sent: Monday, January 9, 2023 3:01 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Sierra Club Loma Prieta Chapter comment letter re: the San Mateo 2023-2031 Housing Element – Updated Draft
Attachments: Comments on Updated Draft San Mateo Housing Element January 9, 2023 .pdf



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

Notice of Holiday Closures

City Hall will be closed on Thursday and Friday, November 24-25, for the Thanksgiving Holiday.

City Hall will be closed on December 28th (in observance of Christmas) and on January 2nd (in observance of New Year's Day). Happy Holidays!

Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: Barbara Kelsey [REDACTED]
Sent: Monday, January 9, 2023 2:32 PM
To: Housing <housing@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>
Cc: Gita Dev [REDACTED] Gladwyn d'Souza [REDACTED] Ken A red [REDACTED]
James Eggers [REDACTED] Jennifer Hetterly [REDACTED] Mike Ferreira [REDACTED]
Subject: Sierra Club Loma Prieta Chapter comment letter re: the San Mateo 2023-2031 Housing Element – Updated Draft

January 9, 2023

San Mateo City Council
330 West 20th Avenue
San Mateo, CA 94403

Dear Mayor Lee and Members of the San Mateo City Council and Planning Commission,

The Sustainable Land Use Committee of the Loma Prieta Chapter of the Sierra Club (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the Updated Draft San Mateo 2023-2031 Housing Element.

The overall updated draft Housing Element (HE) is an improvement, but more focused and stronger policies and programs are needed to have a reasonable expectation of meeting the RHNA number of 7,015 new housing units, particularly for affordable units. Please find our full comment letter attached.

We ask that you consider this information as you finalize the Housing Element for submission to the State. SLU is prepared to help the City in advancing the HE as it is finalized and when it goes into effect.

Respectfully submitted,

Gita Dev

Co-Chair Sustainable Land Use Committee, Sierra Club Loma Prieta Chapter

Cc:

James Eggers
Executive Director, Sierra Club Loma Prieta Chapter
Gladwyn d'Souza
Conservation Committee Chair, Sierra Club Loma Prieta Chapter

sent by:

Barbara Kelsey

she/her/hers

Chapter Coordinator

Sierra Club, Loma Prieta Chapter

[REDACTED]

Palo Alto, CA 94303

[REDACTED]





SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

January 9, 2023

San Mateo City Council
330 West 20th Avenue
San Mateo, CA 94403

Via Email to: housing@cityofsanmateo.org, citycouncil@cityofsanmateo.org,
PlanningCommission@cityofsanmateo.org

Subject: San Mateo 2023-2031 Housing Element – Updated Draft

Dear Mayor Lee and Members of the San Mateo City Council and Planning Commission,

The Sustainable Land Use Committee of the Loma Prieta Chapter of the Sierra Club (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the Updated Draft San Mateo 2023-2031 Housing Element.

The overall updated draft Housing Element (HE) is an improvement, but more focused and stronger policies and programs are needed to have a reasonable expectation of meeting the RHNA number of 7,015 new housing units, particularly for affordable units.

Reaching the RHNA unit goal will require changes in the speed of development in San Mateo. In order to reach the goal of 7,015 new units from 2023-2031, the city must add almost 900 new units each year. That is roughly the equivalent of building a new Concar Passage each year¹. This will be infeasible unless a major effort is made to streamline and accelerate housing development. And, of course, it is important that new development also be thoughtfully designed to accomplish all the other General Plan goals of open space, quality of neighborhoods, etc. The HE Housing Plan (p.H-67 to H-87) needs to demonstrate a significant change to current policies and programs in order to realistically be able to reach the goal. This will not be easy, as the new RHNA goals are well above the rate of new housing added over the last few decades². But it must be done if we are to adequately address the housing crisis in the region and leave the city well positioned for future generations to prosper.

The HE rightly points out that the housing problem is a regional one and that each city needs to meet or exceed its goal if the housing crisis, particularly for affordable housing, is to be solved. The lack of affordable housing on the Peninsula is a significant contributor to environmental degradation as workers

¹ **Concar Passage** is the largest housing project approved in recent years and required major time and effort for approval. Developing a project like this each year, will therefore require a major effort above the current processes.

² **The 2015-2022 RHNA** was 3,164 units and with only one year left it has 2,573 units completed. This current RHNA number is less than half the new RHNA number; thus, demonstrating the steep challenge of meeting the new RHNA number of 7,015.

must commute long distances by car, emitting greenhouse gases (GHG) as well as other pollutants. It also leads to sprawl, as more development is done in areas that were open space or agricultural land.

There are specific areas that will need to be retained or expanded to make sure the final HE contains the key actions needed to make significant progress on addressing the enormous lack of affordable housing in the Bay Area. Listed below are the most important goals, policies and programs in the HE that need to be retained and strengthened in the final HE.

1. The HE aims for a 42% buffer above the RHNA, but more buffer is needed. This number is lower than in the first HE draft (56%) which was a minimum. This is concerning, as a large buffer is needed to realistically be able to meet the RHNA, as the ability to actually build out housing has proven, over time, to be very difficult.
2. Increasing affordable housing is emphasized in the draft HE and that is good, but stronger action is needed. The “buffers” for affordable housing levels are only 7%, 34% and 12%, while the buffer for market rate housing is 76%. These are all lower than was in the first HE draft and therefore it is concerning. The percentage buffer for affordable units should be at least as high as the buffer for market units since affordable units are needed more and are harder to develop. The affordable housing should be more strongly focused on low, very low and extremely low-income housing, as these are where the largest needs are and where the lack of inventory is the largest. The very poor jobs/housing fit³ in the Peninsula can best be addressed with a focus on more affordable housing. As noted in the HE draft⁴, the lack of affordable housing was one of the major concerns expressed by the public.

The addition of H1.21 “Adopt San Mateo General Plan 2040” is important. It could possibly lead to a ballot measure in 2024 to update Measure Y so that significantly higher density (now 35 -50 units per acre but proposed to change to 100-200 units per acre) and height can be used in key areas, like near transit. This change will make meeting the RHNA numbers much more possible.

Funding that can be used to support affordable housing is a fundamental need and more must be done to obtain funding. Affordable housing has to be subsidized and a lack of funding will limit the ability to build the needed affordable housing, particularly for low and very low-income units. This could include establishing or increasing: Vacancy Tax, Commercial Linkage Fees, and Transfer Tax. It is particularly important that funding focus on repairing the legacy of discrimination in housing. The following policies and programs should be strengthened to accomplish this goal:

- a. H 1.2 - Utilize Public Funding for Low/Moderate Income Housing
- b. H 1.3 - Increase Affordable Housing Production
- c. H 1.18 - Permitting and Development Fee Schedule Review (Increase where necessary)
- d. H 3.3 – Evaluate Housing Revenue Sources (Increase)

³ **Jobs/Housing Fit:** Jobs/housing fit means that the majority of homes within the city are affordable to the majority of employees who work in the city, and conversely, the jobs in the city pay enough to cover the cost of housing in the city. Without an adequate jobs/housing fit, businesses find it difficult to hire and retain lower-income employees.

⁴ Page H-53

- e. H 5.1.1 - Adjust the City's Below Market Rate (inclusionary) program to provide larger density bonuses, and/or increased city support in exchange for affordable units that address the needs of residents with unusually high housing needs
 - f. H 5.1.2 - Participate in a regional down payment assistance program with affirmative marketing to households with disproportionately high housing needs including persons with disabilities, single parents, and Hispanic households
 - g. H 5.1.3 - Support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households for 15 years
3. In addition to increased funding for affordable units, the HE should prioritize policies and programs that reduce costs and streamline the processes for affordable units. The following policies and programs should be strengthened to accomplish this need:
- a. H 1.6 - Streamline Housing Application Review
 - b. H 1.8 - Adopt Objective Design Standards
 - c. H 1.9 - Create Minimum Densities for Mixed-Use Residential Projects
 - d. H 1.10 - Establish By-Right Housing Designation for Prior Housing Sites
 - e. H 1.12 - Encourage Residential Uses within Housing Overlay
4. Almost the entire city, including R1 areas, will need to contribute to the increased housing through such mechanisms ADUs and, possibly, new mechanisms such as expanded Missing Middle Units (duplex, triplex and fourplex) . However, increased density should be focused within half mile of transit to align with Climate Action Plan goals for greenhouse gas (GHG) reductions.

The Climate Action Plan requires attention to creating easy pedestrian and bicycle access to reduce GHG. Therefore, while it is important to retain this broad opportunity for more housing, since R1 zoning is a major part of the total area of the city, it is important to keep in mind that easy pedestrian and bicycle access to amenities and to transit is a critically important goal for the Climate Action Plan.

The “15-minute Neighborhood”^{5 6} concept needs to be included in the General Plan, along with the Housing Element as it would facilitate creating more housing in R1 neighborhoods while simultaneously reducing GHG. This is a mechanism that would insert community amenities, such as small neighborhood retail nodes, into otherwise auto-dominated areas such as R1 neighborhoods.

Even more priority should be placed on these efforts. The following policies and programs should be strengthened to accomplish this need:

- a. H 1.4 - Incentivize Accessory Dwelling Units Development with streamlined approvals, development subsidies, or low or zero interest loans for construction cost

⁵ 15-minute neighborhoods are being created in many cities especially post-COVID.

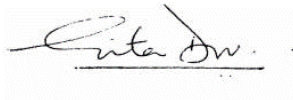
<https://www.strongtowns.org/journal/2019/9/6/7-rules-for-creating-15-minute-neighborhoods>

⁶ Embraced by Mayors around the world, Portland and several small US cities have embraced the concept to rebuild their economies while creating healthier cities. https://en.wikipedia.org/wiki/15-minute_city

- b. H1.11 Implement the Zoning Code to allow duplexes and lot splits on appropriate single- family sites consistent with SB 9.
 - c. H1.13- Encourage Development of Missing Middle Housing within a half mile of transit.
 - d. Include overlay zoning, in the General Plan, for “15-minute Neighborhoods” allowing insertion of small new neighborhood retail nodes with Green Streets network ⁷ to create walkable, bikeable neighborhoods, with the daily amenities, to reduce auto trips and create healthier walkable neighborhoods, convenient for all ages including kids and seniors.
5. Climate Change is real. ⁸No mention is made of how housing, particularly new housing, needs to be located so as to be resilient to climate change. Sea levels are predictably going to rise more swiftly in the coming decades, according to the California Ocean Protection Council. Wildfires are also predicted to become an increased threat with the continued drought and encroachment into the forested hill areas of our city. The increased risks of sea level rise (SLR) near the Bay and wildfires in the hilly areas make including sites in such vulnerable areas a problem and needs to be factored into identifying areas for higher density and more affordable housing.

We ask that you consider this information as you finalize the Housing Element for submission to the State. SLU is prepared to help the City in advancing the HE as it is finalized and when it goes into effect.

Respectfully submitted,



Gita Dev
Co-Chair Sustainable Land Use Committee, Sierra Club Loma Prieta Chapter

Cc:

James Eggers
Executive Director, Sierra Club Loma Prieta Chapter
Gladwyn d’Souza
Conservation Committee Chair, Sierra Club Loma Prieta Chapter

⁷ How to insert a Green Street network into an existing City. Sierra Club Loma Prieta
<https://www.sierraclub.org/sites/default/files/sce-authors/u4142/Green%20Streets%20Presentation%20-%201-20-21%20DC.pdf>

⁸ **Ocean Protection Council- Sea Level Rise Guidance:** The rate at which sea levels will rise can help inform the planning and implementation timelines of state and local adaptation efforts. Understanding the speed at which sea level is rising can provide context for planning decisions and establish thresholds for action...
https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

Nicholas "Nicky" Vu

From: Melania Maldonado [REDACTED]
Sent: Monday, January 9, 2023 9:30 PM
To: Housing
Subject: Housing element

City Council,

I strongly disagree with the housing approvals you are trying to pass. The city of San Mateo does not build any "affordable" housing for anyone, and nobody in our already over crowded neighborhoods want any more apartment buildings or multi unit housing in our single family neighborhoods. If we wanted to live like that, we would live in San Francisco or other big cities. We like our single family homes, and certainly CANNOT handle any more traffic on our already crowded streets. You keep coming up with all these stupid ideas for building more without any room for parking or play areas for our children. These new so called communities you are approving have inadequate parking space for these people which spill out to our neighborhoods, and then we have no parking. You keep destroying our communities, and have totally ruined our small downtown and our small businesses. So thank you city council, I hope the rest of you "older" council members get voted out next time!

Melania Penirian

Sent from my iPhone

Nicholas "Nicky" Vu

From: Mary Way
Sent: Tuesday, January 10, 2023 1:25 PM
To: Nicholas "Nicky" Vu
Cc: Housing
Subject: FW: Housing Element Update Comments

Hi Nicky,

Here is an email sent to the commissioners to add to your public comments.

Mary

From: lwatanuki [REDACTED]
Sent: Tuesday, January 10, 2023 1:21 PM
To: Planning Commission <PlanningCommission@cityofsanmateo.org>
Cc: lwatanuki6@gmail.com
Subject: Housing Element Update Comments

Housing Element Update Comments for the Planning Commission.

1. Preservation: We would like to see our existing single family and duplex homes along 4th (south side) and north side of 5th Avenues (Delaware to Amphlett) and the west side of Delaware from 5th to 9th Avenue be preserved and not be demolished. These Italian Revival, Craftsmen, and pre-war homes represent the early part of the 20th Century architecture and contribute to the character of the east side of San Mateo and our Historic Downtown. These homes in Central are affordable homes for young families and walkable to the Downtown. The new densities and heights are too high in the General Plan and should be lowered to Measure Y standards to reduce lot accumulation and demolition. We are lacking a buffer zone for transition.
2. Protection: We would like to protect the current residents from displacement. More tall glass buildings and shadows will impact the pedestrian experience. We need to protect the 1930's character of the historic Downtown with compatible architecture with more traditional elements.
3. The reports state the inventory of vacant sites would be adequate for additional housing. The City has the capacity to develop up to 7,934 units. This development exists within the City's current zoned densities and doesn't require any rezoning to achieve. There should be sufficient number of units from 2023 to 2031. There has been a significant amount of development with the current Measure Y in the Downtown areas in Central and North Central Neighborhoods.
4. Other suitable areas for housing can include S Amphlett from 5th Avenue to Folkstone where there are a mix of industrial commercial uses, including warehouses, and auto repair businesses. This is one of the two industrial areas in the Central Neighborhood which has had difficult access for large trucks from 101 through our narrow streets. This would be a win/win situation for Central and Sunnybrae Neighborhoods which have experienced 50 years of adverse environmental impacts. We would like to see low density, owner-occupied townhouses next to our Single Family/Duplex neighborhood. Ryland Bay in Bay Meadows and Arbor Rose in Sunnybrae are both owner-occupied housing next to the 101 Freeway.

Thanks.

Laurie Watanuki

Nicholas "Nicky" Vu

From: Mary Way
Sent: Thursday, January 12, 2023 2:47 PM
To: Housing
Subject: FW: Housing Element Comments

Last comment. Nicky I will add to the public comments.

Mary

-----Original Message-----

From: Francie Souza [REDACTED]
Sent: Thursday, January 12, 2023 2:27 PM
To: Planning Commission <PlanningCommission@cityofsanmateo.org>
Subject: Housing Element Comments

I am a resident of Central San Mateo and am giving my feedback regarding the Housing Plan.

- 1) My first question is if we have a high number of housing units we need to develop to meet state mandates, why are most of the new projects in downtown primarily office space (other than Kiku Crossing)?
- 2) PLEASE do not take away the single family and duplex/quadplex homes along north side of 5th Avenue, and south side of 4th Avenue between Amphlett & Delaware. 5th Avenue is a beautiful tree-lined street with pre-war homes/duplexes/quads and is one of the prime reasons we moved into the area. They are also more affordable to those entering the housing market and are close to amenities of downtown. DO NOT raise the height limit beyond what Measure Y was voted on. There needs to be consideration of a transition between the large complexes, such as the one proposed for S Delaware/5th/Claremont/4th, and the less dense housing further down 5th and Delaware.
- 3) Please consider other areas to develop for housing which are currently a mix of industrial uses - such as parts of Amphlett Blvd and El Camino
- 4) I am hopeful if new housing has to take over existing housing, such as along West side of Delaware between 5th & 9th and as mentioned above the north side of 5th Avenue, low density, owner occupied townhomes, not high-rises and large complexes which destroy the nature of the neighborhood community. Alternative 3 or Residential Low is preferred if current housing does need displacement in those areas.

This development of our neighborhoods brings great stress of decisions for current homeowners to make - are we living in a community which will maintain the character of the city we chose to move into, and if not, when should we move? Do we need to consider moving now before nearby construction begins tearing down historic homes in our neighborhood and how does this impact the value of our properties as homeowners? I believe the city planning commission can find properties to develop in order to provide adequate housing that does not require ruining the character of current neighborhoods. Please be considerate of current home-owners and tax-paying citizens.

Frances Souza

Nicholas "Nicky" Vu

From: Mary Way
Sent: Tuesday, January 17, 2023 10:11 AM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Cc: Martin McTaggart; Patrice Olds; Zachary Dahl; Manira Sandhir
Subject: RE: Adopt Housing Element

Another comment passing on to Eloiza and Nicky.

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 17, 2023 9:57 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Cc: Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>
Subject: FW: Adopt Housing Element

-----Original Message-----

From: Michelle Byron [REDACTED]
Sent: Monday, January 16, 2023 6:44 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Adopt Housing Element

Please adopt the Housing Element as presented.
Thank you,
Michelle Byron, San Mateo resident

Nicholas "Nicky" Vu

From: Mary Way
Sent: Tuesday, January 17, 2023 10:11 AM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Cc: Martin McTaggart; Christina Horrisberger; Zachary Dahl; Manira Sandhir
Subject: RE: Housing

Passing comments on to Eloiza and Nicky.

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 17, 2023 9:56 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Mary Way <mway@cityofsanmateo.org>
Subject: FW: Housing

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: [REDACTED]
Sent: Monday, January 16, 2023 10:07 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Housing

To: San Mateo City Council

I Support/Request the City Council to ACCEPT the current Housing Element as presented by City staff on January 24 - we have done enough to meet the requirements and our city is stretching our infrastructure.

You are voted in to represent your constituents. Please do so!

Christine Heckford
[REDACTED]
San Mateo

Sent from my iPhone

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 17, 2023 12:48 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 17, 2023 12:34 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>
Subject: FW: Housing Element

-----Original Message-----

From: Janet Cook [REDACTED]
Sent: Tuesday, January 17, 2023 12:30 PM
To: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

I would like you to vote for the Housing Element before the Council. I would like an investigation into possible bribery with the Planning Commission who went behind our backs to side with developers who care nothing about the will of the voters. As a 45 year citizen of San Mateo, I do not want to loose our town to huge overpopulation.

Thank you,

Janet Cook

[REDACTED]
San Mateo

Sent from my iPhone

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 17, 2023 12:48 PM
To: Nicholas "Nicky" Vu
Subject: FW: I am writing to urge you to approve the Housing Element at your upcoming meeting

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 17, 2023 12:46 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>
Subject: FW: I am writing to urge you to approve the Housing Element at your upcoming meeting

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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Doug D'Anna [REDACTED]
Sent: Tuesday, January 17, 2023 12:35 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Clerk <clerk@cityofsanmateo.org>
Subject: I am writing to urge you to approve the Housing Element at your upcoming meeting

Dear City Council Members,

I am writing to urge you to approve the Housing Element at your upcoming meeting on January 24th. The voters of San Mateo have repeatedly made it clear that they want managed growth, not urban sprawl.

This is evidenced by the failure of Measure R.

By voting against the Housing Element, you would be:

- Disregarding the determination of City staff that the City can meet the 7,015 unit goal even with the building height limits set by Measure Y and
- Disregarding the will of the voters in favor of builders, developers, and unions who stand to make millions of dollars.

Ultimately allowing a "Builder's Remedy" to not only take away local land use control and put our neighborhoods at risk, resulting in increased traffic congestion and strain on already stretched water and sewer infrastructure in our city.

I urge you to approve the Housing Element as presented and protect our neighborhoods, infrastructure, and quality of life in San Mateo.

May I remind you, It is YOUR DUTY as elected officials to carry out Measure Y and protect our neighborhoods, making San Mateo a desirable place to live, and not to allow a "Builder's Remedy" to take away local land use control and put our neighborhoods at risk.

Sincerely,

Doug D'Anna

Nicholas "Nicky" Vu

From: Mary Way
Sent: Tuesday, January 17, 2023 9:56 AM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Cc: Manira Sandhir; Zachary Dahl; Christina Horrisberger
Subject: FW: Housing element

Forwarding to Eloiza and Nicky.

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 17, 2023 9:49 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Cc: Mary Way <mway@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>
Subject: FW: Housing element

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polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Don Robertson [REDACTED]
Sent: Tuesday, January 17, 2023 9:23 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Housing element

As a long time resident & homeowner I urge the City Council to Adopt the Housing element as it has been presented.

Don Robertson
[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 17, 2023 12:24 PM
To: Nicholas "Nicky" Vu
Subject: FW: Support for City Council APPROVAL of the current Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 17, 2023 12:14 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>
Subject: FW: Support for City Council APPROVAL of the current Housing Element

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San Mateo, CA 94403-1388
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www.cityofsanmateo.org
(650) 522-7042

From: Aimee WCrollerskate [REDACTED]
Sent: Tuesday, January 17, 2023 12:12 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Support for City Council APPROVAL of the current Housing Element

As a constituent of San Mateo, I am dismayed and concerned by the **continued and inappropriate actions** by members of the Planning Commission to undermine San Mateo voters and the approved Measure Y with backroom activities and thinly-veiled attempts to hand the reins of our city over to profit-minded developers.

Our city deserves thoughtful planning with an infrastructure to support its residents with new and affordable housing.
But it cannot subvert the will of the voters.

Trust in our local government is critical, and a rejection of the measure that voters have already approved will certainly **destroy that trust**. Many are already furious with the Planning Council's underhanded behavior.

I ask that the City Council uphold the will of the voters/Measure Y and ACCEPT the current Housing Element as presented by City staff on January 24th.

--

Regards,
Aimee Stevland
Resident
[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 2:58 PM
To: Nicholas "Nicky" Vu
Subject: FW: Critical to SM Residents for Housing Element Approval at the City Council Meeting on January 24th, 2023

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 2:57 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: Critical to SM Residents for Housing Element Approval at the City Council Meeting on January 24th, 2023

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From: Jeff Lowenstein [REDACTED]
Sent: Wednesday, January 18, 2023 5:46 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Critical to SM Residents for Housing Element Approval at the City Council Meeting on January 24th, 2023

Dear San Mateo City Council,

I am writing to strongly advocate for your acceptance of the current Housing Element when staff present it at your January 24th City Council meeting.

Resident input for this critical piece of our General Plan was sought after and highly valued by the City Council, and just one of the many moving parts City staff considered and integrated in order to reach and *exceed* the mandated housing units goal. Both staff and the many participating residents are to be commended.

Please move San Mateo and our General Plan process forward by approving the Housing Element on January 24th.

Thank You,

Jeff
Jeff Lowenstein

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 3:02 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 3:02 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: Housing Element

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polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Jim Schwandt [REDACTED]
Sent: Wednesday, January 18, 2023 3:14 PM
To: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element



Jim Schwandt [REDACTED]
to CITYCOUNCIL

My position is to support the current Housing Element which has been thoughtfully worked out by the City.
It meets the state's mandate and works within Measure Y which voters passed. How can the citizens of a community vote for a plan then have those elected go against the citizens?

Sounds like a lawsuit to me.

Is it legal for just a few to overturn the preference of the people?
Please support the current and recently accepted Housing Element.

--

Jim Schwandt
San Mateo, CA
Since 1976

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 2:57 PM
To: Nicholas "Nicky" Vu
Subject: FW: Critical to SM Residents - housing element approval

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 2:56 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: Critical to SM Residents - housing element approval

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polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: ROBERT SELLERS [REDACTED]
Sent: Wednesday, January 18, 2023 6:19 PM
To: Amourence Lee <alee@cityofsanmateo.org>; Rob Newsom <rnewsom@cityofsanmateo.org>; Adam Loraine <aloraine@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Laurie Strange <strange@cityofsanmateo.org>; dcanapa@smcgov.org; rmueller@smcgov.org; dpine@smcgov.org; ncorzo@smcgov.org; Drew Corbett <dcorbett@cityofsanmateo.org>; City Attorney's Office <CityAttorneysOffice@cityofsanmateo.org>
Subject: Fwd: Critical to SM Residents - housing element approval

Dear San Mateo City Council,

Re: Lisa Taner's Submitted Letter (below)

I have been alerted and apprised by my Neighborhood Association on the potential issue of NOT acting to approve the General Plans which is very concerning and in my assessment would be a dereliction of duty - I raise my voice in support or performing your function as our representatives and support for approval of the City of San Mateo's general planning process. I along with many others in our community are concerned that some of our representatives may have conflicts of interest on this topic and are allowing their recusal to drive their end goal - please consider this topic when voting and know that we seek sunlight across the entire decision making process.

Thank you for your attention in this matter and are confident that you will act in the best interest of the residents.

Kind regards,

Robert Sellers


Dear San Mateo City Council,

I am writing to strongly advocate for your acceptance of the current Housing Element when staff presents it at your January 24th City Council meeting.

Resident input for this critical piece of our General Plan was sought after and highly valued by the City Council, and just one of the many moving parts City staff considered and integrated in order to reach and *exceed* the mandated housing units goal. Both staff and the many participating residents are to be commended.

Whereas the Planning Commission does not support acceptance of these labors, the People do. Last summer, the first draft of the Housing Element draft was met with a long list of comments and requests for changes, which have now been addressed. Your constituents are fully informed in regard to the fallout we will face should the deadline to the state be missed. I personally find it appalling that local YIMBY groups are already hosting talks about what will happen to us if we do not have a certified Housing Element to submit by January 31st. Since we've forged a practical and operable Housing Element, residents need to have faith that the Council will accept this updated draft in time to avoid placing all of us in an unimaginable position.

Please move San Mateo and our General Plan process forward by approving the Housing Element on January 24th.

Thank you,

Lisa Taner

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 2:59 PM
To: Nicholas "Nicky" Vu
Subject: FW: Approve Current Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 2:58 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: Approve Current Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Lisa Taner [REDACTED]
Sent: Wednesday, January 18, 2023 5:36 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Approve Current Housing Element

Dear San Mateo City Council,

I am writing to strongly advocate for your acceptance of the current Housing Element when staff presents it at your January 24th City Council meeting.

Resident input for this critical piece of our General Plan was sought after and highly valued by the City Council, and just one of the many moving parts City staff considered and integrated in order to reach and *exceed* the mandated housing units goal. Both staff and the many participating residents are to be commended.

Whereas the Planning Commission does not support acceptance of these labors, the People do. Last summer, the first draft of the Housing Element draft was met with a long list of comments and requests for changes, which have now been addressed.

Your constituents are fully informed in regard to the fallout we will face should the deadline to the state be missed. I personally find it appalling that local YIMBY groups are already hosting talks about what will happen to us if we do not have a certified Housing Element to submit by January 31st. There is zero reason for that to happen. Since we've

forged a practical and operable Housing Element, residents need to have faith that the Council will accept this updated draft in time to avoid placing all of us in an unimaginable position.

Please move San Mateo and our General Plan process forward by approving the Housing Element on January 24th.

Thank you,

Lisa Taner

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 2:59 PM
To: Nicholas "Nicky" Vu
Subject: FW: ACCEPT current Housing Element @ Jan 24 CC meeting

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 2:58 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: ACCEPT current Housing Element @ Jan 24 CC meeting

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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
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(650) 522-7042

From: Alicia Woodfall-Jones [REDACTED]
Sent: Wednesday, January 18, 2023 5:35 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: ACCEPT current Housing Element @ Jan 24 CC meeting

Dear San Mateo City Council,

I am writing to strongly advocate for your acceptance of the current Housing Element when staff presents it at your January 24th City Council meeting.

Resident input for this critical piece of our General Plan was sought after and highly valued by the City Council, and just one of the many moving parts City staff considered and integrated in order to reach and *exceed* the mandated housing units goal. Both staff and the many participating residents are to be commended.

Whereas the Planning Commission does not support acceptance of these labors, the People do. Last summer, the first draft of the Housing Element draft was met with a long list of comments and requests for changes, which have now been addressed. Your constituents are fully informed in regard to the fallout we will face should the deadline to the state be missed. I personally find it appalling that local YIMBY groups are already hosting talks about what will happen to us if we do not have a certified Housing Element to submit by January 31st. Since we've forged a practical and operable Housing Element, residents need to have faith that the Council will accept this updated draft in time to avoid placing all of us in an unimaginable position.

Please move San Mateo and our General Plan process forward by approving the Housing Element on January 24th.

Thank you,

Alicia Woodfall-Jones



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 1:53 PM
To: Nicholas "Nicky" Vu
Subject: FW: San Mateo Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 1:00 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: San Mateo Housing Element

Patrice M. Olds, MMC
City Clerk
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polds@cityofsanmateo.org
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(650) 522-7042

From: Tom Brady [REDACTED]
Sent: Thursday, January 19, 2023 12:00 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: San Mateo Housing Element

Dear Councilmembers,

It's been brought to my attention that January 24th will be a critical meeting for you to approve San Mateo's Housing Element so we do not suffer punishments from the state, including the Builder's Remedy.

I know that this part of our General Plan has been in the making for a very long time. I know residents contributed to it and that this is a revised version after additional input.

I'm very concerned about failing to meet the state deadline at the end of this month. For all that has gone into the creation of this Housing Element, I am advocating for your "Yes" vote to accept it at your next Council meeting.

Thanks - Tom

Thomas E. Brady
Chairman & Principal
Thomas Brady & Associates



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 3:46 PM
To: Nicholas "Nicky" Vu
Subject: FW: Planning

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 3:42 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Planning

Patrice M. Olds, MMC
City Clerk
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: mark de paula [REDACTED]
Sent: Thursday, January 19, 2023 3:40 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Subject: Planning

Dear San Mateo City Council,

I am writing to strongly advocate for your acceptance of the current Housing Element when staff presents it at your January 24th City Council meeting.

Resident input for this critical piece of our General Plan was sought after and highly valued by the City Council, and just one of the many moving parts City staff considered and integrated in order to reach and exceed the mandated housing units goal. Both staff and the many participating residents are to be commended.

Whereas the Planning Commission does not support acceptance of these labors, the People do. Last summer, the first draft of the Housing Element draft was met with a long list of comments and requests for changes, which have now been addressed. Your constituents are fully informed in regard to the fallout we will face should the deadline to the state be missed. I personally find it appalling that local YIMBY groups are already hosting talks about what will happen to us if we do not have a certified Housing Element to submit by January 31st. Since we've forged a practical and operable Housing Element, residents need to have faith that the Council will accept this updated draft in time to avoid placing all of us in an unimaginable position.

Please move San Mateo and our General Plan process forward by approving the Housing Element on January 24th.

Thank you,
Mark De Paula



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 1:53 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 1:01 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: Housing Element

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polds@cityofsanmateo.org
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From: Angie Fuqua [REDACTED]
Sent: Thursday, January 19, 2023 11:55 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

I would like to request the City Council accept the current housing element as presented by city staff at the January 24, 2023 Council Meeting.

Thank you for your attention to this matter.

Angie and Mark Fuqua
[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 1:52 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 1:51 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: Housing Element

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polds@cityofsanmateo.org
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From: Deborah Kohn [REDACTED]
Sent: Thursday, January 19, 2023 1:49 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

Dear San Mateo City Council,

I am writing to strongly advocate for your acceptance of the current Housing Element when staff presents it at your January 24th City Council meeting.

Resident input for this critical piece of our General Plan was sought after and highly valued by the City Council, and just one of the many moving parts City staff considered and integrated in order to reach and *exceed* the mandated housing units goal. Both staff and the many participating residents are to be commended.

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Please move San Mateo and our General Plan process forward by approving the Housing Element on January 24th.

Thank you,

--

Deborah Kohn



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, January 19, 2023 1:53 PM
To: Nicholas "Nicky" Vu
Subject: FW: Dist. 5 Councilmember Loraine - Vote to Approve Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 1:03 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>
Subject: FW: Dist. 5 Councilmember Loraine - Vote to Approve Housing Element

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(650) 522-7042

From: Lisa Taner [REDACTED]
Sent: Thursday, January 19, 2023 11:02 AM
To: Adam Loraine <aloraine@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Dist. 5 Councilmember Loraine - Vote to Approve Housing Element

Dear Councilmember Loraine,

You may not be aware, but Measure Y's origins emanate from District 5 when Measure H was created by concerned residents in this southwest region of San Mateo. The measure that limits heights and densities and requires affordable housing - before it became the thing to do - runs in our veins and represents our historical and current values: protecting the character of our community and city. The Council will soon be receiving a letter from the *membership* of the Beresford Hillsdale Neighborhood Association, urging Council to vote to accept the Housing Element at the January 24th Council meeting.

Just last night, the news again reported the huge layoffs of tech workers in the Bay Area. Our future needs for market rate housing are uncertain at best. And we no longer live with the fantasy that we can build our way to affordable housing by increasing market rate housing units. Yet, we are currently tasked to identify 7,015 units of housing. City staff has done a fine job of this, including the buffer, but you will no doubt be pressured by YIMBY regulars not to accept the Housing Element on January 24th.

Much compromise went into the pot as this Element was painstakingly crafted and recrafted, considering all the resident input, all the needs, and suggestions upon the first draft. It more than fulfils our requirement, and all was produced before the upcoming deadline.

I can only think that the Planning Commission, with their recommendation to reject the Housing Element, join with the unwavering YIMBY goal to remove all local power and provide yet another opening for developers to have their way with our city. I can only think that any councilmember voting to reject the current Housing Element and causing us to miss the crucial state deadline, regardless of how that decision would be explained, is choosing the same goal, and actively choosing to fail the residents of San Mateo.

Our true affordable housing will not come to fruition with the likes of the Builder's Remedy. It will come by thinking outside the box and rolling up our sleeves to work with the County, builders, community organizations and residents. It will come when we balance the "commercial development crisis" so we balance regular folks with those who fill those commercial buildings and pay top dollar for housing, squeezing out the rest.

As our councilmember, January 24th presents you with an opportunity to put to rest doubts surrounding your move to District 5 – doubts that you truly desire to represent your constituents here. They and I urge you to vote to accept the Housing Element this month and close the door firmly on punitive actions by the state.

Sincerely,

Lisa Taner

Nicholas "Nicky" Vu

From: Zachary Dahl
Sent: Thursday, January 19, 2023 10:51 AM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: Please Approve the Housing Element of the General Plan As Is at Next Council Meeting

Public comment on the HE.

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, January 19, 2023 10:27 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>; Mary Way <mway@cityofsanmateo.org>
Subject: FW: Please Approve the Housing Element of the General Plan As Is at Next Council Meeting

Patrice M. Olds, MMC
City Clerk
City of San Mateo
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Connie Weiss [REDACTED]
Sent: Thursday, January 19, 2023 10:25 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Subject: Please Approve the Housing Element of the General Plan As Is at Next Council Meeting

Hello Members of the San Mateo City Council,

I am hopeful with this new Council that the bad behaviors of the past will stay in the past. Because, all too often, San Mateo residents have been overrun by outside, paid and unpaid lobbyists and big developers, saying San Mateo must rezone and build aggressively to meet state demands. San Mateo voters passed Measure Y for a reason. San Mateo voters want measured growth and true affordable housing, not big-block developments with office, luxury apartments, and offering only roughly 10% affordable housing. This is not what San Mateo needs and we need to stand firm on what is best for the City.

The San Mateo City staff has put together a plan to comply with the state's 7,015 housing units, including a buffer, to comply with the state's requirement for housing. *Please respect the work of the staff and the San Mateo voters and approve the housing element as presented by staff.* While big developer Bohannon has tried to undercut this by saying Measure Y will allow for just 1,200 units vs. a planned 2,000 for Hillsdale Mall, this is not an issue as the buffer still covers the state requirement.

Further review should be conducted on what is really needed for San Mateo's success in the future. It should not include any strong-arming by large developers and/or aggressive outside interests looking to take away local land use control and undercut the will of San Mateo residents and voters.

It is also disconcerting that at least one member of the Planning Commission decided to take it upon themselves to disrespect the work of City staff and contact the state's Department of Housing and Community Development (HCD) to say that our Housing Element is insufficient. It seems Council needs to course-correct errant Planning Commissioner(s) and make changes as needed to ensure that everyone working within the San Mateo City government understands big developers and outside lobbying interests are not to be prioritized over the voters and residents of San Mateo.

Thank you,

Connie Weiss



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:27 AM
To: Nicholas "Nicky" Vu
Subject: FW: Your support for Current Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 4:35 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>
Subject: FW: Your support for Current Housing Element

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(650) 522-7042

From: LOUISE BEKINS [REDACTED] >
Sent: Friday, January 20, 2023 11:47 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Your support for Current Housing Element

Dear Councilmembers

I urge you to adopt the current housing element.

Thank you.

Louise Bekins
San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:29 AM
To: Nicholas "Nicky" Vu
Subject: FW: Approve Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 4:36 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: Approve Housing Element

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(650) 522-7042

From: Mara Castillo [REDACTED]
Sent: Friday, January 20, 2023 10:58 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Approve Housing Element

Dear Sirs,

I am requesting the Council approve the Housing Element (so we are not faced with the "Builder's Remedy" that eliminates the ability of the City to impose any conditions on a project). Do not destroy our lovely city with out of control building!

Thank you,
Mara Castillo
[REDACTED]
San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:26 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element vote 1/24/2023

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 4:30 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element vote 1/24/2023

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City Clerk
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Jean Dail [REDACTED]
Sent: Friday, January 20, 2023 3:36 PM
To: Richard Hedges <rhedges@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element vote 1/24/2023

Dear Honorable City Council Member Hedges::

Congratulations on your selection to City Council! I am hoping you will be open to the concerns of all residents and weigh decisions regarding our city's development with local control in mind.

I am writing specifically to address the current Housing Element being presented by staff at the meeting on Tuesday, January 24th for the City Council's vote. I am strongly advocating for you to accept staff's presentation of the current Housing Element on January 24th.

I have much respect for the hours of hard work staff, the Planning Commission and City Council have put into our General Plan. Why Planning Commissioners Adam Nugent and Seema Patel circumvented your authority regarding the critical Housing Element due January 31st is beyond my comprehension. My understanding is that by NOT accepting staff's presentation of our Housing Element on January 24th, it puts the City of San Mateo in the position of having to accept the Builders' Remedy and loss of local control of our own development.

Lastly, please get back to me on the status of removing Adam Nugent from the Planning Commission, due to his alleged illegal actions of removing political signs during this past November 2022 election. Commissioner Nugent's further circumventing City Council on our Housing Element only adds to reasons for his removal. I understand that the previous City Council could not find its way forward to even agreeing to investigate Mr. Nugent's actions. But I am extremely

hopeful that this new City Council will take appropriate actions to determine if removal of Planning Commissioner Nugent is appropriate.

Thank you,
Jean Dail -



Nicholas "Nicky" Vu

From: Housing
Sent: Friday, January 20, 2023 3:12 PM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

Notice of Holiday Closures:

City Hall will be closed on Thursday and Friday, November 24-25, for the Thanksgiving Holiday.

City Hall will be closed on December 28th (in observance of Christmas) and on January 2nd (in observance of New Year's Day). Happy Holidays!

Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: brigid doherty [REDACTED]
Sent: Friday, January 20, 2023 11:55 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Hello,

My name is Brigid Doherty and I am a homeowner in the Sunnybrae neighborhood, along with my husband. We have been residents of San Mateo since 2007. We were renters before becoming homeowners. We have 2 daughters.

I have spoken at past City Council meetings, particularly regarding the Passages project and its impact on the 19th Ave Park, Fiesta Gardens, and Sunnybrae neighborhoods.

According to the Housing Element, it appears that the creation of affordable housing in San Mateo is of upmost importance. However, why is there such a small percentage of units at Passages that will be affordable/low income? This makes no sense to me.

We need more projects like Kiku Crossing in our city, not huge, mostly market-rate projects, like Passages. Please take this into consideration when approving projects.

An additional topic to consider: Following the 12/31/22 flooding, much of which impacted Shoreview, Sunnybrae, 19th Ave Park, and Fiesta Gardens neighborhoods (amongst others), how will all of the new construction address this? As residents, we need to be reassured that infrastructure will be in place to reduce the chance of this happening again.

Thank you for your time and consideration.

Warmly,
Brigid Doherty

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:25 AM
To: Nicholas "Nicky" Vu
Subject: FW: Adoption of San Mateo's Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 4:25 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Adoption of San Mateo's Housing Element

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(650) 522-7042

From: Ronnie Eaton [REDACTED]
Sent: Friday, January 20, 2023 4:22 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Adoption of San Mateo's Housing Element

Honorable Members of the San Mateo City Council:

We understand that there has been an effort to derail the adoption of the current version of the City of San Mateo Housing Element Plan and we are very concerned to see that this is where we now find ourselves. For the past couple of years the community has worked with city staff through numerous workshops and surveys to craft a housing element that will meet State-mandated housing numbers while protecting our single family neighborhoods that **ALL** people in the city cherish.

It has come to light that some individuals on the Planning Commission contacted the state HCD and claimed that our Housing Element plan is insufficient. These individuals acted outside the public forum and the City Council and apparently feel that they can upend the public process and push their own agenda over and above every person in this city. This is outrageous behavior and cannot be condoned by the council or anyone who lives in this city.

The Housing Element was amended to address previous concerns and questions put forth by HCD when it was initially reviewed. City staff worked to correct those concerns and have shown that San Mateo can meet housing requirements and even have a buffer. **This is what we have all been trying to achieve.** Meeting housing needs and keeping San Mateo a livable place for all.

We want to see the council approve our current Housing Element Plan so that this city can move forward. People are not going to tolerate some roque individuals going around the public process. The council must now show it's support for the public's input and approve the plan.

Thank you,

Ronnie and Bruce Eaton

San Mateo

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Nicholas "Nicky" Vu

From: Housing
Sent: Monday, January 23, 2023 2:12 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

Notice of Holiday Closures:

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City Hall will be closed on December 28th (in observance of Christmas) and on January 2nd (in observance of New Year's Day). Happy Holidays!

Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: Edward Evans [REDACTED]
Sent: Friday, January 20, 2023 5:00 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Dear City Council, Housing Manager and Staff,

As you are aware, almost every city and town in the county is going through the same process of drafting a general plan and a specific housing element. The lack of any kind of Labor Standards language in San Mateo's current Draft Housing Element is troubling to us. Through cooperation with Redwood City staff, the Carpenters Union was recently

successful in getting Labor Standards language into Redwood City's latest Draft Housing Element and we would like to strongly encourage San Mateo to do the same. For reference, here is the Redwood City language:

POLICY H-5.7: *Encourage developers and contractors to evaluate hiring local labor, hiring from or contributing to apprenticeship programs, increasing resources for labor compliance, and providing living wages.*

(Page 49: [00 RWC HE-1-6-23.pdf \(welcomehomerwc.org\)](#))

We ask that you delay approval of the current Draft Housing Element until it contains some form of meaningful Labor Standards Language similar to that in Redwood City's draft. Thank you for your consideration.

All the best,

Ed Evans

Senior Field Representative/Financial Secretary-Treasurer

Local 217, San Mateo County

Nor Cal Carpenters Union



"Any time you have an opportunity to make a difference in this world and you don't, then you are wasting your time on earth." Roberto Clemente

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:26 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 4:29 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: ROB GIBSON [REDACTED]
Sent: Friday, January 20, 2023 4:26 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

San Mateo City Council,

The research that I've done has led me to believe that we can meet the states housing requirement and still implement the parameters of measure Y. But that doesn't seem to be what we're doing.

If I didn't know better I'd wonder if a small group of powerful dissidents is trying to force their personal agenda on our city, against the will of the voters, and the rest of the council is going along with it. But we know that couldn't be true don't we?

Rob Gibson
[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:29 AM
Cc: Nicholas "Nicky" Vu
Subject: FW: Housing Element

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 4:36 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element

-----Original Message-----

From: HOLLY HEWITT [REDACTED]
Sent: Friday, January 20, 2023 10:43 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

Good Morning,

I want to add my name in support of the Housing Element.

As an over 60 year resident of the City of San Mateo, let's move beyond the YIMBY position and do all we can to save the city from over building.

Please accept the staff recommendation.

Regards,
Holly H. Hewitt

Sent from my iPad

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Friday, January 20, 2023 9:44 AM
To: Nicholas "Nicky" Vu
Subject: Fwd: Current Housing Element

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From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 9:08 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Current Housing Element

-----Original Message-----

From: Chuck Kabala [REDACTED]
Sent: Friday, January 20, 2023 7:15 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Current Housing Element

Dear San Mateo City Council,

As 26 year San Mateo City residents We strongly urge you to accept the current housing element at your January 24 meeting. We need to protect our wonderful city from outside building interests that simply see dollar signs in planning for the future of San Mateo.

Sincerely, Beth & Chuck Kabala

Sent from my iPhone

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Friday, January 20, 2023 4:01 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 3:57 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: [REDACTED]
Sent: Friday, January 20, 2023 3:53 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

Dear City Council Members:

I am writing to urge you to approve the Housing Element at the January 24th council meeting. It is incumbent upon the council to accept the recommendation of City Staff and to ensure our City does not fall prey to the Builder's Remedy.

The voters have time and again made it clear that they desire responsible growth along with the protection of neighborhoods. Elected officials were given this mandate by the passage of Measure Y and the failure of Measure R. Voters objected to Measure R that would have allowed city council to approve height increases in designated areas; voters do not want discretionary decisions delegated to any authority including those under the Builder's Remedy. It is your duty to defend the will of your constituents.

The only benefactors of the Builder's Remedy are developers and builders whose sole purpose is profit. Under the Builder's Remedy, the City would be at risk of uncontrolled growth, increased traffic and the overburdening of our infrastructure as well as any unforeseen consequences. It is simply irresponsible to expose the City to unidentified risks.

The City staff has determined that the City can meet the 7,015-unit goal with Measure Y in place. Please regard the experience and intellect of the staff making this decision; they have spent the most time studying this and are in the best position to make this determination.

I urge you to approve the Housing Element as presented by City staff at the meeting of January 24th.

Thank you,

Lisa M. Maley

Nicholas "Nicky" Vu

From: Housing
Sent: Friday, January 20, 2023 3:12 PM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

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Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: Genel Morgan [REDACTED]
Sent: Friday, January 20, 2023 1:20 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

To whom it may concern,

I am a long time resident of San Mateo. I understand the need for more housing, but I want to see it done in a responsible way, free from influence of special interests (especially builders).

I want the City Council to approve the Housing Element as drafted. It meets the 7,015 housing units required by the state while honoring Measure Y, which was passed by the voters.

The Planning Commission overstepped its boundaries by appealing to the state. Their recommendation that the city Council decline to adopt the Housing Element draft is irresponsible and would lead to San Mateo losing local control of housing built in the city in the future. I do not see that the Planning Commission is advocating for the residents of the city.

Sincerely
Genel Morgan
San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:31 AM
To: Nicholas "Nicky" Vu
Subject: FW: For January 24 meeting

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Sunday, January 22, 2023 11:31 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: For January 24 meeting

-----Original Message-----

From: Judith Paton [REDACTED]
Sent: Friday, January 20, 2023 8:27 PM
To: Patrice Olds <polds@cityofsanmateo.org>
Subject: For January 24 meeting

Please adopt the Housing Element so that we are not forced into the Builders' Remedy. The latter will not provide the affordable housing we need. With the layoffs now starting with our local dot-coms we don't need a new wave of market-rate apartments.

Thank you
Judith Paton
[REDACTED]

Sent from my iPhone

Nicholas "Nicky" Vu

From: Housing
Sent: Friday, January 20, 2023 3:12 PM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

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Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: sean schochet [REDACTED]
Sent: Friday, January 20, 2023 10:30 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Hello,

Can the housing committee please consider connecting campus drive and the new housing complexes there to San Mateo College via a walking/biking bridge over 92? PLEASE. Thanks.

-Sean

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:25 AM
To: Nicholas "Nicky" Vu
Subject: FW: Leadership & Membership of Beresford Hillsdale Neighborhood Association Request City Council Accept Housing Element 1/24
Attachments: BHNA Membership Supports Acceptance of Housing Element .pdf

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Friday, January 20, 2023 4:27 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Leadership & Membership of Beresford Hillsdale Neighborhood Association Request City Council Accept Housing Element 1/24

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Lisa Taner [REDACTED]
Sent: Friday, January 20, 2023 3:36 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Leadership & Membership of Beresford Hillsdale Neighborhood Association Request City Council Accept Housing Element 1/24

Dear Council,

Attached please see our Membership letter from the Beresford Hillsdale Neighborhood Association, whose members voted overwhelmingly to send this correspondence urging the City Council to accept the current Housing Element on January 24, 2023.

Thank you,

Lisa Taner
Past President
BHNA



January 19, 2023

SAN MATEO CITY COUNCIL
330 W. 20th Avenue
San Mateo CA 94403
Via Email

Re: BHNA Membership Urges Council Acceptance
of Current Housing Element at January 24th Meeting

Dear San Mateo City Council,

The Membership of the Beresford Hillsdale Neighborhood Association urges you to move forward to accept the Housing Element at your January 24th meeting.

The creation of the current Housing Element has been exhaustive and inclusive. The BHNA Membership respects the extended period of time invested by City staff to produce our Housing Element, including incorporating valuable community input after arduous outreach efforts. We recognize staff has worked diligently to ensure we are in compliance with the 7,015 units mandated for San Mateo and has a sound Housing Element that can be submitted by the January 31st deadline.

The BHNA Membership is aware of the ramifications should the Council fail to accept this working Housing Element, including the Builder's Remedy.

Therefore, the Membership of the BHNA strongly supports and urges the Council's full approval of the Housing Element at your upcoming January 24th meeting.

Sincerely,

The Membership & Board of the
Beresford Hillsdale Neighborhood Association

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:30 AM
To: Nicholas "Nicky" Vu
Subject: FW: General Plan/Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Sunday, January 22, 2023 11:28 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: General Plan/Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Kitty Van Beckum [REDACTED]
Sent: Saturday, January 21, 2023 2:53 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: General Plan/Housing Element

Dear San Mateo City Council,

Please move San Mateo and our General Plan process forward by approving the Housing Element on January 24th. The current draft meets the State housing units requirement without changing the existing zoning.

Sincerely,

Katherine Van Beckum

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:30 AM
To: Nicholas "Nicky" Vu
Subject: FW: Please approve the Housing Element at the next City Council Meeting

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Sunday, January 22, 2023 11:28 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Please approve the Housing Element at the next City Council Meeting

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polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Pete Bertrand [REDACTED]
Sent: Saturday, January 21, 2023 5:59 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Please approve the Housing Element at the next City Council Meeting

Dear Council Members,

Don't let developers have the freedom to build whatever they like in our community.

Please vote to approve the Housing Element as prepared by City Staff and 2 years of community meetings.

Thank you, Pete Bertrand

[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:30 AM
To: Nicholas "Nicky" Vu
Subject: FW: Please Approve the Housing Element Plan

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Sunday, January 22, 2023 11:29 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Please Approve the Housing Element Plan

-----Original Message-----

From: Trina Pierce [REDACTED]
Sent: Saturday, January 21, 2023 10:30 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: [REDACTED]
Subject: Please Approve the Housing Element Plan

>
> To The San Mateo City Council
>
> Please approve the Housing Element that has been presented in 2022.
> What San Mateo residents need is more affordable housing, not just a 3% or 5% of the new development.
> San Mateo is losing good teacher's, professional's, qualified nurses and business's due to the high cost of housing. Many families live in residential homes with several families. I have lived in San Mateo, (North Central) for over 60 years and have seen so many changes. This plan is for over a 10 year period, this can only be a positive for our city, not to mention how the Housing Element plan will be a positive for so many residents in San Mateo County.
>
> Please approve the plan, so San Mateo can maintain a small area and not like San Francisco with a lot of high rises, which removes visibility for neighborhoods to enjoy the views when they originally moved to the San Mateo area.
>
> Trina Pierce
> North Central
>
> Sent from my iPhone

Nicholas "Nicky" Vu

From: Housing
Sent: Monday, January 23, 2023 2:11 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

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Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: William Williams [REDACTED]
Sent: Saturday, January 21, 2023 10:45 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

When the Bay Meadows Racetrack / Aquifer was developed into buildings and roads, nuisance flooding in San Mateo changed to damaging flooding.

The major hindrance to acceptance of the current San Mateo Housing Element is how many housing units will replace the Hillsdale Mall. Property owners analyze costs and seek profitability. Housing advocates look at the number of units created as a measure of success. Residents who argue for a livable community are not exclusionary racists. We believe "towers of toilets" in tall buildings will lead to sewage and drainage

problems. Electrifying Caltrain will not solve traffic and mobility issues. Underground parking has been approved for a large development on Concar Drive (Rite Aid). This parking will flood. Do we just build it and have new residents suffer because they were unaware of potential problems?

The Housing Element should promote livable accommodations. It should not be based on profitability. Numbers on housing advocates charts do not guarantee livable units will be created.

Sustainability gets a lot of lip service. How much energy demand, water and sewer service, and transportation infrastructure can the natural environment support here in San Mateo?

x Bill Williams, San Mateo

Sent from [Outlook](#)

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 3:19 PM
To: Nicholas "Nicky" Vu
Subject: FW: Letter enclosed requesting approval of Housing Element at 1/24/2023 meeting.
Attachments: CCHELetter.docx

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 3:06 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Letter enclosed requesting approval of Housing Element at 1/24/2023 meeting.

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: mary cravalho [REDACTED]
Sent: Sunday, January 22, 2023 5:25 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Letter enclosed requesting approval of Housing Element at 1/24/2023 meeting.

Dear City Council Members,

Please see the attached letter requesting the approval of the Housing Element as presented at the Council's 1/24/2023 meeting.

Sincerely,

Mary Cravalho

1/22/2023

San Mateo City Council
City Hall - City Council Chambers
330 W 20th Avenue
San Mateo, CA 94403

RE: Please Approve the Housing Element as presented by staff on 1/24/2023

Dear San Mateo City Council Members,

City staff, facilitators and stakeholders spent months and extraordinary effort to provide input and formulate their Housing Element recommendations for the Council's approval, which reportedly exceeds the mandatory housing unit goals required by the state.

Additionally, it has been widely reported and specifically covered in the Los Angeles Times July 29, 2022 article that Californians are leaving the Golden State due to various reasons including but not limited to affordability, quality of life and remote work options, "California exodus continues, with L.A., San Francisco leading the way: "Why are we here?"

<https://www.latimes.com/california/story/2022-07-29/california-exodus-continues-l-a-san-francisco-lead-the-way>. These recent trends are not accounted for in the General Plan; therefore, it is possible that the projected housing targets may be lower in the future given the recent trends.

Additionally, several news reports have highlighted the possibility of an upcoming recession, higher inflation and layoffs at major technology companies in our local area including but not limited to Google, Facebook, Twitter and Salesforce, which may impact the housing picture further. Delaying the passing of the Housing Element now, may have the unintended consequence of having developers lower their housing commitments due to financial constraints as they adjust to the future economical landscape. It is time to move forward and accept the Housing Element.

Please approve the Housing Element as presented by staff at your upcoming meeting on 1/24/2023 without delay.

Sincerely,

Mary Cravalho

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 8:49 AM
To: Nicholas "Nicky" Vu
Subject: FW: writing in support of a democratic process & the approval of the housing element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 8:49 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: writing in support of a democratic process & the approval of the housing element

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City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Evan Powell [REDACTED]
Sent: Sunday, January 22, 2023 8:33 PM
To: Housing <housing@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: writing in support of a democratic process & the approval of the housing element

Dear Council and members of staff

Thank you for your service to the city.

In short, I am writing to express my support for the staff's findings that the City of San Mateo CAN meet the state mandated housing requirements while complying with Measure Y.

It is the right thing to do - to support this finding is consistent with our democratic processes. As you know, there have been approximately 19 public meetings concerning housing and more than two years of effort have gone into the housing element.

I would simply remind you that you do have the power to do the right thing, to vote in accordance with the recommendations of staff - thereby enabling a compromise position.

Thank you again for your work. Please support the work of your staff and the process countless citizens have participated in to arrive at the housing element.

Best regards,

Evan

--

Evan Powell



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:31 AM
To: Nicholas "Nicky" Vu
Subject: FW: Approve Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Sunday, January 22, 2023 3:52 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>
Subject: FW: Approve Housing Element

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polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Cynthia Prien [REDACTED]
Sent: Sunday, January 22, 2023 3:45 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Approve Housing Element

I urge you to approve the Housing Element (with the exclusion of rent restrictions) at your January 24th meeting. City Staff determined that the City will meet the required number of housing units (plus a buffer) within Measure Y standards allowing the Housing Element to meet state requirements. Failure to timely approve the Housing Element puts the City and residents at risk for a Builder's Remedy resulting in the loss of local control, increased strain on infrastructure and traffic congestion.

Also, the rent restrictions were included in the Housing Element by advocate groups and unelected appointees without proper and open debate or outreach to housing providers.

It is your duty as elected officials to carry out the will of San Mateo voters and ensure compliance with Measure Y and maintain current zoning protections of single-family neighborhoods. San Mateo voters made it abundantly clear they want managed growth and not a developer free-for-all as evidenced by the failure of measure R.

Please approve the Housing Element.

Thank you.

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 7:30 AM
To: Nicholas "Nicky" Vu
Subject: FW: General Plan Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Sunday, January 22, 2023 11:25 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: General Plan Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Daniel Shefer [REDACTED]
Sent: Sunday, January 22, 2023 9:05 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: General Plan Housing Element

Council Members,

Please pass the Housing Element. Whatever faults, real or imagined, the Planning Commission found in it, it is a solid plan and prima facie, passes state requirements and then some. Yes, I actually read it. Not approving the Housing Element will trigger the Builders Remedy and spell disaster to any planning and zoning constraints the city is trying to implement to keep San Mateo liveable.

If the Planning Commission or the City Council feel that we need more residential projects, there is a process and forum for discussing this. Using the nuclear option of rejecting the Housing Element is nothing more than cutting one's nose to spite their face.

Also, an accusation has been made of improper behavior where members of the Planning Commission took it upon themselves to contact the state's Dept. of Housing and Community Development to say that the Housing Element is insufficient. Please look into this and if substantiated, take corrective actions.

I hope you will do the right thing.

Daniel Shefer

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 9:08 AM
To: Nicholas "Nicky" Vu
Subject: FW: January 24 City Council Special Meeting Agenda item#2

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 9:07 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: January 24 City Council Special Meeting Agenda item#2

-----Original Message-----

From: Stephen Chen [REDACTED]
Sent: Monday, January 23, 2023 8:26 PM
To: Patrice Olds <polds@cityofsanmateo.org>
Cc: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: January 24 City Council Special Meeting Agenda item#2

Dear Ms. Olds,

In lieu of attending the zoom meeting tomorrow, I'm submitting my comments as follows:

- (1) now that we are the largest city in San Mateo county, we have an even more urgent need to build more AFFORDABLE HOUSING than before.
- (2) regarding the city  measure Y of November 2020, the Yes votes won by only 43 out of a total of 46033 casted votes, that is just 0.09% or less than 0.1%.
- (3) AFFORDABLE HOUSING IS NOT THE SAME AS PUBLIC HOUSING. We do need affordable housing for our teachers, policemen, firemen, first responders as well as healthcare workers. It will also benefit our own younger generations in the future.
- (4) with ever-increasing costs for labor, materials, regulations and other factors, the increase in building height and density allowance would make the building project financially more attractive to the builders who might be interested in it. If you are so worried about the height-density issue, take a leisure drive along the VETERANS BLVD and neighboring streets in our next city south, the RWC, it could give you a rather eye-opening experience. Besides, if you and your neighbors keep your properties tidy and neat, there is no way somebody will build a high density unit next to you.
- (5) many recent studies have shown the very restrictive LOCAL ZONING MANDATES played a key role in our current acute housing shortage situation nationwide, which in turn also makes the HOMELESS problem worse.

Sincerely,

Stephen Chen
San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:17 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 4:56 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
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City of San Mateo
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: R Colpitts [REDACTED]
Sent: Monday, January 23, 2023 4:53 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

To the City Council,
My wife Dolores and I strongly support the Housing Element as presented to you by City staff, and we urge you to adopt it as presented, at your meeting on January 24, 2023.

Thank you,
Robert F Colpitts
[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:18 AM
To: Nicholas "Nicky" Vu
Subject: FW: Accept the Current Housing Element

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 7:52 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Accept the Current Housing Element

-----Original Message-----

From: Dorothy Radyk [REDACTED]
Sent: Monday, January 23, 2023 7:39 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Accept the Current Housing Element

As a long-time resident of San Mateo, I request that you accept the current Housing Element. The future of San Mateo should be decided by San Mateo residents, not the developers.

Thank you,
Dorothy Radyk

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 2:10 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element January 24 meeting

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 1:58 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element January 24 meeting

Patrice M. Olds, MMC
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City of San Mateo
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
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From: Gary Germano [REDACTED]
Sent: Monday, January 23, 2023 1:57 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element January 24 meeting

Dear San Mateo City Council Members,

Please support and accept the current Housing Element being presented at your January 24th meeting that meets our requirements for housing numbers Without Changing the Existing Zoning.

We absolutely need this submitted "on time" so as not to trigger anything that allows developers or anyone else to bypass our zoning codes and General Plan.

Those two items are critical to having a future for San Mateo spelled out with a goal in mind that has been professionally researched with consultants, council, staff and citizen input and planned for ongoing sustainability and safety for the whole City cumulatively in balance.

Arbitrary project specific "spot" zoning and arbitrary General Plan change could destroy this City by not taking the overall "big picture" of what is being done into account. This would create a disaster in terms of overall infrastructure capacity, such as accessibility to services, retail outlets, traffic, and emergency evacuations.

Please responsibly build within our existing zoning guidelines and General Plan, and do what our residents and your constituents have consistently approved for the good and safety of all people living here.

Sincerely,

Gary and Janet Germano

[REDACTED]

San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 4:00 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 3:59 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
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City of San Mateo
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
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From: Danny Guiney [REDACTED]
Sent: Monday, January 23, 2023 3:56 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

Council,

Please remove the rental oversight from the housing element. These were not necessary or required. Then approve the Housing Element as previously suggested.

There is no reason we can not do as directed by the state in a timely manner. At some point out leaders have to stop being activists and do what is right for the greater good of our community.

Thank you all for your service.

Dan Guiney
San Mateo City Resident

[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 11:19 AM
To: Nicholas "Nicky" Vu
Subject: FW: 1/24, Council mtg. Housing Element

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 11:19 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: 1/24, Council mtg. Housing Element

-----Original Message-----

From: Devra Harris [REDACTED]
Sent: Monday, January 23, 2023 11:15 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>; Housing <housing@cityofsanmateo.org>
Subject: 1/24, Council mtg. Housing Element

Re: San Mateo City Council Meeting 1/24/23 Agenda Item #2

Dear Councilmembers,

I am writing in regards to the General Plan Amendment to adopt the City of San Mateo's Housing Element for 2023-2031.

I have participated in many of our City's community outreach opportunities with heartfelt concern for the future of our community. I want to know that my and all of the residents' time and input in this process is appreciated and taken into consideration by the Council. Voting YES to adopt the Updated Housing Element presented by Staff at Tuesday's meeting will confirm that your constituents have been heard and matter.

I urge you to approve adoption of the Housing Element as the alternative will be seen as a direct and regrettable choice against the needs of the citizens you represent.

Kindly,

Devra Harris

[REDACTED]
San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:19 AM
To: Nicholas "Nicky" Vu
Subject: FW: Accept the Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 7:53 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Accept the Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Christine Heiss [REDACTED]
Sent: Monday, January 23, 2023 7:51 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Accept the Housing Element

Dear San Mateo City Council,
As a San Mateo county homeowner since 2005, please consider the following when deciding to accept the Housing Element:

1. The revised Housing Element (HE) substantially complies with the requirements and addresses the State Housing and Community Development comments on the HE. The HE identifies 9,934 units or 142% of the City's required housing allocation of 7,015 units.
2. The Council should find the Housing Element is compliant with the HCD requirements and approve the Housing Element to avoid the builder's remedy that will further take away local control of our city.
3. Please remove the rental restrictions from the HE including the rental registry. The restrictions would invade privacy, reduce supply, punish good landlords, and remove property rights. The rental restrictions are not required and do not belong in the housing element.
4. The Planning Commissioners' conclusion that the Housing Element is not in compliance is incorrect. They did not offer any suggested revisions.

Thank you for your attention to this matter.
Regards,
Christine Heiss
[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 1:55 PM
To: Nicholas "Nicky" Vu
Subject: FW: IMPORTANT! Request to Approve San Mateo Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 1:54 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: IMPORTANT! Request to Approve San Mateo Housing Element

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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Jennifer Pacholuk [REDACTED]
Sent: Monday, January 23, 2023 12:14 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>; Richard Hedges <rhedges@cityofsanmateo.org>
Subject: IMPORTANT! Request to Approve San Mateo Housing Element

Dear City Council Members,

I am sending this email to officially request that **each of you vote to approve the Housing Element as prepared by City Staff and 2 years of community meetings.** I live in the City of San Mateo and am very concerned about developers of residential projects being able to bypass our zoning code and general plan with no City oversight. **Please be strong advocates for our community and submit San Mateo's City Council-approved Housing Element to the State by January 31, 2023.**

Thank you,
Jennifer Pacholuk

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:19 AM
To: Nicholas "Nicky" Vu
Subject: FW: Accept Current Housing Element

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 8:05 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Accept Current Housing Element

-----Original Message-----

From: John Radyk [REDACTED]
Sent: Monday, January 23, 2023 8:04 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Accept Current Housing Element

City of San Mateo Council Members,

Please vote to accept the current Housing Element. The current Housing Element meets the number of mandated housing units while working within voter approved Measure Y. San Mateo should never be subjected to the Builder's Remedy. Remember that the citizens of San Mateo elected you to represent them, not developers.

Thank you,
John Radyk

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 4:03 PM
To: Nicholas "Nicky" Vu
Subject: FW: Adopt the housing element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 4:01 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>
Subject: FW: Adopt the housing element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Mike Manely [REDACTED]
Sent: Monday, January 23, 2023 3:16 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Adopt the housing element

Please represent the exist residents and not bow to the big-money developers and their future (or past) campaign contributions to you who have accepted their dirty money. We are watching all your actions/votes very closely. You must abide by the current building height restrictions and "ADOPT THE HOUSING ELEMENT", as it will be sufficient enough housing for the State housing mandate and not expose San Mateo to "The Builders Remedy" as it is NOT DEMOCRATIC!!! (Taxation without representation).

Thank You, Michael Manely (35 year resident)

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 1:49 PM
To: Nicholas "Nicky" Vu
Subject: FW: City Council-approved Housing Element to the State by January 31, 2023

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 1:48 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: City Council-approved Housing Element to the State by January 31, 2023

Patrice M. Olds, MMC
City Clerk
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polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Property Service Company [REDACTED]
Sent: Monday, January 23, 2023 1:14 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: City Council-approved Housing Element to the State by January 31, 2023

Members of the San Mateo City Council -

It is my understanding that the City is required to submit a City Council-approved Housing Element to the State by **January 31, 2023**. If this is not submitted by the deadline we will be subject to automatic implementation of "the Builders Remedy," which allows developers of residential projects to bypass our zoning code and general plan. **I am writing to ask you to please approve the Housing Element as prepared by City Staff and 2 years of community meetings.** Please help to ensure that developers of residential projects will not be able to bypass our zoning code and general plan with no City oversight.

Best Regards -

John & Christine O'Dea
[REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 2:50 PM
To: Nicholas "Nicky" Vu
Subject: FW: land development

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 2:50 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>
Subject: FW: land development

Patrice M. Olds, MMC
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Jen Paiva [REDACTED]
Sent: Monday, January 23, 2023 2:49 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Subject: land development

Dear City Council Members,

I am sending this email to officially request that **each of you vote to approve the Housing Element as prepared by City Staff and 2 years of community meetings.** I live in the City of San Mateo and am very concerned about developers of residential projects being able to bypass our zoning code and general plan with no City oversight. **Please be strong advocates for our community and submit San Mateo's City Council-approved Housing Element to the State by January 31, 2023.**

**Thank you,
Jennifer Paiva**

--

Jen Paiva

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 2:22 PM
To: Nicholas "Nicky" Vu
Subject: FW: Please accept the revised Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 2:20 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Please accept the revised Housing Element

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City Clerk
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polds@cityofsanmateo.org
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(650) 522-7042

From: Martha Park [REDACTED]
Sent: Monday, January 23, 2023 2:12 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Please accept the revised Housing Element

Dear Mayor Lee, Deputy Mayor Nash, and Council Members Loraine, Newsom Jr., and Hedges,

I am writing to request that you accept the revised Housing Element prepared by staff. I'm concerned that our City won't come up with a final plan to submit to the state by January 31st, and we'll be subject to the Builder's Remedy, which will further take away local control from this issue.

Also, please remove the rental restrictions. This should be considered as a separate issue. Further study (including discussion, debate, and public comment) should be done before approving more restrictions.

Thank you,

Martha Park

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 1:55 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element approval vote for Parkside Neighborhood

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 1:54 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element approval vote for Parkside Neighborhood

Patrice M. Olds, MMC
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Felicia Schipper [REDACTED]
Sent: Monday, January 23, 2023 12:29 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element approval vote for Parkside Neighborhood

Dear City Council Members,

I am sending this email to officially request that **each of you vote to approve the Housing Element as prepared by City Staff and 2 years of community meetings.** I live in the City of San Mateo and am very concerned about developers of residential projects being able to bypass our zoning code and general plan with no City oversight. **Please be strong advocates for our community and submit San Mateo's City Council-approved Housing Element to the State by January 31, 2023.**

Thank you,
Felicia M. Schipper
Resident on Clipper Street in Parkside

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:17 AM
To: Nicholas "Nicky" Vu
Subject: FW: IMPORTANT! Request to Approve San Mateo Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 4:48 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: IMPORTANT! Request to Approve San Mateo Housing Element

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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Roger Smale [REDACTED]
Sent: Monday, January 23, 2023 4:43 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Subject: IMPORTANT! Request to Approve San Mateo Housing Element

Dear City Council Members,

I am sending this email to officially request that **each of you vote to approve the Housing Element as prepared by City Staff and 2 years of community meetings.** I live in the City of San Mateo and am very concerned about developers of residential projects being able to bypass our zoning code and general plan with no City oversight. **Please be strong advocates for our community and submit San Mateo's City Council-approved Housing Element to the State by January 31, 2023.**

Thank you,

Roger Smale

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 12:21 PM
To: Nicholas "Nicky" Vu
Subject: FW: IMPORTANT! Request to Approve San Mateo Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 12:03 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: IMPORTANT! Request to Approve San Mateo Housing Element

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polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Tony Pacholuk [REDACTED]
Sent: Monday, January 23, 2023 11:49 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Cc: Richard Hedges <rhedges@cityofsanmateo.org>
Subject: IMPORTANT! Request to Approve San Mateo Housing Element

Dear City Council Members,

I am sending this email to officially request that **each of you vote to approve the Housing Element as prepared by City Staff and 2 years of community meetings.** I live in the City of San Mateo and am very concerned about developers of residential projects being able to bypass our zoning code and general plan with no City oversight. **Please be strong advocates for our community and submit San Mateo's City Council-approved Housing Element to the State by January 31, 2023.**

Thank you,
Tony Pacholuk

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 9:09 AM
To: Nicholas "Nicky" Vu
Subject: FW: Item #1 - General Plan Amendment to Adopt the City of San Mateo's Housing Element for 2023-2031

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 9:08 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>
Subject: FW: Item #1 - General Plan Amendment to Adopt the City of San Mateo's Housing Element for 2023-2031

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: I watanuki [REDACTED]
Sent: Monday, January 23, 2023 8:22 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: [REDACTED] Patrice Olds <polds@cityofsanmateo.org>
Subject: Item #1 - General Plan Amendment to Adopt the City of San Mateo's Housing Element for 2023-2031

Dear Mayor Lee and Members of the City Council,

1. The revised Housing Element substantially complies with the requirements and addresses the State Housing and Community Development comments on the HE. The Housing Element identifies on Table 2 - San Mateo Sites Inventory Breakdown: 9,934 total units which is 142% of the City's RHNA number at 7015 units. There is a buffer of 2,919 units.
2. This Housing Element (2023-2031) is compliant with the Housing Community Development requirements and please approve the Housing Element to avoid the builder's remedy which will further take away local control of our City.
3. **Please remove the rent control and tenant protection restrictions in the Housing Element including the rental registry.** There has been no debate or outreach to smaller mom and pop property owners who cannot afford these kinds of restrictions of property rights. I don't think many property owners in San Mateo are even aware of the 5 rental restrictions in the Housing Element. This would be an invasion of privacy, reduce the supply of good affordable housing, punish the good landlords, remove our property rights, and create a huge bureaucracy in City Hall.

4. The Planning Commissioners' conclusion that the Housing Element is not in compliance is not true. We can make our RHNA numbers without rezoning.

Thank you for your consideration.

Best,

Laurie Watanuki

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 9:06 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 9:04 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Robert Whitehair [REDACTED]
Sent: Monday, January 23, 2023 11:18 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Clerk <clerk@cityofsanmateo.org>
Subject: Housing Element

Dear San Mateo City Council

On Tuesday night January 24, 2023, the City Council will have an important decision to make about the future of housing in San Mateo, as it considers taking a position on the Housing Element. I respectfully request the following actions:

1. Please submit to the California Housing and Community Development Department (HCD), the Housing Element as presented by staff and written by the City's consultant. By doing this and thus "self certifying" what most consider to be a flawed Housing Element, San Mateo can avoid "Builders Remedy" and other penalties from being effective on February 1, 2023.

By submission of the Housing element to HCD, the City is assumed to be compliant until someone (HCD or a judge) says otherwise. Because HCD must respond to San Mateo's submission within 60 days of submission (Approximately April 1), this strategy has two benefits: a) It places the burden on HCD, and b) It delays penalties going into effect by up to 60 days.

2. In the next 60 days, request proposals for a new Housing Consultant, specifically ones who worked on cities who have achieved compliance (for example, Alameda, Emeryville, Redwood City)

3. Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.

4. Direct staff that if San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and Council should immediately approve staff's selection of a new consultant.

We also understand there is a high likelihood that San Mateo will be sued by the coalition pursuing Housing Element lawsuits (Californians for Homeownership, YIMBY Law, California Housing Defense Fund, Housing Action Coalition), either on Feb 1 or after the City hears back from HCD.

5. We ask that the City be fully committed to resolving these lawsuits, when they come.

Thank you

Robert Whitehair, on behalf of San Mateo Climate Action Team

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 2:49 PM
To: Nicholas "Nicky" Vu
Subject: FW: Approve Housing Element presented by staff tomorrow!

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 2:48 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Approve Housing Element presented by staff tomorrow!

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Barbara Whiteside [REDACTED]
Sent: Monday, January 23, 2023 2:34 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Approve Housing Element presented by staff tomorrow!

1/23/2023

San Mateo City Council

City Hall - City Council Chambers
330 W 20th Avenue
San Mateo, CA 94403

RE: Please Approve the Housing Element as presented by staff on 1/24/2023

Dear San Mateo City Council Members,

I have had my home in San Mateo for 35 years and raised our three children here.

Please approve the Housing Element recommendations created by stake-holders, staff, and facilitators to meet the housing unit goals determined by the state. Please note that these recommendations actually exceed the mandatory unit goals required by the state.

Given the economy in California with the mass exodus continuing as more people can work remotely, along with the higher inflation, interest rates, and layoffs that are sure to increase as this recession takes hold, it seems prudent to not bite off more than is necessary.

Please vote to approve the Housing Element tomorrow on January 24, 2023. We need to have council members we can trust to consider the good of all including residents and single family dwelling home owners.

Thank-you,

Barbara Whiteside

A solid black rectangular box used to redact the signature of Barbara Whiteside.

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Monday, January 23, 2023 1:54 PM
To: Nicholas "Nicky" Vu
Subject: FW: Revised HE please!

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Monday, January 23, 2023 1:53 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Revised HE please!

Patrice M. Olds, MMC
City Clerk
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San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Helen Young [REDACTED]
Sent: Monday, January 23, 2023 12:43 PM
To: Patrice Olds <polds@cityofsanmateo.org>
Subject: Revised HE please!

Dear Pstrice Olds,

Please please accept (1) the revised Housing Element (HE) because it complies with ALL the requirements and addresses the State Housing and Community Development comments on the HE. The HE identifies 9,934 units or 142% of the City's required housing allocation of 7,015 units. (2) the Council should find the Housing Element is compliant with the HCD requirements and approve the Housing Element to avoid the builder's remedy that will further take away local control of our city. (3) Please remove the rental restrictions from the HE including the rental registry. The restrictions would invade privacy, reduce supply, punish good landlords, and remove property rights. The rental restrictions are not required and do not belong in the housing element. (4) the Planning Commissioners' conclusion that the Housing Element is not in compliance is incorrect. They did not offer any suggested revisions.

Please consider these (4) points as you meet tonight.

Regards,

Helen Young

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 10:47 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element Plan

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 10:27 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element Plan

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: sue [REDACTED]
Sent: Tuesday, January 24, 2023 10:17 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>
Subject: Housing Element Plan

Dear San Mateo City Council

On Tuesday night January 24, 2023, the City Council will have an important decision to make about the future of housing in San Mateo, as it considers taking a position on the Housing Element. We request the following actions:

1. Please submit to the California Housing and Community Development Department (HCD), the Housing Element as presented by staff and written by the City's consultant. By doing this and thus "self certifying" what most consider to be a flawed Housing Element, San Mateo can avoid "Builders Remedy" and other penalties from being effective on February 1, 2023.

By submission of the Housing element to HCD, the City is assumed to be compliant until someone (HCD or a judge) says otherwise. Because HCD must respond to San Mateo's submission within 60 days of submission (Approximately April 1), this strategy has two

benefits: a) It places the burden on HCD, and b) It delays penalties going into effect by up to 60 days.

2. In the next 60 days, request proposals for a new Housing Consultant, specifically ones who worked on cities who have achieved compliance (for example, Alameda, Emeryville, Redwood City)

3. Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.

4. Direct staff that if San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and Council should immediately approve staff's selection of a new consultant.

We also understand there is a high likelihood that San Mateo will be sued by the coalition pursuing Housing Element lawsuits (Californians for Homeownership, YIMBY Law, California Housing Defense Fund, Housing Action Coalition), either on Feb 1 or after the City hears back from HCD.

5. We ask that the City be fully committed to resolving these lawsuits, when they come.

Thank you for the opportunity to offer this request

Sincerely
Sue Blockstein

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:38 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 8:35 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Rustard Mustard [REDACTED]
Sent: Tuesday, January 24, 2023 8:24 AM
To: Patrice Olds <polds@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Housing Element

Dear Honorable Mayor and Members of the City Council,

In regards to the Housing Element, I respectfully request that the City of San Mateo **take guidance and consultant assistance from** individuals and organizations who have worked with **cities** that are **already in compliance with the Housing Element**.

Please have a **public meeting** with **representatives** from **Emeryville, Alameda** and **Redwood City** with all Council members present so residents can **hear** how these cities were able to **move forward quickly, ask** and have **questions answered**.

Housing Organizations have been working on these issues for years, please give them a **seat at staff's table** so the public can clearly hear their proposals and solutions.

Regarding **legal fines and fees** how much **money** has Redwood City, Alameda and Emeryville **saved** from **being in compliance**? What is our budget for not being in

compliance? What is the **cost benefit analysis** for being **in** and **not being in compliance**?

Sincerely yours,
Suzanne Bonilla

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 2:02 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 1:58 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: William Cendak [REDACTED]
Sent: Tuesday, January 24, 2023 1:57 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Housing Element

City Council members,

The residents of San Mateo provided comments and requested changes to the General Plan which the City staff implemented.

Tonight when the City staff presents the current Housing Element we implore you to accept it and move it forward.

Apparently the Planning Commission does not support the General Plan, is this a case of "the tail wagging the dog?"

I assumed the Planning Commission worked for the City Council and the residents of the city of San Mateo,

they appear out of touch with both.

The clock is ticking, as you drive past South San Francisco, Millbrae, and Burlingame and see the ugly new construction of housing is this what you foresee for San Mateo?

Lord help me I hope not.

Thank you for attention to this urgent matter,

W. J. Cendak


San Mateo, CA

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 10:49 AM
To: Nicholas "Nicky" Vu
Subject: FW: Approve updated draft of Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 10:31 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo Garcia@cityofsanmateo.org>
Subject: FW: Approve updated draft of Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Mareva [REDACTED]
Sent: Tuesday, January 24, 2023 9:24 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Approve updated draft of Housing Element

Dear City Council Members and Mayor Lee,
Laguna Vista residents are counting on your approval of the Housing Element draft so zoning is protected and SM has control of current and future building projects.

Don't miss the opportunity to vote in alignment with San Mateans' majority opinion after extensive community input over the last year.

In anticipation, many thanks,

Mareva Godfrey
Laguna Vista HOA Marina Lagoon Committee
District 4

[Sent from the all new AOL app for Android](#)

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 11:42 AM
To: Nicholas "Nicky" Vu
Subject: FW: 1/24/2023 Council meeting - approve draft Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 11:39 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: 1/24/2023 Council meeting - approve draft Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: [REDACTED]
Sent: Tuesday, January 24, 2023 11:15 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: 1/24/2023 Council meeting - approve draft Housing Element

Dear Council members,

Tonight you make a major decision on doing all in your power to keep local control of San Mateo's future or allow it to become a "builders remedy" free for all. I urge you to **approve the draft Housing Element**, as presented by staff, and forward it to the state for their acceptance.

As you know, City staff has worked hard to modify the original submission to respond to Sacramento's stated concerns. And they have succeeded. The staff report documents that the revised draft Housing Element implements all changes requested by HCD. The draft is consistent with state law. It provides for 7104 new units, meeting San Mateo's RHNA requirements, and on top of that, allows for a buffer of 2830 more units to assure the ability to comply with San Mateo's housing allocation. The element also acknowledges the development controls adopted by the voters in 2020 as Measure Y.

I know many are urging you to reject this draft as inadequate. As my mother liked to say, "consider the source". Are those you are hearing from people who will benefit from the imposition of the builders remedy? Or are these people whose livelihood depends on presenting positions opposed to what this housing element represents? Are these people who believe in housing at any cost (ignoring the need to step up **affordable** housing production), leaving San Mateo to deal with the negative impacts of market rate and luxury building that outpaces our infrastructure and natural resources?

A particular word about the recommendation from the Planning Commission to reject this draft. It is truly unfortunate that only 3 commissioners attended that meeting. We deserved the opinion of all five. The council ended up with a "unanimous" decision from three commissioners who represent approaches which are possibly the most out of sync with

most San Mateans. One has used every opportunity over the past 4-5 years to castigate large swaths of our residents as "racist". Another recently attacked speakers at a meeting as "racist" and then embarked on an extended rant based on personal history. The third is serving under the cloud of a District Attorney investigation into possible illegal activities during the recent Council campaign. Two of these commissioners have become so activist as to directly contact HDC, laying out their views against the draft Housing Element, while also making it clear that they are Planning Commissioners. Does this seem like the actions of people who are appointed to **advise** the Council - not usurp the Council's decision making powers?

I served this city as a Planning Commissioner for 14 years. I served with many people representing a variety of viewpoints and approaches. But I assure, you none of them would have taken such egregious positions or actions to undermine our city and its residents and City Council. Again, I urge you to consider the source - and reject their "advice".

Please approve the draft Housing Element tonight and forward it to the state for acceptance.

Karen Herrel
San Mateo resident since 1963

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 10:49 AM
To: Nicholas "Nicky" Vu
Subject: FW: General Plan Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 10:30 AM
To: Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: General Plan Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Laurie Hietter [REDACTED]
Sent: Tuesday, January 24, 2023 9:51 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Cc: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Subject: General Plan Housing Element

Dear Mayor Lee and Council Members:

I have lived in San Mateo for 42 years and send my thanks to the planning staff and General Plan team for the extraordinary effort required to produce the Housing Element and respond to HCD comments. The plan is well written and clearly shows the responses to HCD comments.

Please approve the Housing Element on January 24, 2023 so San Mateo does not fall prey to the builder's remedy and the city maintains control of our zoning and construction. The staff report outlines in detail how the revised draft Housing Element implements all changes requested by HCD and complies with the applicable State laws.

I strongly disagree with the Planning Commission's recommendation to deny the Housing Element and their statements regarding the Element's compliance. The Planning Commission did not provide any useful recommendations to improve the Element.

The revised Housing Element (HE) substantially complies with the requirements and addresses the State Housing and Community Development comments on the HE. The HE includes identifies 9,934 units or 142% of the City's required housing allocation of 7,015 units. The RHNA allocations can be met without overturning Measure Y.

Please remove the rental restrictions from the HE including the rental registry. The restrictions would invade privacy, reduce supply, punish good landlords, and remove property rights. The rental restrictions are not required and do not belong in the housing element. Please remove Policy H5.4.1 - Establish tenant protections in local ordinance to extend measures of AB 1482 related to relocation, documentation, and right to return policy in eviction cases. It is not necessary for San Mateo to go beyond state law.

Thank you for your consideration.

Sincerely,
Laurie Hietter
San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 9:18 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 9:11 AM
To: Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Michelle Hudson [REDACTED]
Sent: Tuesday, January 24, 2023 9:09 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Clerk <clerk@cityofsanmateo.org>
Subject: Housing Element

Dear San Mateo City Council,

On Tuesday night January 24, 2023, the City Council will have an important decision to make about the future of housing in San Mateo, as it considers taking a position on the Housing Element. I respectfully request the following actions:

1. Please submit to the California Housing and Community Development Department (HCD), the Housing Element as presented by staff and written by the City's consultant. By doing this and thus "self certifying" what most consider to be a flawed Housing Element, San Mateo can avoid "Builders Remedy" and other penalties from being effective on February 1, 2023.

By submission of the Housing element to HCD, the City is assumed to be compliant until someone (HCD or a judge) says otherwise. Because HCD must respond to San Mateo's submission within 60 days of submission (Approximately April 1), this strategy has two benefits: a) It places the burden on HCD, and b) It delays penalties going into effect by up to 60 days.

2. In the next 60 days, request proposals for a new Housing Consultant, specifically ones who worked on cities who have achieved compliance (for example, Alameda, Emeryville, Redwood City)

3. Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.

4. Direct staff that if San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and Council should immediately approve staff's selection of a new consultant.

I also understand there is a high likelihood that San Mateo will be sued by the coalition pursuing Housing Element lawsuits (Californians for Homeownership, YIMBY Law, California Housing Defense Fund, Housing Action Coalition), either on Feb 1 or after the City hears back from HCD.

5. We ask that the City be fully committed to resolving these lawsuits, when they come.

Thank you,
Michelle Hudson
Resident of San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 1:00 PM
To: Nicholas "Nicky" Vu
Subject: FW: Polds@cityofsanmateo.org

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 12:41 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: Polds@cityofsanmateo.org

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: [REDACTED]
Sent: Tuesday, January 24, 2023 12:26 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Polds@cityofsanmateo.org

Dear City Council,

I strongly support the current City Staff Housing Element plan, but with the removal of rental property restrictions. This does not belong in the same conversation as housing development and will seriously negatively impact small ma and pa property owners (and many retired) the most. How this got in there I do not know. It's definitely gross government overreach.

If we do not adhere to this by January 31, 2023, developers can bypass our zoning code and general plan and create projects good for them, but not for our city, and we will have a real urban mess on our hands. The Planning Commission, who are not elected, intentions are self interest motivated and do not represent the hard work of City Staff and all the residents who provided input to help shape the Plan.

Here are some principles I hope you adhere to:

- Keep voter approved Measure Y in tact
- Protect existing single family zoning
- Listen to people who actually live in San Mateo
- Support smart balanced growth independent of developer interference
- Protect small ma and pa rental property owners who are the key engine for rental availability, from restrictions which will cripple them.
- Conduct outreach and get public input from rental housing providers before any future rental restrictions (and registry which could be used for further restrictions) are even proposed.

Thanks for taking the time to listen.

Gary Isoardi

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 2:00 PM
To: Nicholas "Nicky" Vu
Subject: FW: San Mateo Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 1:50 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: San Mateo Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Sean Lacson [REDACTED]
Sent: Tuesday, January 24, 2023 1:42 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>
Subject: San Mateo Housing Element

Dear San Mateo City Council,

I am submitting this letter in the hope that the City Council will make some difficult, but incredibly important decisions regarding the housing affordability of our city for years to come. My own family's ability to purchase a home in this city is dependent on your vote.

As it stands, the Planning Commission has voted to reject the Housing Element as it underdelivers on new housing stock and it does not "affirmatively further housing" by creating more equity in land use (e.g. increasing density west of El Camino).

Should the Council vote to pass the Housing Element, I ask that the Council encourage the city staff the prepare by:

- 1. In the next 60 days, request proposals for a new Housing Consultant, specifically ones who worked on cities who have achieved compliance (for example, Alameda, Emeryville, Redwood City)**
- 2. Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.**

3. Direct staff that if San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and Council should immediately approve staff's selection of a new consultant.

Sincerely,
Sean Lacson

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:40 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 8:39 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Ricki McGlashan [REDACTED]
Sent: Tuesday, January 24, 2023 8:07 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Clerk <clerk@cityofsanmateo.org>
Subject: Housing Element

Dear San Mateo City Council,

Tonight, Jan. 24, the City Council has an important decision to make about the future of housing in San Mateo and I urge the following strategy.

1. As deficient as the Housing Element as written is, I urge you to **submit it now** to the California Housing and Community Development Department with the goal of delaying the "Builders Remedy" and other penalties long enough for the City of San Mateo to write an improved Housing Element that has a better chance of being approved by the state and a better chance of actual adequate housing.

While the HDC is evaluating San Mateo's plan In the next 60 days, request proposals for **a new Housing Consultant**, specifically ones who worked on cities who have achieved compliance (e.g. Alameda, Emeryville, Redwood City)

3. **Sit down with housing organizations** to do a deep dive into the potential issues and possible solutions.

4. Direct staff that if and when San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and **Council should immediately approve staff's selection of a new consultant.**

We also understand there is a high likelihood that San Mateo will be sued by the coalition pursuing Housing Element lawsuits (Californians for Homeownership, YIMBY Law, California Housing Defense Fund, Housing Action Coalition), either on Feb 1 or after the City hears back from HCD.

5. We ask that the City be fully committed to resolving these lawsuits, when they come.

Ricki and Doug McGlashan

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 9:01 AM
To: Nicholas "Nicky" Vu
Subject: FW: We need better housing access in San Mateo

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 9:00 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: We need better housing access in San Mateo

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Rick Moody [REDACTED]
Sent: Tuesday, January 24, 2023 7:01 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>
Subject: We need better housing access in San Mateo

Jan. 24, 2023

To the San Mateo City Council:

I'm writing to urge you to take steps to improve access to housing in the City of San Mateo.

Providing safe and comfortable housing for residents and workers in San Mateo is important. We need safe and comfortable homes for everyone, a step that would also help reduce greenhouse gas emissions.

The fact is that San Mateo has not provided enough housing, especially for people with low incomes. That is a serious problem which you can act to correct.

You are well aware that California State law now requires San Mateo to provide viable solutions to the housing deficiency as part of the City's General Plan process.

Please do what's needed to address this problem.

Harry R. Moody
[REDACTED]

San Mateo, CA 94403

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 10:48 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element Vote Tonight

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 10:29 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element Vote Tonight

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: [REDACTED]
Sent: Tuesday, January 24, 2023 10:00 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element Vote Tonight

Dear Council,

Please approve the Housing Element as prepared by City Staff and Consultant. It will never be a document that will make all parties happy. Any changes do not guarantee HCD approval, and may actually open up the City to further scrutiny if the plan becomes too specific and the Council can not deliver what is being promised. Policy changes should be discussed and have public outreach versus being added at the 11th hour as a mitigating measures in hopes of getting the housing element through. I believe if there are issues with this version we will be allowed more time to address, versus being deemed out of compliance based on the passage of time. This version is an improvement over the previous version.

Regarding Measure Y if changes are to be made it should be discussed and put to the voters. Changes at Hillsdale Mall will likely result in a ballot measure as is common with shopping mall redevelopments. The most recent I can think of is Valco Mall in Cupertino. This will ensure the City of San Mateo is a great place to live for all, versus the need by a development group to push a projects across goal lines defined by themselves. We do not need to get rid of Measure Y for changes to happen in any of the plan areas including Hillsdale Mall.

I would also like to request Mayor Lee recuse herself from voting on this and other General Plan votes for a period of at least one year (or longer, if council decides) for the recent GoFundMe campaign launched unilaterally by Mayor Lee. I 100% support the cause but feel that this should have been done by the Council as a whole and run through a non-profit organization such as Samaritan House or other agreed upon not-for-profit entity. This was appearing to have been done by Supervisor Corzo for her recent advocacy for the flood victims in Belmont. Reviewing the top donors, a significant portion has come from the developer community Bohannon and Windy Hill both contributed \$10K and Lane Partners

contributed \$5K. A week ago, half the donations were from these developers. This creates and cast doubt for me as it will for many others as it appears Mayor Lee now appears to have a conflict in relation to these donations. GoFundMe also appears to have a 15% surcharge which I would prefer go to the victims.

Be a top donor for Amourence Lee with \$2,055 or more.



California Water Service (CalWater)
\$10,000 (Offline) • 13 d



Bohannon
\$10,000 (Offline) • 14 d



Windy Hill Property Ventures
\$10,000 (Offline) • 14 d



Rakuten Americas
\$5,000 (Offline) • 12 d



Jonathan Stone
\$5,000 • 13 d



Lane Partners
\$5,000 • 13 d



Preston OConnell
\$2,000 • 10 d



Rafael Reyes
\$500 • 9 d



Anonymous
\$500 • 11 d

Thank you,

Thomas Morgan
San Mateo

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 9:11 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element Vote

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 9:11 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element Vote

-----Original Message-----

From: Valerie Oblath [REDACTED]
Sent: Tuesday, January 24, 2023 9:10 AM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element Vote

To all City Council members,

I am writing to strongly encourage you at tonight's meeting to vote to approve the Housing Element as prepared by our City Staff, following two years of community meetings and discussion. If it is not approved, San Mateo will be subject to automatic implementation of the "Builders' Remedy" which, it is my understanding, allows developers of residential projects to bypass the zoning code and General Plan. This must not happen!!

Respectfully,
Valerie Oblath
District 4

Sent from my iPad

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 8:40 AM
To: Nicholas "Nicky" Vu
Subject: FW: San Mateo's Housing Element requested actions

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 8:37 AM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: San Mateo's Housing Element requested actions

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Elaine Salinger [REDACTED]
Sent: Tuesday, January 24, 2023 8:13 AM
To: Clerk <clerk@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: San Mateo's Housing Element requested actions

Dear San Mateo City Council

On Tuesday night January 24, 2023, the City Council will have an important decision to make about the future of housing in San Mateo, as it considers taking a position on the Housing Element. We request the following actions:

1. Please submit to the California Housing and Community Development Department (HCD), the Housing Element as presented by staff and written by the City's consultant. By doing this and thus "self certifying" what most consider to be a flawed Housing Element, San Mateo can avoid "Builders Remedy" and other penalties from being effective on February 1, 2023.

By submission of the Housing element to HCD, the City is assumed to be compliant until someone (HCD or a judge) says otherwise. Because HCD must respond to San Mateo's submission within 60 days of submission (Approximately April 1), this strategy has two benefits: a) It places the burden on HCD, and b) It delays penalties going into effect by up to 60 days.

2. In the next 60 days, request proposals for a new Housing Consultant, specifically ones who worked on cities who have achieved compliance (for example, Alameda, Emeryville, Redwood City)

3. Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.

4. Direct staff that if San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and Council should immediately approve staff's selection of a new consultant.

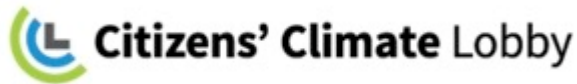
We also understand there is a high likelihood that San Mateo will be sued by the coalition pursuing Housing Element lawsuits (Californians for Homeownership, YIMBY Law, California Housing Defense Fund, Housing Action Coalition), either on Feb 1 or after the City hears back from HCD.

5. We ask that the City be fully committed to resolving these lawsuits, when they come.

I am writing as a representative of Citizens Climate Lobby with 200 members living in the City of San Mateo.

Sincerely

Elaine Salinger, San Mateo Chapter Leader



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 1:01 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element comments

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 12:57 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: Housing Element comments

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Karen S [REDACTED]
Sent: Tuesday, January 24, 2023 12:56 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element comments

Dear City Council,

I am writing to ask you to please adopt the Housing Element as presented since we are able to meet all current state requirements with the current Housing Element.

Please carry out the will of the voters and follow through on Measure Y.

We are counting on you to represent us well and with integrity.

Thank you.

Sincerely,
Karen Sid

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 2:01 PM
Cc: Nicholas "Nicky" Vu
Subject: FW: Housing Element comment

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 1:57 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element comment

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Maxine Turner [REDACTED]
Sent: Tuesday, January 24, 2023 1:55 PM
To: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element comment

In case you didn't see or get my previous email sent last night to clerk@city...

Clerk - Please ensure that the Council sees these comments prior to their meeting on January 24th.

Dear new City Council members - as you start your terms representing the residents and voters of San Mateo I urge you to place honoring the will of the voters, which is the core of our fragile democracy, and healing the current distrust of government as the meta-values through which you consider all your decisions. Knowing most of you well, I am hopeful that this will be the case. Adopting the Housing Element tonight, which complies with State law and is in conformance with voter-approved Measure Y, will be a place to start.

The City staff report states that the revised draft Housing Element implements all changes requested by HCD and **is consistent with State law**, as extensively documented in the proposed City Council resolution. It provides for 9,934 new housing units, greatly exceeding San Mateo's required housing allocation (RHNA) of 7,015 new units. All 9,934 housing units could be accommodated under the City's existing land use and zoning designations which comply with Measure Y.

Adopting the Housing Element also makes San Mateo eligible, or with higher priority, for numerous sources of funding, as enumerated in the staff report. Not adopting the Housing Element places the City at risk for significant fines imposed by the State. The pros clearly outweigh the cons.

Of more concern is that San Mateo may lose the right to exercise local land use control over housing projects. Under the “Builder’s Remedy” provision in the Housing Accountability Act if a jurisdiction has a noncompliant housing element, the city must approve any housing development project, regardless of the local General Plan and Zoning requirements.

You know, and the voters will know, that not adopting the Housing Element which complies with all state requirements, is a backdoor effort to suppress the will of the voters and to give developers a blank check to override Measure Y. Please do not fall for the misleading rhetoric of the pro-growth YIMBY extremists.

I urge you to adopt the Housing Element tonight.

Sincerely,
Maxine Turner

Nicholas "Nicky" Vu

From: Housing
Sent: Tuesday, January 24, 2023 8:41 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element.



Sandra Belluomini

Administrative Tech | Housing
330 W. 20th Ave., San Mateo, CA 94403
650-522-7239 | belluomini@cityofsanmateo.org

From: Kristen Watts-Penny [REDACTED]
Sent: Tuesday, January 24, 2023 8:29 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element.

Please adopt San Mateo's 2023-2031 Housing Element.

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 2:01 PM
To: Nicholas "Nicky" Vu
Subject: FW: San Mateo Housing Element 2023-2031
Attachments: San Mateo City Council 1.24.23.docx

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 1:56 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>
Subject: FW: San Mateo Housing Element 2023-2031

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Dianne Whitaker [REDACTED]
Sent: Tuesday, January 24, 2023 1:51 PM
To: Amourence Lee <alee@cityofsanmateo.org>; ldiaz-nash@cityofsanmateo.org; Richard Hedges <rhedges@cityofsanmateo.org>; alorraine@cityofsanmateo.org; rnewsom@cityofsnamateo.org
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: San Mateo Housing Element 2023-2031

Mayor Lee, Deputy Mayor Diaz-Nash, Councilmembers Hedges, Lorraine and Newsom –

I am submitting the attached document for tonight's Special City Council Meeting regarding the City's Housing Element.

Thank you for your service.

-Dianne

Dianne R. Whitaker, AIA
Dianne Whitaker Architect

[REDACTED]

[REDACTED]

Mayor Lee,
Deputy Major Diaz-Nash,
Council Members Hedges, Lorraine and Newsom
January 24, 2023

Housing Element Acceptance and Approval

California State Legislators are on a mission to remove more and more local control away from our cities regarding land use decisions.

Once size does not fit all.

Each Californian community is unique, with different existing conditions, challenges, and goals.

Please accept City staff's recommendation by Approving the proposed **Housing Element tonight**, so that San Mateo is not found out of compliance by HCD, and therefore subject to the "builder's remedy" contained within the 1990 Housing Accountability Act, allowing developers to bypass San Mateo's Zoning Code and General Plan.

Thank You,

Dianne Whitaker
San Mateo



Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 1:01 PM
To: Nicholas "Nicky" Vu
Subject: FW: The Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 12:56 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: The Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Teri Whitehair [REDACTED]
Sent: Tuesday, January 24, 2023 12:56 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>
Subject: The Housing Element

Dear San Mateo City Council

On Tuesday night January 24, 2023, the City Council will have an important decision to make about the future of housing in San Mateo, as it considers taking a position on the Housing Element. I request the following actions:

- 1. Please submit to the California Housing and Community Development Department (HCD), the Housing Element as presented by staff and written by the City's consultant.** By doing so, San Mateo can avoid "Builders Remedy" and other penalties from being effective on February 1, 2023.
- 2. Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.**
- 3. If San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council and Council should immediately approve staff's selection of a new consultant.**

Thank you for the opportunity to offer this request

Sincerely

Teri Whitehair



Elders Action Network

EAN National Gathering Coordinator

Elders for Social Justice Co-coordinator

The great work now is to carry out the transition from a period of human devastation of the earth to a period when humans would be present to the planet in a mutually beneficial manner.

Thomas Berry

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 2:43 PM
To: Nicholas "Nicky" Vu
Subject: FW: Please submit to HCD the "Housing Element" for reasons and information stated below

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 2:28 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Please submit to HCD the "Housing Element" for reasons and information stated below

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Valerie Fox Carlos [REDACTED]
Sent: Tuesday, January 24, 2023 2:00 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>
Subject: Please submit to HCD the "Housing Element" for reasons and information stated below

Dear San Mateo City Council

On Tuesday night January 24, 2023, this is an important night that may impact the future of housing in San Mateo, as it considers taking a position on the Housing Element. We request the following actions:

1. Please submit to the California Housing and Community Development Department (HCD), the Housing Element as presented by staff and written by the City's consultant. By doing this and thus "self certifying" what most consider to be a flawed Housing Element, I believe San Mateo can avoid "Builders Remedy" and other penalties from being effective on February 1, 2023.

By submission of the Housing element to HCD, the City is assumed to be compliant until someone (HCD or a judge) says otherwise. Because HCD must respond to San Mateo's submission within 60 days of submission (Approximately April 1), this strategy has two benefits: a) It places the burden on HCD, and b) It delays penalties going into effect by up to 60 days.

2. In the next 60 days, request proposals for a new Housing Consultant, specifically ones who worked on cities who have achieved compliance (for example, Alameda, Emeryville, Redwood City)

3. Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.

4. Direct staff that if San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and Council should immediately approve staff's selection of a new consultant.

We also understand there is a high likelihood that San Mateo will be sued by the coalition pursuing Housing Element lawsuits (Californians for Homeownership, YIMBY Law, California Housing Defense Fund, Housing Action Coalition), either on Feb 1 or after the City hears back from HCD.

5. We ask that the City be fully committed to resolving these lawsuits, when they come.

Thank you for the opportunity to offer this request

Respectfully,

Valerie Fox Carlos

[Redacted signature block]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 2:44 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element Agenda Item

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 2:28 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element Agenda Item

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Ted McKinnon [REDACTED]
Sent: Tuesday, January 24, 2023 2:14 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>
Subject: Housing Element Agenda Item

Dear San Mateo City Council,

To any informed observer, the Housing Element of San Mateo's General Plan, as presented at the Planning Commission meeting of January 12th, will not pass muster with the California Department of Housing and Community Development (HCD), leaving the City in substantial non-compliance with California state law.

My understanding is that the City Council intends on passing a resolution tonight (January 24th) recommending the City submit the Housing Element anyway. I'm personally unclear of the utility of doing this, whether it temporarily shields us from the Builder's Remedy and so forth, so I won't weigh in on that.

Whatever temporary measures are taken, for either substantial or for face-saving purposes, it's clear that the serious work of affirmatively furthering fair housing, as the state mandates, is still before us.

Accordingly, I recommend the following.

- In the next 60 days, request proposals for a new Housing Consultant, specifically ones who worked on cities who have achieved compliance (for example, Alameda, Emeryville, Redwood City)
- Sit down with housing organizations to do a deep dive into the potential issues and possible solutions.

- Direct staff that if San Mateo's Housing Element is rejected, staff should immediately bring the rejection letter to Council, and Council should immediately approve staff's selection of a new consultant.
- We also understand there is a high likelihood that San Mateo will be sued by the coalition pursuing Housing Element lawsuits (Californians for Homeownership, YIMBY Law, California Housing Defense Fund, Housing Action Coalition), either on Feb 1 or after the City hears back from HCD.
- We ask that the City be fully committed to resolving these lawsuits, when they come.

Sincerely,

Ted McKinnon

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, January 25, 2023 10:06 AM
To: Nicholas "Nicky" Vu
Subject: FW: city council meeting

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Wednesday, January 25, 2023 9:58 AM
To: Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Subject: FW: city council meeting

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Louise A Duncalf [REDACTED]
Sent: Tuesday, January 24, 2023 5:27 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: city council meeting

PLEASE APPROVE HOUSING ELEMENT. LOUISE DUNCALF

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, January 25, 2023 10:03 AM
To: Nicholas "Nicky" Vu
Subject: FW: Council Special Meeting

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Wednesday, January 25, 2023 9:57 AM
To: Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Subject: FW: Council Special Meeting

This was during the meeting so we will add to this packet. I'll send four more.

-----Original Message-----

From: ROBERT SELLERS [REDACTED]
Sent: Tuesday, January 24, 2023 8:13 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Council Special Meeting

Approve the plan - as bad as it is, it avoids the builder remedy

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, January 25, 2023 10:03 AM
To: Nicholas "Nicky" Vu
Subject: FW: Special Council

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Wednesday, January 25, 2023 9:57 AM
To: Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Subject: FW: Special Council

-----Original Message-----

From: ROBERT SELLERS [REDACTED]
Sent: Tuesday, January 24, 2023 7:48 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Special Council

It seems that 7k housing is arbitrary number needs to be challenged - potential remedies are just that, potential. Why do we find ourselves in a reactive mode rather than being proactive with a comprehensive plan that is built by our the will of the community... I love a statistically relevant study comment for more affordable housing, please explain what that means and please provide a link for this study if you are placing this out as your foundation of decision.

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, January 25, 2023 10:03 AM
To: Nicholas "Nicky" Vu
Subject: FW: City Council Special

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Wednesday, January 25, 2023 9:58 AM
To: Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Subject: FW: City Council Special

-----Original Message-----

From: ROBERT SELLERS [REDACTED]
Sent: Tuesday, January 24, 2023 7:29 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: City Council Special

What happened to city independence - I thought we were incorporated as the City of San Mateo, we are getting railroaded by communities that have a labor and contractor focus — please show some leadership and represent the City of San Mateo!!

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, January 25, 2023 10:03 AM
To: Nicholas "Nicky" Vu
Subject: FW: Special Council

-----Original Message-----

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Wednesday, January 25, 2023 9:58 AM
To: Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Subject: FW: Special Council

-----Original Message-----

From: ROBERT SELLERS [REDACTED]
Sent: Tuesday, January 24, 2023 7:22 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Special Council

Where do you get your growth numbers that support this unabated growth? Where do you have a quality of life provision? You relay on Bay Area metrics not San Mateo specific needs - you do realize that the micro climates of commerce and want to dilute our quality of life and become another Richmond. This one size fits all does not work - if your force it into this model it is destined to fail and yes we too will be another failed community.

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, January 25, 2023 10:06 AM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Wednesday, January 25, 2023 9:58 AM
To: Eloiza Murillo-Garcia <emurillologarcia@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>
Subject: FW: Housing Element

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Scott Stoeckle [REDACTED]
Sent: Tuesday, January 24, 2023 7:00 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Housing Element

As a San Mateo resident, at [REDACTED] I am urging City Council to approve, the Housing Element, as prepared by city staff and two years of community meetings.
Thank you, Scott Stoeckle

Sent from [Mail](#) for Windows

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Tuesday, January 24, 2023 3:25 PM
To: Nicholas "Nicky" Vu
Subject: FW: Council Meeting 1/24/23 Housing Element Approval

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Tuesday, January 24, 2023 3:21 PM
To: Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Council Meeting 1/24/23 Housing Element Approval

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Michael [REDACTED]
Sent: Tuesday, January 24, 2023 3:18 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Patrice Olds <polds@cityofsanmateo.org>
Subject: Council Meeting 1/24/23 Housing Element Approval

Dear Council - Once again I find myself rather stunned that residents have to write in on something that should be ministerial after all of the staff, council, and community input, but here we are. Ignoring that entire process because Planning Commissioners Patel, Nugent and Ebnetter once again feel they can legislate from their unelected positions would be the acme of irresponsibility, subjecting San Mateo to the "Builders Remedy", and perhaps more importantly, jeopardizing millions in funding due to a non-compliant housing element. Even recommending this, much less going all the way to the HCD suggesting they reject our housing element, should be grounds for their immediate removal for conduct detrimental to the City of San Mateo and dereliction of duty. We had a special council meeting to address literally this very issue within the last year. Apparently they did not get the message. Unchecked bad behavior begets more such behavior. But, I digress.

You have a housing element that is substantially in compliance with HCD requirements, which is the product of a methodical process conducted by our competent and professional staff, consultants, and the community.

Your job tonight is simple - approve the housing element.

Sincerely - Michael Weinbauer

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, January 25, 2023 10:02 AM
To: Nicholas "Nicky" Vu
Subject: FW: Reprieve from Builders Remedy and penalties

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Wednesday, January 25, 2023 9:56 AM
To: Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>
Subject: FW: Reprieve from Builders Remedy and penalties

For the next time this comes to council as it was after the close of the meeting

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Robert Whitehair [REDACTED]
Sent: Tuesday, January 24, 2023 9:04 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Clerk <clerk@cityofsanmateo.org>
Subject: Reprieve from Builders Remedy and penalties

Dear Mayor and Council

To summarize my comments tonight:

By approving the Housing Element, as loaded with problems as it is, the city has been given a temporary reprieve from Builders Remedy. Thank you for what you did tonight.

Please, please use the next 60 days or less wisely. Within that time, pull together representatives from Yes on Y, No on Y, HLC, One San Mateo, other housing advocates, all neighborhood association representatives and anyone else interested in making hard choices.

Rather than going through unresolved chaos over the next few months or years, work it out now by adopting a Housing element that reflects consensus, and avoids Builders Remedy altogether. Perhaps use a professional facilitator.

The world is out of time on so many levels, let's avoid wasted energy to build lasting consensus.

As difficult and aspirational as my proposal is, it is better than another vote on Measure Y in 2024, or all the chaos that would result if there is no Housing Element adopted. Measure Y was passed by only 46 votes out of 46,000 cast. The

tide is turning, things are changing, those in favor of Y might want to take advantage of what will could be fleeting power. But please listen to their concerns and the concerns of all the others!

We have so many vital people on all sides of the issue willing to work this out.

Please do that

Robert Whitehair

Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, February 16, 2023 2:38 PM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: San Mateo Adopted Housing Element Comment Letter
Attachments: San Mateo Follow-up Housing Element Comments_TransForm.pdf

From: Zack Deutsch-Gross [REDACTED]
Sent: Thursday, February 16, 2023 2:37 PM
To: Housing <housing@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: San Mateo Adopted Housing Element Comment Letter

Dear San Mateo Planning Department and San Mateo City Council,
Please find attached TransForm's comment letter on the Adopted Housing Element for San Mateo. While we appreciate the revised program to evaluate off-street parking requirements, Program 1.7 does not specify any specific policies to study and the timeline does not begin for 2 years. We believe San Mateo could take on far more ambitious parking reforms, and urge the city to do so. I hope you will consider our suggestions as you move forward in the planning and implementation of your Housing Element.

Thank you for your time and consideration,
Zack Deutsch-Gross

--

Zack Deutsch-Gross (he/him)
Policy Director, TransForm

[REDACTED]

Sign up for our emails at www.TransFormCA.org.
Follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#).



02/16/23

San Mateo Planning Department and City Council
330 W 20th Ave
San Mateo, CA 94403

Re: San Mateo still lacks commitment to ambitious parking reform

To the San Mateo Planning Department and City Councilmembers,

TransForm is a regional non-profit focused on creating connected and healthy communities that can meet climate goals, reduce traffic, and include housing affordable to everyone.

We acknowledge the work to date on the 6th Cycle Housing Element, however we still see room for improvement in regards to San Mateo's outdated parking standards. While we appreciate the revised program to evaluate off-street parking requirements, **Program 1.7 does not specify any specific policies to study and the timeline does not begin for 2 years.** We believe San Mateo could take on far more ambitious parking reforms, and urge the city to do so. As long as San Mateo still requires at least 1.5 parking spaces per unit for multi-family developments, and at most 2.2 spaces for 3+ bedrooms¹, it will be hard to meet its housing and climate goals.

In our previous letter we offered a suite of smart parking policies we believe are best suited to San Mateo:

1. Funding a dedicated and specific study of parking reforms, particularly how smart parking policies could positively impact housing, transportation and other goals.
2. Requiring unbundled parking for certain transit oriented developments. This is easier for building managers to implement now with new parking tech tools like [Parkade](#).
3. Implementing TDMs such as requiring developers to buy annual bus passes for residents at a discounted bulk rate.

We believe these policies must be considered as they would greatly benefit San Mateo and create safer and healthier communities.

As with other cities like [San Jose](#) and [Alameda](#), parking reform packages can be passed even if not identified as a program in your Housing Element and we are committed to assisting cities in this endeavor.

¹ Parking provision is reduced within the Hillsdale Station Area and the Central Parking Improvement District, but not by any substantial margin.



To support San Mateo in their efforts to reform outdated parking standards, we believe the following resources could be useful:

1. [MTC/ABAG Parking Playbook](#): This guide provides descriptions, real-world examples, and sample code for various smart parking policies. A true “one-stop shop” for parking reform in the Bay Area.
2. [GreenTRIP Connect](#): Our Connect tool can be used on any parcel in the city. This tool is particularly useful to demonstrate exactly how policies like reduced parking provision can help meet citywide goals, as we demonstrated [in this scenario](#) (that was in our first letter).

We sincerely hope to see San Mateo take steps to implement smarter parking reforms and TDM measures in the near future. During the course of potential study and implementation our team is available to partner with you and answer any questions you may have.

Sincerely,
Zack Deutsch-Gross
Policy Director



Nicholas "Nicky" Vu

From: Housing
Sent: Friday, February 24, 2023 4:27 PM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: Letter to HCD about San Mateo Housing Element (Housing Action Coalition), 1 of 2
Attachments: 2022-02-28 Letter to HCD about San Mateo Housing Element.docx; 2022-12-16 HAC Comments on San Mateo Draft Housing Element.docx; 2023-01-07 Housing Action Coalition - Second Round Comments on San Mateo Draft Housing Element.docx

Follow Up Flag: Follow up
Flag Status: Flagged



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

Notice of Holiday Closures:

City Hall will be closed on Thursday and Friday, November 24-25, for the Thanksgiving Holiday.

City Hall will be closed on December 28th (in observance of Christmas) and on January 2nd (in observance of New Year's Day). Happy Holidays!

Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: Higley, CJ (25) x4942 [REDACTED]
Sent: Friday, February 24, 2023 4:23 PM
To: Hillary.Prasad@hcd.ca.gov; paul.mcdougall@hcd.ca.gov
Cc: [REDACTED]

Subject: Letter to HCD about San Mateo Housing Element (Housing Action Coalition), 1 of 2

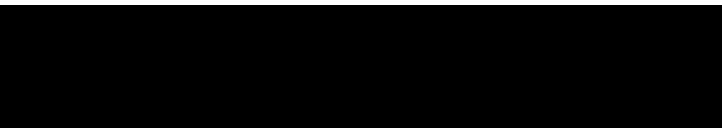
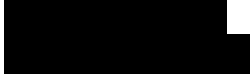
Mr. McDougall and Mr. Finney –

On behalf of the Housing Action Coalition, please see the attached letter regarding HAC's comments to the City of San Mateo's adopted Housing Element. In addition to the letter, I'm also attaching copies of our comment letters to the Planning Commission and City Council. Note, by separate email, I will forward the appendix to our Planning Commission comment letter. Because the appendix file is quite large, please acknowledge receipt of my subsequent email (or let me know you did not receive it). Thanks, and we hope these comments will be helpful in your review of San Mateo's Housing Element.

CJ Higley

Partner

He/Him



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February 24, 2023

Via E-Mail

State of California
Business, Consumer Services and Housing Agency
Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Avenue, Suite 500
Sacramento CA 95833

Re: City of San Mateo 2023-2031 Housing Element

Dear Mr. McDougall and Ms. Prasad:

On behalf of the Housing Action Coalition,¹ we write to request your consideration, in connection with your review of the City of San Mateo's adopted Housing Element, of the comments our firm submitted to the San Mateo Planning Commission and City Council, respectively. For your reference, our comment letters to the City dated December 16, 2022, and January 7, 2023, are enclosed.

Our review and comment letters have focused principally on two issues. First, San Mateo has included a number of sites that do not have a realistic likelihood of becoming housing during the next eight years. The inventory includes a major shopping center and a regional mall and claims that these are housing sites that will redevelop in the next eight years, despite busy stores, new long-term leases, and even multimillion dollar improvements that demonstrate the current retail uses will continue. Second, San Mateo's methodology for identifying how much of the regional need will be met by the sites on the inventory appears both unprincipled and inconsistently applied in ways that overstate the realistic development potential of many of the sites. In order to properly evaluate whether the site inventory will meet the needs of San Mateo's anticipated population growth, San Mateo must formulate a proper methodology and then apply it consistently, and explain how it evaluates site-specific information, other potential uses of the property, and market evidence on what is likely to actually be built.

We refer you to the enclosed letters for our more detailed analyses, but below is a summary of the arguments in our enclosed letters.

¹ The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

1. The City includes sites that are not “suitable and available” because they do not have a “realistic and demonstrated potential” for redevelopment during the planning period to meet the need for housing.

Where nonvacant sites are listed on the sites inventory, there must be a “realistic and demonstrated potential for redevelopment” during the next eight years. Government Code § 65583(a)(3). Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development “based on substantial evidence that the use is likely to be discontinued” during the planning period. Government Code § 65583.2(g)(2) (final sentence). The City must analyze the evidence: existing leases, market demand for the existing uses, and anything else that would indicate whether existing uses will continue. Government Code § 65583.2(g)(1).

Our comment letters analyze several individual sites on the City’s site inventory, including some of the larger sites like Bridgepointe Shopping Center, Hillsdale Mall, and the Borel Shopping Center, among others. In most of the sites we analyzed, publicly available information indicates that recently signed longer-term leases would prohibit near-term development. In other cases, substantial capital investments indicate a commitment to *continue* existing uses, rather than provide any evidence that such uses would discontinue during the planning period. During the Housing Element approval hearings, City staff argued that, because leases could be terminated early, bought out by landlords/property developers, or somehow “broken,” the City’s inclusion on its inventory of sites with long-term leases was appropriate. In fact, the law requires more of the City. The theoretical possibility that long-term leases *may* somehow be disregarded by both landlord and tenant is insufficient. The law requires the City to find that the existing use on a site is *likely* to be discontinued early enough in the planning period not to impede residential development. We believe the City failed to provide substantial evidence to support the requisite findings required by Government Code § 65583.2(g)(2). Indeed, this was one of the central points the Planning Commission noted in refusing to recommend the draft Housing Element for approval by the City Council.

2. The City’s analysis to support its methodology for calculating the realistic capacity of each site is inadequate.

The City’s draft Housing Element fails to demonstrate that the site inventory numbers reflect the realistic development capacity for each site. For sites with the potential for mixed or non-residential use, the Housing Element calculates a discounted probability of residential development, but fails to apply this discount to all of the sites that could develop as mixed use (and that may develop without any residential uses at all). Our letters analyze several specific sites where the City has overstated the realistic capacity by improperly failing to treat the sites as mixed-use. These methodological flaws significantly overstate the capacity on the inventory by 642-875 units.

For the limited number of sites on the inventory that are zoned residential without the potential for non-residential uses, the City's analysis is also flawed. As discussed in the Housing Action Coalition's prior comment letter, the draft "cherry-picks" data to argue that capacities should be calculated based on the maximum permitted under the City's zoning laws. At pages H-30 through H-31, and in table 4, the City separates prior residential developments into two categories: "in-fill" and "outliers." The so-called "outliers" represent over 20% of the units, and 46% of the residentially zoned land that was redeveloped: it was unreasonable to disregard them when computing the average. The average density for residential projects, combining both parts of table 4, is approximately 40 units/acre.

Notably, the draft applies the "outlier" density of 18.2 units/acre to only three sites, all adjacent to one another at 717-801 Woodside Road. The sites are in a residential neighborhood surrounded by other apartment buildings.

Meanwhile, the City does not apply the "outlier" density to sites that would appear to have far more in common with the prototype outlier sites on the list. Our analysis compares the characteristics of various sites on the inventory and their treatment as "infill" versus "outlier," and concludes that these labels were not consistently applied, and that their mis-application exaggerates the capacity of residential sites.

The City also fails to take site specific constraints into account. At the Fish Market and 1900 S. Norfolk sites, for example, there are required setbacks from Borel Creek and Seal Slough. 1900 S. Norfolk is also next to a freeway interchange, and so has restrictions on height relating to the height of the freeway railing; the site also has a long tail that winds around a PG&E substation, none of which could be developed and which should therefore be ignored in calculating realistic capacity. The City also seems not to have considered the potential effect of San Mateo Zoning Code section 27.44.065 to this site (currently zoned E1): at least 35% of the parcel area must be open-space, preventing over 1/3 of the land from being developed for housing. Other sites also have odd shapes or watercourse adjacencies. The City's treatment of this site underscores the lack of particularized analysis the City undertook in arriving at the capacity numbers on the inventory. Importantly, this lack of analysis exaggerates the realistic, demonstrated capacity of the City's inventory.

3. The San Mateo Planning Commission Had It Right: This Element Does Not Comply With State Law.

We also suggest watching the comments of San Mateo's Planning Commission hearing of January 12, 2023. The Planning Commissioners took their job seriously, and unanimously concluded that the Housing Element should not be adopted because it does not meet the requirements of state law. The full hearing is available at <https://www.youtube.com/watch?v=iBLEOCJhv0w>. But to highlight a few key points, from the Commissioners' comments during the final hour:

Commissioner Adam Nugent commented (at time stamps 2:46-2:56 of the video): “I doubt that HCD will find this housing element . . . in substantial compliance with state law.” “I don’t believe that the realistic capacity of the sites has been factored in accordance with HCD guidance.” “A large number of sites that do not have a realistic likelihood of becoming housing within the next eight years.” “It just doesn’t seem like we currently have that substantial evidence for all of the sites that would accommodate lower income.” As to policies, it is “clear-cut that there are deficiencies.” With respect to AFFH, “The structural inertia toward greater segregation in the Bay Area is growing.” “We are failing, 100% as a nation, as a region, and as a city, when it comes to affirmatively furthering fair housing.” “[C]urrently our AFFH related actions, our means of evaluating their effectiveness, are too weak to make meaningful change in the direction of affirmatively furthering fair housing.” And later, “We feel that at this point the Housing Element is not yet ready, it’s not to the place we think it will be in substantial compliance with state law.”

Commissioner Seema Patel (at time stamps 3:17-3:20): “For the site inventory, we’re not providing substantial evidence of redevelopment as defined by HCD.” “We’re assuming 100% zoned density production for residential zoned parcels based on a calculation of as-built density that includes projects that have not yet started construction . . . We eliminated projects that didn’t include any housing from our calculation of as-built density in mixed-use and commercial zones, which significantly overestimates the realistic capacity of those sites.” “From the affirmatively furthering fair housing standpoint, we are planning for no affordable housing in our highest areas of opportunity.” While the RHNA numbers require tripling housing production, San Mateo is trying to do so “without making any changes to zoning as part of this housing element. . . . Why do we think housing production will triple if we’re not changing . . .?”

And Vice-Chair John Ebner (beginning at time stamp 3:21): “My concerns have been consistent from day 1.” “Site inventory is somewhat inadequate.” “Methodology for realistic capacity is questionable.” “Zero sites in high opportunity locations.” “Locating sites [for lower income housing] in flood zones,” and areas of liquefaction. “The more I think about it, I feel that there were early decisions made, and a plan and a track put in place, and we’ve locked ourselves in.” “We had a once in an 8 year opportunity to make a meaningful change and address our housing crisis. We could have, we should have, tried to be a leader in the Bay Area, setting an example for what it looks like to take the housing crisis seriously.” “[I]t is unconscionable to conceive of losing another decade to business as usual.” “We aimed for a D-minus and that is what we have. Why, why didn’t we capitalize on the [political] will and the opportunity?”

After these comments, the Planning Commission then unanimously voted to recommend that the City Council deny adoption of the Housing Element. The Planning Commission made an express finding to explain their reasons: “We find that the feasibility of future housing sites, fair housing policy, housing goals, policies and programs, and removing constraints to building housing have failed to meet the state’s statutory requirements.” (Time stamp 3:45-3:46).

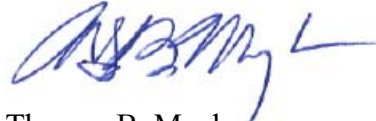
* * *

The draft 2023-2031 Housing Element for San Mateo does not comply with state law. The City Council does not have “substantial evidence” that the owners of Bridgepointe Shopping Center will buy out anchor tenants in order to make way for redevelopment, or that the owners of Hillsdale Mall will walk away from a \$250MM of capital investments in the retail use to pivot to full residential development. While it may be reasonable to conceive of *some amount* of residential development on these sites, the City has not presented the requisite evidence to show when, or where on the site, or how such development may or may not be compatible with the existing uses that are *not likely* to discontinue. The City also declined to adjust its capacity methodology to account for what we demonstrated was, at best, the flawed application of likely development densities to sites on the inventory. The end result is a site inventory that significantly overstates the amount of housing, and the amount of affordable housing, the City can realistically expect to be developed during the next eight years.

A bad Housing Element in any one city hurts the entire Bay Area community and the entire state, by dodging the responsibility to plan for the city’s fair share of the state’s growth. By including unrealistic sites on the inventory, or exaggerating the number of units that can be built on included sites, cities evade their obligation to make real plans about where real housing is likely to be built to meet the regional need. San Mateo’s decision to turn a blind eye to leases, market data, and physical and legal site constraints prevents the City from meeting its obligation to identify and make available enough sites throughout the City for housing, particularly for lower income residents. And you do not have to take our word for it: the issues raised in our comment letters were among the chief reasons the Planning Commission voted unanimously *not to approve* the flawed draft Housing Element, finding that it was *not* in compliance with state law. We believe the City Council’s adoption of the Housing Element over the recommendations of its Planning Commission should signal to HCD that this particular Housing Element needs close scrutiny.

As set forth in detail in the enclosed comment letters, and based on Government Code section 65583.2(g)(2), the City of San Mateo's site inventory does not show a realistic, sufficient capacity on sites adequate to meet the need for lower income housing. The Department should conclude that the Housing Element adopted by San Mateo on January 26, 2023, does not substantially comply with state law.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

36615\15308048.1

CC: Housing Manager, City of San Mateo; housing@cityofsanmateo.org
Corey Smith, Housing Action Coalition; [REDACTED]
Ali Sapirman, Housing Action Coalition; [REDACTED]



December 16, 2022

Via E-Mail

Planning Manager
City of San Mateo
Planning Division
330 W. 20th Avenue
San Mateo, California 94403

E-Mail: housing@cityofsanmateo.org, and
emurillogarcia@cityofsanmateo.org

Re: Draft Housing Element for City of San Mateo 2023-2031
Comments of Housing Action Coalition

Dear Planning Manager:

On behalf of the Housing Action Coalition,¹ we write to comment on the draft 2023-2031 Housing Element for the City of San Mateo. The draft Housing Element does not meet the City's obligation to plan and provide for affordable housing. Absent substantial revisions, it may be found in violation of state law.

Below, we identify two significant issues to be addressed as San Mateo continues to work on formulating an acceptable Housing Element. First, San Mateo has included a number of sites that do not have a realistic likelihood of becoming housing during the next eight years, as required to meet the need for new housing. The inventory includes a major shopping center and a regional mall and claims that these are housing sites that will redevelop in the next eight years, despite busy stores, new long-term leases, and even multimillion dollar improvements that conclusively demonstrate that the current retail uses will continue. Second, San Mateo's methodology for identifying how much of the regional need will be met by the sites on the inventory appears both unprincipled and inconsistently applied. In order to properly evaluate whether the site inventory will meet the needs of San Mateo's anticipated population growth, San Mateo needs to formulate a proper methodology and then apply it consistently, and explain

¹ The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.



how it evaluates site-specific information, other potential uses of the property, and market evidence on what is likely to actually be built.

A. The City Includes Sites That Are Not “Suitable And Available” Because They Do Not Have A “Realistic And Demonstrated Potential” For Redevelopment During The Planning Period To Meet The Need For Housing.

One of the most concrete aspects of any housing element is the inventory of land “suitable and available” for residential development to meet the city’s regional housing need by income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p. 1 (https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf). The list is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels.

Where nonvacant sites are listed on the sites inventory, there must be a “realistic and demonstrated potential for redevelopment” during the next eight years. Government Code § 65583(a)(3). To address past abuses – including where cities list unrealistic sites in order to avoid required rezoning – the California Legislature created a high standard for listing sites that are currently being used for something other than housing. Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development “based on substantial evidence that the use is likely to be discontinued” during the planning period. Government Code § 65583.2(g)(2) (final sentence). The City must analyze the evidence: existing leases, market demand for the existing uses, and anything else that would indicate whether existing uses will continue. Government Code § 65583.2(g)(1).

As explained below, the current draft prepared by San Mateo identifies a number of non-vacant sites that are not realistic, suitable and available for redevelopment. The City relies heavily on the speculative and unlikely assumption that existing uses will cease during the next eight years in favor of affordable housing.

1. The Bridgepointe Shopping Center
(APN 035-466-010, -070, -080, -090, -100, -110)

The City’s sites inventory lists several parcels that together make up the Bridgepointe Shopping Center, a popular regional mall described by owner CBRE as “one of the premier power centers in the Bay Area.” Together, the parcels comprising Bridgepointe account for 1,188 total housing units in the site inventory. Of these, 241 units would be for Very Low income residents, and 180 would be Low income residents.

The bulk of the units the City identifies for the Bridgepointe property would be contained on parcel 035-466-100, which the City describes in Appendix C, Table A as a “large parking lot, larger than .5 acre, potential for structured parking.” As an initial matter, HCD’s guidance for conducting the sites analyses provides that “[a] parcel smaller than one half acre *or over 10 acres* is considered inadequate to accommodate housing affordable to lower income households, unless the housing element demonstrates development of housing affordable to lower income households on these sites is realistic or feasible.” At 12 acres, this parcel is presumed to be inadequate without more specific information demonstrating feasibility. Aside from a vague mention on page H-34 of “a variety of discussions” with the owner of the shopping center, we have not found any such information in the City’s draft Housing Element or in the public discourse that demonstrates the feasibility of re-developing the site for housing. Nor does the City show that there is a history of successful developments of this size by affordable housing developers. For this reason, parcel 035-466-100 should be excluded from the sites inventory.

A more general (and more significant) problem with the City’s identification of the Bridgepointe parcels, however, is that there is no reason to believe that any of them will be available for development within the planning period contemplated by the draft Housing Element. Bridgepointe is a bustling power center with numerous national retailers. The City has presented no information that would indicate the imminent demise of the shopping center. To the contrary, based on information available from CompStak (HAC Appendix Tab 1), a website that “gathers and quality checks lease and sales comps from the professionals making deals,” it appears that numerous leases run through and beyond the end of this decade.

Hobby Lobby, a national retailer of arts and crafts supplies, for instance, apparently has a lease at Bridgepointe that doesn’t expire until 2029. HAC Appendix Tab 2.

Similarly, national cosmetics retailer Ulta Beauty appears to hold a lease that was entered into in 2021, and doesn’t expire until 2032. HAC Appendix Tab 3. Both the recent commencement date of the lease, as well as its long-term nature suggest that neither Ulta Beauty nor Bridgepointe is going anywhere anytime soon.

The list goes on. Total Wine & More has a lease that runs until 2027. HAC Appendix Tab 4. California Fish Grill just entered into a lease that will run through 2031. HAC Appendix Tab 5. Armadillo Willy’s has a lease that will expire in 2030. HAC Appendix Tab 6. Absent some evidence that the information available on CompStak is inaccurate, there is simply nothing at all to suggest Bridgepointe will be available for redevelopment during the upcoming eight years.

One possible explanation for the City’s inclusion of the Bridgepointe parcels, despite clear evidence the existing retail uses on the site are likely to continue for the foreseeable future, is that the City’s analysis seems to rely heavily on the availability of the parking lots associated with the shopping center. Presumably the logic here is that, because they are surface parking lots that aren’t occupied by other existing structures, they could theoretically accommodate construction of housing, while the requisite parking to serve the retail uses could be

accommodated in one or more newly constructed parking garages. While this is *theoretically* true and makes sense as a matter of spatial arrangement, nothing in the City’s draft demonstrates that redevelopment of this nature is likely or would be legally feasible under the retailers’ leases. We are not aware of the details regarding tenants’ rights to occupy or control the parking areas associated with the Bridgepointe Shopping Center. We note, however, that tenants in similar “power centers” typically possess non-exclusive rights to parking in the parking lots associated with the shopping center of which they are a part. Indeed, access to and availability of immediately adjacent parking is often viewed as crucial to a retail outlet’s success. While we have no affection for this land use pattern, the City has not demonstrated that the legal rights of tenants over the Bridgepointe parking lots would permit their redevelopment and reconfiguration.

2. Hillsdale Mall

(APN 042-121-040, -060, -080; 039-490-050, -170; 039-353-010, -020, -030, -040)

The site of the Hillsdale Shopping Center, including surrounding parking lots and buildings (listed as Consolidated Site X on the draft Housing Element), is projected to provide 912 lower income units towards the RHNA. The assumption is that 100% of the acreage will redevelop at 100% of the maximum density for the site: 50 dwelling units per acre. Unfortunately, there is not substantial evidence that the existing use on all of these parcels will discontinue during the next eight years.

As the comment by Housing Leadership Council of San Mateo County has previously noted, the Hillsdale Mall recently rebuilt a significant portion of the retail mall at Hillsdale. The single largest parcel at the site (APN 039-490-170, comprising 39.91 acres) was significantly redeveloped for retail and entertainment uses. Known as the “Hillsdale North Block,” it was a massive project involving the demolition, redesigning, and reconstructing of existing buildings, and constructing two new ones, on 12.5 acres of the site.² The construction loan for the project was \$240 million.³

Opened in November 2019, Hillsdale North Block has new stores, restaurants, a new multiscreen movie theater, and even a new upscale bowling alley. The remodeled structure ties into existing retail structures on the same parcel, including a two-story parking garage used to provide parking for the new retail and entertainment spaces, and a food court built over 31st Avenue, extending over to the Nordstrom’s building on the other side of 31st (in the older portion

² Details on this project are available on the City Planning Department’s website at: https://www.cityofsanmateo.org/DocumentCenter/View/47652/Hillsdale_Shopping_Center_North_Block_Initial-Study--Mitigated-Negative-Declaration?bidId

³ HAC Appendix Tab 7. This January 2022 article also quotes the new co-owner of Hillsdale Mall as stating: “We are confident that Hillsdale Shopping Center will continue its meaningful presence in the city for years to come.” See also [HAC Appendix Tab 8](#).

of the mall, which includes Nordstrom's and Macy's as anchor tenants). The food court/pedestrian bridge, remodeled as part of the Hillsdale North Block improvements, shows that the retail uses to the south of 31st Street also continue to be part of the owner's long-range plans.

The owner of Hillsdale Mall has publicly indicated an interest in some amount of housing, alongside its existing retail and entertainment uses. The problem for purposes of Housing Element analysis is that any residential plans have not yet been defined, and would at best comprise only a portion of the site. San Mateo has no evidence of what proportion of the site will involve continuation of existing uses, but cannot reasonably conclude that all existing uses will cease during the next eight years. The existing use of APN 039-490-170 precludes counting it towards 808 units of affordable housing; the recent and substantial improvements preclude any reasonable finding that the existing use will be discontinued.

Meanwhile, the main parcel separates the other parcels from one another, rendering unclear which, if any, might realistically be developed for residential housing in the next eight years. Thriving retail, restaurant, and banking uses (Trader Joe's, Old Navy, a Wells Fargo bank branch, several restaurants, and associated parking) are located on the parcels south of Hillsdale Boulevard, an area known as "Hillsdale South," with leases signed, and expensive tenant improvements done, as recently as 2021.⁴

A proper analysis under Government Code section 65583.2(g)(1) would preclude the City from making the required finding that this site is suitable, available, and realistic for affordable housing under 65583.2(g)(2), because existing uses are not likely to discontinue during the next eight years. A site of this size is also presumed to be insufficient to meet the needs for affordable housing, absent evidence of successful affordable housing developments of this size

⁴ These businesses are on APNs 039-490-050, and 042-121-040, -060, and -080, an area labeled as "Hillsdale South." They are on the south side of West Hillsdale Boulevard from the main mall site on APN 039-490-170. Building permits indicate that \$1.7 million in renovations was done in the 2009-2010 time frame when Trader Joe's and other businesses were moving in; more recently, \$150,000 of work was done on the interior in 2021, when Sleep Number opened a store there. BD-2021-279007; BD-2009-233895; BD-2009-34436; SG-2021-279679. Publicly available information shows that Sleep Number has a lease running into 2028. HAC Appendix Tab 10. Other building permits show substantial renovations and construction work done for the current tenants. When DSW (a shoe store) moved in, over \$600,000 of improvements were done. BD-2011-240083, BD-2011-240152. When AT&T moved in next door to DSW, at 31 West Hillsdale Boulevard, over \$1.8 million of construction was done; a Macaroni & Grill restaurant on the site was demolished and the AT&T building was constructed at the same location. BD-2016-260718, BD-2016-260255, BD-2017-263360. The AT&T construction was completed relatively recently: permits were signed-off and closed in 2018. It is not "likely" that these existing uses will discontinue in the next eight years.

or special reason to believe that one would be successful here. Government Code § 65583.2(c)(2)(B). San Mateo shows neither.

3. The Atrium: 1900 South Norfolk Street
(APN 035-391-090)

The executive office building located at 1900 South Norfolk Street is currently used by a large number of office tenants. The draft Housing Element does not perform any analysis of the current use, including whether existing leases would create obstacles to residential development of the site during the next eight years. Publicly available information indicates that a number of leases continue to be signed or renewed for this three story office building, with at least one lease publicly reported to extend until 2030. HAC Appendix Tab 9. The City should perform the required analysis under Government Code section 65583.2(g)(1), and evaluate whether it has substantial evidence to make the finding that existing uses are “likely to discontinue” during the next eight years, as required by section 65583.2(g)(2). If not, it should not be claimed to meet the need for 99 lower income affordable housing units, even if the owner has expressed a long-term interest in redevelopment.

4. Borel Shopping Center (71-77 Bovet; 1750 El Camino Real)
(Consolidated Site AH: APN 039-011-450, -460, -470, -480, -500, -510)

This site is a busy shopping center anchored by a CVS Pharmacy, a 24 Hour Fitness,⁵ a branch of Patelco Credit Union, a UPS store, and a separate restaurant building for Jack’s Restaurant and Bar. There is publicly available information showing that the lease for Jack’s extends well into the planning period. HAC Appendix Tab 11 (indicating Jack’s lease extends from 2013-2029). The City should do the required section 65583.2(g)(1) analysis of the existing leases, and current market demand for the retail uses at the location. The City currently lacks substantial evidence that the site’s existing use is “likely to be discontinued” during the next eight years. It should not count towards 85 units of housing affordable to lower income households.

5. The Elks and The Shriners – 229 W. 20th Street and 150 W. 20th Street
(APN 037-052-350 and APN 039-030-220)

The Benevolent and Protective Order of Elks, Lodge 1112 (“San Mateo Elks Lodge”), has been located at 229 W. 20th Street since 1954. The San Mateo Elks Lodge has a membership of over 1,100 as of earlier this year. The Elks use their lodge to operate a popular swimming

⁵ In 2008, the 24 Hour Fitness substantially modified the building it occupies 2008 when it moved into a space formerly occupied by Albertson’s. It added locker rooms, a swimming pool, basketball courts, showers, and other tenant improvements at a cost exceeding \$2.2 million. BD-2007-230493; BD-2007-230029; BD-2008-230692.

center for kids and families, hold crab feeds and other events in the meeting hall, and engage in fun activities and philanthropic works.

The only suggestion that the San Mateo Elks are not likely to continue their existing use of the Elks Lodge at 229 W. 20th Street is the statement on the site inventory that “Preliminary conversations with the owner to convert to residential have occurred.” That kind of statement might sometimes go unnoticed and unquestioned by the City Council, HCD, or a court. But here, no one should take it as an adequate answer to the question of whether the San Mateo Elks will stop using their lodge in the next eight years. The reason is that the 2015 Housing Element, when listing the same site, said the same thing, word-for-word: “Existing private member club. Preliminary conversations with the owner to convert to residential have occurred.”⁶ Nothing has happened in the last eight years to suggest that “preliminary conversations” are substantial evidence on which to predict a likely discontinuation of the existing use, even if the more recent note is based on more recent preliminary conversations. This site should not be counted towards accommodating the need for 77 units of housing affordable to lower income households. Government Code § 65583.2(g)(2).

A second private club is located just down the street at 150 W. 20th Street: the Shriners. The Shriners are likewise a longtime institution in San Mateo, and are likewise committed to philanthropy and social activities. The Shriners’ building is used in part for a day care center. The site inventory provides insufficient detail to evaluate whether they plan to move out in the next eight years, saying only “Owners have considered mixed use with residential.” Without more, this is insufficient to justify concluding that the Shriners actually plan to leave or redevelop in the short or mid-term, or to treat their property as accommodating the need for 32 units of lower income housing.

The same analysis applies to other sites. *See, e.g.*, 1500 Fashion Island Blvd. (APN 035-550-040) (“Developer interest in redevelopment.”); Consolidated Site B (APN 032-312-250, -270, -150, -100, -070) (“General interest in redevelopment”); 480 North Bayshore Blvd. (APN 033-081-280) (nonvacant use as motel; re-used from 2015 Housing Element: “General interest to redevelop, motel conversion.”). Vague expressions of interest do not constitute substantial evidence that the existing use will likely cease during the next eight years. Section 65583.2(g)(1) and (g)(2) require more analysis, more evidence, and more likelihood.

⁶ In order to rely on conversations purporting to express intent, the public needs to know much more. Who had the conversation cited by the City, and with whom did they have it? Has the Lodge taken any affirmative steps toward redevelopment beyond this conversation? Without more, the vague reference to “preliminary conversations” between unidentified speakers on an unidentified date does not constitute “substantial evidence.”

6. Mollie Stone's – Olympic Shopping Center

(Consolidated Site AD:

APN 042-242-050, -060, -070, -160, -180;

042-243-020, 042-244-040, -050;

042-245-040, -050, -060, -070, -080, -090, -100, -110, -120, -130;

042-263-010, 042-264-010)

This site, consisting of twenty parcels, is claimed to accommodate 161 units of housing affordable to those with lower incomes. The only basis for including it appears to be the claim that there is “ownership interest in specific plan redevelopment,” which does not indicate that all of the parcels would be redeveloped as housing at the maximum density, or indicate who said what to whom, and when.⁷

Meanwhile, and as discussed further in section B below, the draft Housing Element does not adequately analyze or demonstrate the realistic capacity of the site. Under section 65583.2(g)(1), for a nonvacant site like this, the city must “specify the additional development potential for each site within the planning period.” The required analysis is currently missing. A realistic assessment of the current uses and market conditions would preclude listing the entire site at maximum density. Mollie Stone's is the only full service grocery store in the surrounding area. For households in the southwestern portion of town (for example, everyone near Laurel Elementary School and south to the Belmont border), closing Mollie Stone's would more than double their travel times to the nearest grocery, and extend them well beyond the one-mile used to define a “food desert” – a condition no one expects to develop in this well-resourced city.⁸ Currently San Mateo's land use pattern follows the predictable pattern: few, if any, households are more than one mile from a grocery. There is no reason to believe that the market need for grocery stores will make the need for Mollie Stone's, or another grocery store, superfluous in this part of town. Particularly as San Mateo's population grows, the need for grocery stores will increase, not diminish.

⁷ Here too, the concern about specificity is not idle. There are five separate owners. Carstens Realty owns most of the parcels, but CLC Investments, Sadigh Sassan, Shamco E LLC, and San Mateo Investment Co. each own one. The City does not discuss or address whether the five are willing or interested in a joint project, though it lists each of them as having expressed interest in a specific plan. Without evidence of what makes consolidation likely, the smaller sites are deemed insufficient to accommodate the need for lower income housing. See Government Code § 65583.2(c)(2)(A).

⁸ If Mollie Stone's closed, and no grocery store was rebuilt in its place, it would create the unlikely situation where an affluent, urban community became a “food desert.” The United States Department of Agriculture has defined a “food desert” as an area where at least 500 people, or 33 percent of the tract population, reside more than one mile from a full service supermarket. https://www.ers.usda.gov/webdocs/publications/45014/30940_err140.pdf.

This means that any redevelopment or specific plan of the Olympic Shopping Center will almost certainly include a substantial retail component, at least on the ground floor. Mixed use may be a responsible way to increase density, but it precludes listing the site at maximum density, particularly given the constraints of Measure Y. The City must conduct further analysis, including an analysis of existing leases, common ownership, and market conditions, before claiming that this site will meet the needs for construction of 161 units of housing affordable to lower income households. And, given the substantial demand for the existing use, the City may not be able to make the required finding under 65583.2(g)(2).

**7. Site AN (4100 and 4142 El Camino Real)
(APN 042-242-170 and -080)**

On the draft Housing Element site inventory, consolidated Site AN consists of a City-owned vacant site and a neighboring parcel. In a recent staff report for the November 7, 2022 meeting, the chart responding to HCD comments indicated that the City had two city-owned sites: the “Talbot’s” site (APN 034-179-050 and -060), and APN 042-242-170, which it referred to as the “Ravioli” site. The chart indicated that staff recommended adding to the narrative about the Talbot’s site, but recommended removing the Ravioli site from discussion.

The draft Housing Element had shown the two sites APN 042-242-170 and APN -042-242-080 as having a potential for consolidation, but if the City does not plan to sell APN 042-242-170, and instead plans to take it off of the site inventory, it should also remove APN 042-242-080 as unsuitably small for affordable housing.

However, the staff report is confusing on this point. It refers to APN 042-242-170 as the “Ravioli” site, and lists a street address of 505 South B Street. This is not the location of APN 042-242-170. APN 042-242-170 is located at 4140 El Camino Real. If it is indeed City-owned, we encourage the City to make plans to develop it, preferably by issuing a Request for Proposals to transfer it to a non-profit housing developer who could build a 100% affordable project on the site. If the site can be consolidated with the neighboring parcels – which have one story commercial or professional uses, and a relatively large percentage of surface parking – the opportunity would be even more meaningful in terms of providing for the need for housing affordable to those with lower incomes.

B. The Analysis Supporting The Government Code Section 65583.2(c)(1) and (c)(2) Calculation Is Insufficient.

The draft Housing Element states that the site inventory “generally” calculates the realistic capacity of each site based on the maximum density, unless the site is smaller than 0.5 acres or has “characteristics similar to the outlier projects,” in which case a density of 18.2 units/acre is used. Draft Housing Element at H-30 to H-31. The HCD comment letter noted that the assumed densities are not sufficiently supported, and we understand that staff is working on a re-draft to take this comment into account. We offer the following comments about the existing draft to aid in this process.

Under section 65583.2(c)(1) and (c)(2), a City that lacks a required minimum residential density for a site, like San Mateo, must “demonstrate how the number of units determined for that site will be accommodated.” Under (c)(2), “the number of units calculated pursuant to paragraph (1) shall be adjusted, as necessary, based on the land use controls . . . , the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on [availability of utilities].” Section 65583.2(g)(1) layers on additional requirements to analyze nonvacant sites: the city is required to “provide an explanation of the methodology used to determine the development potential,” and to consider a number of statutory factors.

HCD provided further guidance about the “capacity analysis” in its site inventory guidebook, at page 19-22. It explained that where a city uses sites that are zoned for nonresidential uses, the city must evaluate the capacity analysis by taking into account that some or all of the site may be developed – as city law allows – for such nonresidential uses, such as commercial or office uses. The City is required to take into account any city laws that constrain development, including setbacks, to calculate the “buildable” area, rather than the total size of the site. The City is also required to take into account typical densities, by looking at other projects that have been built or approved.

Unfortunately, the City’s initial draft does not adequately or accurately analyze the required information, and does not present a reasonable methodology based on the data. To the extent it does identify a methodology, it does not apply it consistently. As currently presented, the claimed capacities on the site inventory are unreasonable and arbitrary.

First, the City’s calculation does not take into account the statute or HCD guidance for adjusting site capacity where nonresidential uses are possible. Most of the sites on the inventory, and by far most of the acres, are not zoned exclusively for residential uses. Some are zoned commercial or office with a residential overlay; others are zoned commercial or office with a requirement that any residential use seek a special use permit; the vast majority permit nonresidential uses. Thus, even if the existing use is likely to cease in the next eight years, the current zoning would allow someone else to begin a new nonresidential use.

San Mateo itself has experience with new developments proposed for sites that are not zoned exclusively residential, which then develop for entirely nonresidential uses. In table 5, listing twenty development approvals during the 2017-2021 time frame, the City itself identifies that five of the twenty sites, and 26.7% of the acreage, were developed for nonresidential uses. Meanwhile, of those sites that did include some residential development, the development was not always 100% residential. Eight of the fifteen projects in table 15 were less than 100% residential. Combined with the five entirely nonresidential projects, 13 of 20 projects listed were not 100% residential. Under the HCD guidance and statutory mandate to consider typical experience with development, the City should apply a significant adjustment downward from maximum density to account for the very real probability that some of the sites may develop for

nonresidential uses. The City's application of maximum density to non-residentially zoned sites improperly ignores its experience of recent years.

Second, the City uses incomplete or misleading data to claim development at maximum density. The City's primary argument for claiming 100% of maximum density for 100% of the acreage is in table 4 of the draft Housing Element. Table 4 distorts the City's typical experience.

Table 4 carves the data into two categories, referred to as "in-fill" and "outlier." The categories appear arbitrary,⁹ suggesting a principled distinction that the City does not rationally apply. Whether intentional or not, the distinction made between "in-fill" and "outlier" excludes from analysis three large, recent developments where a residential project did not develop at maximum density from consideration of the typical experience in San Mateo. Indeed, we were unable to identify a single site where the City applied the "outlier" density of 18.2 units per acre. Instead of being used to analyze sites, the "outlier" category only serves to exclude from the three sites comprising 20% of all units produced since 2017 – and two of the largest three projects by acreage – from the average density built. Cherry-picking the data is not a proper methodology.

Meanwhile, the table also appears to omit recent information. While table 4 includes high density approvals like the unbuilt project at 666 Concar, it deliberately excludes from the average other lower density approvals like the projects at 21 Lodato, 2089 Pacific, or the mixed use projects at 405 E. 4th and 406 E. 3d, which would show that not every residential or mixed use project, even ones that would fairly be called "in-fill," develops at or above maximum density as claimed. Also missing entirely, though it will presumably be added to the next draft, is the City's recent approval of the Draeger's project at 222 E. 4th/400 So. B Street, where the City approved 17,658 square feet of grocery, 104,554 square feet of office space, and just under 9,000 square feet of residential on a 1.14 acre site, for a residential density in this mixed use site of less than 9 units per acre in the downtown area. Similarly, we note that the recent MU2/MU3 approval will not be built at maximum residential density, given the open space and office uses. Even projects fairly categorized as "in-fill" do not always develop at maximum (35 or 50) units per acre, contrary to the site inventory calculation. The City should adjust the calculation downward based on the full data set.

Third, the method is either highly subjective, or arbitrarily applied. To reiterate, we were unable to identify any site that the City applied the "outlier" density calculation to, with the exception of the three outlier sites themselves. Instead, even sites that were materially

⁹ There is little reason, for example, to distinguish 1919 O'Farrell (more than a mile from transit, hemmed in against a freeway in a residential neighborhood) from 220 North Bayshore (more than a mile from transit, hemmed in against a freeway in a residential neighborhood), other than that one developed at higher density than the other, and so is preferred as support for the city's argument.

indistinguishable from the “outliers” were nevertheless listed as accommodating the RHNA need at 100% of the maximum zoning capacity. For example:

- The “outlier” project at 1, 2, and 3 Waters Park Road is located less than 100 feet away – just on the other side of Borel Creek, as it empties into Seal Slough – from the Atrium Office Building at 1900 S. Norfolk (discussed above in section A.3). 1900 S. Norfolk is in the same flood zone and just as far from transit as Waters Park Road.¹⁰ Why was the 1, 2, and 3 Waters Park Road project an “outlier” that developed at a density of 17 units/acre, but 1900 S. Norfolk is listed as accommodating 50 units/acre? The answer isn’t in the zoning code, either: 1900 S. Norfolk is currently zoned as an office park (E1-0.5), and will need to run the gauntlet of seeking approval for a special use permit, just as the Waters Park Road project did. See San Mateo Zoning Code, § 27.44.030(g). 1900 South Norfolk is not fairly lumped in with “in-fill” sites like the Bay Meadows project, where block after block is filled with four and five story apartment buildings and high density on vacant land zoned using a specific plan. Until San Mateo proves through experience that developers will build high density projects on sites like 1900 S. Norfolk, San Mateo cannot assume that they will incur the expense to build 50 units per acre.
- The sites on the continuation of Norfolk on the opposite side of Highway 92 – still along Seal Slough, and still far from transit – are subject to the same conditions as the lower density “outlier” Waters Park Road project. Without a more convincing analysis, the City should thus apply the 18.2 unit/acre average to the sites at Consolidated Site AC (1826 & 1850 South Norfolk; “Parkside Plaza”). Yet even while listing a maximum density of 30 du/ac, the City projects 332 units to be built at Parkside Plaza: a full 50 units per acre on the 6.65 acre site.
- Are there sites like the “outlier” at 220 North Bayshore, developed in a residential neighborhood, on the eastern side of the 101 freeway? We would suggest that

¹⁰ These aren’t the only examples, just the clearest ones. Similarly, 1500 Fashion Island (APN 035-550-040) and the Bridgepointe Shopping Center are also down on the flood plain near Seal Slough, and far from transit stations, but not calculated based on the “outlier” density. We focus on the “flood zone” and “far from transit” rationales, because the third “outlier” distinction – whether the project is built for owner-occupied or rental housing – is inherently unknown about all of the sites in the inventory that have not yet applied for development, and so cannot serve as a rational factor to predict future density. Meanwhile, if the city has in mind other factors that explain the difference between “in-fill” and “outlier,” it hasn’t explained or “demonstrated” site capacities as the statute requires. See Government Code § 65583.2(g)(1) (“and shall provide an explanation of the methodology used to determine the development potential . . .”); § 65583.2(c)(1) (“shall demonstrate how the number of units pursuant to this subdivision will be accommodated.”).

480 North Bayshore, a quarter-mile away, is subject to the same market conditions. Yet the City assumed 480 North Bayshore would develop at a density of 50 units/acre: 47 units. If the City wants to apply its “outlier” principle in an intellectually consistent manner, it should list 480 North Bayshore for just 16 units.

Meanwhile, other calculation rules are also either inconsistently or arbitrarily applied:

- Consolidated Site A (two small medical offices, zoned for office but in a neighborhood of lower rent, older two-story apartment structures) appears to be treated as having a 25 unit/acre RHNA credit: 50 units per acre for high density, then cutting it in half because each of the sites separately was less than 0.5 acres. The two medical offices might better be considered more like the outliers on Campus and Bayshore: far from transit, far from the places where new, high density apartment buildings are actually being built. But regardless, cutting the density in half because the pre-consolidated parcels weren’t 0.5 acres doesn’t seem to be a consistently applied rule, either. *See, e.g.,* Consolidated Site AD (containing parcels smaller than 0.5 acres, but assuming development at 50 units/acre).

Fifth, the analysis doesn’t discuss how the city’s development rules reduce the acreage available for residential development. HCD’s guidance shows that where the city’s rules – for example, for setbacks or required first floor retail – constrain the site, the numbers should be adjusted downward. As others have commented, Measure Y in particular may represent a significant constraint. But other provisions of the zoning code could impact the ability to build to maximum density, or use the entire acreage as “net buildable” space. *See, e.g.,* San Mateo Zoning Code § 27.29.118 (prohibiting residential uses on first floor in mixed use projects in downtown), 27.30.027 (prohibiting ground floor residential uses in the first 30 feet facing El Camino Real or 25th Avenue), 27.39.100 (required retail frontage in downtown), 27.42.010 (“Street Wall” regulations requiring upper floor setbacks in the downtown).

Sixth, the calculation fails to engage in site-specific adjustments, including regarding the current use or other constraints, as required by 65583.2(c)(2) and (g)(1). The Mollie Stone’s and Hillsdale North Block examples, discussed above, both illustrate this problem. The likelihood that the existing use will continue precludes listing these sites for lower income RHNA credit under section 65583.2(g)(2), but under (c)(2) and (g)(1), the City would still need to separately evaluate whether the existing uses provide a constraint on the ability to develop the entire site in order to correctly calculate the accommodation of moderate and above-moderate income households. The likelihood that the current owner of the Mollie Stone’s site will want to consider the grocery store use, based on market conditions and location, as part of their interest in a “specific plan,” means that the City should consider whether a 100% residential development is a fair calculation of site capacity. The City is required to address whether it foresees a significant retail presence there: a development more like the Draeger’s approval, where an existing grocery store was incorporated into the site plans and the site was developed at

less than 20% of the maximum residential density. Similarly, given that the \$200+ million construction of Hillsdale North Block precludes use of the 12.5 acres there, and the pedestrian bridge shows an intention to continue the use of the Nordstrom building at a minimum, the City needs to analyze which portions of the Hillsdale site might realistically be developed as residential housing during the next eight years, then reduce the calculation to take these site constraints into account.¹¹

State law requires that the City develop and justify a cogent, realistic methodology to support its anticipated production calculations, and requires that it apply that methodology consistently and thoughtfully to the site inventory to yield realistic results. The current analysis and approach is insufficient, and the problems with it won't be remedied merely by providing additional discussion. The "in-fill"/"outlier" methodology does not make sense: it appears subjective, overly-rudimentary, and arbitrary, and even if better explained may not legally "demonstrate how the number of units determined for [each] site . . . will be accommodated." Unfortunately, the analysis so far appears to lack principles that can rationalize the densities used. Along with HCD, we look forward to improvements in the next draft.

C. Additional Comments On Zoning Status.

As noted above, a number of sites included in the City's inventory are zoned commercial or office without a residential overlay. We request that San Mateo rezone these sites to add a residential overlay, so that developers are assured that residential uses will be permitted, rather than hope the desired inclusion of residential uses will be permitted on a site-by-site basis as part

¹¹ The Fishmarket site at 1863 South Norfolk is another example of the City not taking the analysis to the required next level. After identifying a methodology to estimate yields (Government Code § 65583.2(c)(1), the City is then supposed to consider site conditions and make adjustments. *Id.* (c)(2). In the case of 1863 South Norfolk (the "Fish Market"; APN 035-383-200), just across the street from Parkside Plaza and squeezed between South Norfolk and Seal Slough, the City would need to start with its "outlier" calculation. Indeed, in a development application last year, the site owner initially proposed 74 townhomes, along with public space concessions to try to seek a special use permit for the property. The request was for 21 units/acre on a 3.5 acre parcel, quite close to the 18.2 estimate for outliers.

More recently, the owner has come back with a new plan; this time for 321 units (over 91 units/acre) in sixty foot tall buildings. How much is fair to estimate? More analysis is required, including consideration of Measure Y, and whether neighbors and the City will want some open space along the shoreline. (There is also the potential site constraint of BCDC jurisdiction, which might affect the ability to obtain an approval so close to the shoreline).

Regardless, the City's current estimate of 30 units per acre lacks reasoning or principle under either the "in-fill" or "outlier" rationales. The 45 units per acre applied to 1500 Fashion Island (273 units/6.08 acres) likewise seems disconnected from the city's explanation of the math. Even if these numbers were chosen deliberately based on site-specific conditions, an explanation is required to meet the statutory requirement.

of project-specific approvals. Uncertainty regarding the ultimate success of a rezoning effort discourages residential development in the City. The entire point of the housing inventory is to determine if there are sufficient sites that are either (1) vacant and zoned residential, (2) vacant and zoned for nonresidential use “that allows residential development,” (3) residentially zoned sites capable of being developed at a higher density, or (4) “sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element contains a program to rezone the site, as necessary, to permit residential use.” Government Code § 65583.2(a)(1)-(4). The sites zoned for commercial or office use, without a residential overlay, do not fall within 65583.2(a)(3), because they are not zoned residential. They must therefore be included in a program to rezone to affirmatively permit residential use. Having the City retain discretion to refuse or condition residential development on these properties does not make them available as required by state housing law.¹²

The City should also consider the impact of Government Code section 65583.2(h). Section 65583.2(h) provides that at least fifty percent of the need for very low and low income housing must be accommodated on sites designated for residential use where non-residential uses are not permitted. This would not appear to apply to San Mateo’s site inventory, because at least fifty percent of the need is proposed to be met using mixed use sites that allow commercial uses. (For example, the Bridgepointe and Hillsdale shopping centers, zoned for commercial uses, *see, e.g.,* City of San Mateo Zoning Code chapter 27.34). Meanwhile, the alternative of accommodating 100% of the very low and low income need on sites designated for mixed uses, “if those sites allow 100 percent residential use,” would appear not to apply to certain of the City’s zoning designations. *See, e.g.,* City of San Mateo Zoning Code § 27.38.110. The City should evaluate how to address the impact of this statutory provision as part of the final drafting of the Housing Element.

* * *

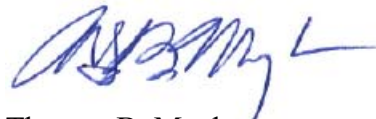
Based on the analysis above, San Mateo’s draft Housing Element does not comply with state law, because it proposes to meet more than 50% of the need for affordable housing with sites that are not vacant, and does so without substantial evidence that they are likely to be redeveloped. The City’s current analysis, which fails to analyze or account for leases, whether parcels proposed to be consolidated are under common ownership, recent remodeling/construction indicating that existing uses will continue, and other obstacles to development in the next eight years, is insufficient to meet its responsibility under state housing law. In particular, the City lacks substantial evidence showing that the Bridgepointe and Hillsdale shopping center sites have existing uses that are “likely to discontinue” during the next eight years, but as the other examples we cite above illustrate, the required analysis under 65583.2(g)(1) and (g)(2) must be done for each site separately in order to have a valid Housing

¹² We note, for example, that the Waters Park Road project, zoned E-1, sought a rezoning because it was not zoned residential, as part of its attempt to seek permission to redevelop the site. Sites on the inventory should not have to go through this step.

Element. The estimates of how many units will be accommodated in each category also need considerable work before the reasoning will stand up to HCD or court analysis under 65583.2(c)(1) and (2), and (g)(1).

Given the substantial need for suitable, available, and realistic housing sites zoned to meet San Mateo's share of the regional need, we suggest that additional sites will need to be identified and potentially rezoned to ensure compliance with state housing law. A more substantial inventory will avoid the possibility that the Housing Element will be invalidated in the event that HCD or a court agrees with the arguments above.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

January 7, 2023

Via E-Mail

Housing Manager
City of San Mateo
Planning Division
330 W. 20th Avenue
San Mateo, California 94403

E-Mail: housing@cityofsanmateo.org

Re: Draft Housing Element for City of San Mateo 2023-2031
Comments of Housing Action Coalition

Dear Housing Manager, Planning Commission, and City Council:

On behalf of the Housing Action Coalition,¹ we write to further comment on the draft 2023-2031 Housing Element for the City of San Mateo, including changes in the December 2022 draft. The draft Housing Element still does not meet the City's obligation to plan and provide for affordable housing. Absent substantial revisions, it may be found in violation of state law.

Below, we identify two significant issues to be addressed as San Mateo continues to work on formulating an acceptable Housing Element. First, San Mateo has included a number of sites that do not have a realistic likelihood of becoming housing during the next eight years, as required to meet the need for new housing. The inventory includes a major shopping center and a regional mall and claims that these are housing sites that will redevelop in the next eight years, despite busy stores, new long-term leases, and even multimillion dollar improvements that conclusively demonstrate that the current retail uses will continue. Second, San Mateo's methodology for identifying how much of the regional need will be met by the sites on the inventory appears both unprincipled and inconsistently applied. In order to properly evaluate whether the site inventory will meet the needs of San Mateo's anticipated population growth, San Mateo needs to formulate a proper methodology and then apply it consistently, and explain how it evaluates site-specific information, other potential uses of the property, and market evidence on what is likely to actually be built.

¹ The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

A. The City Includes Sites That Are Not “Suitable And Available” Because They Do Not Have A “Realistic And Demonstrated Potential” For Redevelopment During The Planning Period To Meet The Need For Housing.

One of the most concrete aspects of any housing element is the inventory of land “suitable and available” for residential development to meet the city’s regional housing need by income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p. 1 (https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf). The list is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels.

Where nonvacant sites are listed on the sites inventory, there must be a “realistic and demonstrated potential for redevelopment” during the next eight years. Government Code § 65583(a)(3). To address past abuses – including where cities list unrealistic sites in order to avoid required rezoning – the California Legislature created a high standard for listing sites that are currently being used for something other than housing. Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development “based on substantial evidence that the use is likely to be discontinued” during the planning period. Government Code § 65583.2(g)(2) (final sentence). The City must analyze the evidence: existing leases, market demand for the existing uses, and anything else that would indicate whether existing uses will continue. Government Code § 65583.2(g)(1).

As explained below, the current draft prepared by San Mateo identifies a number of non-vacant sites that are not realistic, suitable and available for redevelopment. The City relies heavily on the speculative and unlikely assumption that existing uses will cease during the next eight years in favor of affordable housing.

1. The Bridgepointe Shopping Center
(APN 035-466-070, -080, -090, -100, -110)

The City’s draft fails to address whether the existing uses will cease during the next eight years. Absent substantial evidence that existing uses will “likely” discontinue, San Mateo cannot count the Bridgepointe Shopping Center parking lot and stores as addressing the need for sites available, realistic, and suitable for 233 units of lower income housing.

As our prior letter explained, the parcels that make up the Bridgepointe Shopping Center have existing uses, with long-term leases and likely rights to the parking lot, that preclude residential development during the period covered by the next Housing Element. While the City has now dropped the ice rink parcel, which had been unoccupied but is now back in operation as

an ice rink, the City fails to mention, much less evaluate, evidence concerning existing leases from major national tenants in place at this power center, with existing leases extending for almost the entire period covered by the Housing Element:

- APN 035-466-070 includes current retail uses by Ross Dress for Less, Marshall's and Total Wine & More. Total Wine & More has a lease through 2027. See Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 4. Ross opened here in 2021. It is unlikely that Ross moved in with a short-term lease. The City does not appear to have analyzed leases to determine their effect on whether sites are available for housing, as required.
- APN 035-466-080 is occupied by Hobby Lobby, with a lease through 2029. See Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 1.
- APN 035-466-090 is occupied by a number of national retailers, including Verizon, Petco, Ulta Beauty, and Cost Plus World Market. Ulta Beauty is known to have a lease through 2032. See Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 2.
- APN 035-466-110 is the loading dock access for all of the stores on parcels APN 035-466-070, -080, and -090, and too narrow to feasibly develop for housing.
- APN 035-466-100 is the parking lot, and is likely subject to the leases of each of the retailers. It is also likely subject to lease rights from the non-listed restaurant parcels on the periphery, and the ice rink.² While it is theoretically possible the lease agreements for the shopping center are compatible with residential development on the parking areas that serve the shopping center, the burden is on the City to demonstrate that such development is likely during the planning period. The City has failed to analyze lease rights that may impede housing uses, as required by the statute.

Particularly given the existing uses, and the publicly known information about existing long-term leases with major national retailers that preclude building housing within the next eight years, the City cannot credibly claim that it is "likely" that these existing uses will

² The parking lot is also larger than 10 acres, and so is subject to the additional analysis of Government Code section 65583.2(c)(2)(B) ("A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing."). No site of this size was developed for 147 units of lower (very low, low) income housing; the closest comparable size, Station Park Green, was a market rate project with only 60 units of lower income housing in a project of 599 units.

discontinue. While the City explains that it has had “a variety of discussions with the shopping center’s ownership representatives who expressed interest in mixed-use redevelopment,” (December 2022 draft at H-36), it fails to address *when* redevelopment might occur. The City asserts that the General Plan Update is exploring policies to “guide redevelopment of the shopping center,” and refers to a “draft land use plan designat[ing] Bridgepoint as Mixed-Use High, which could allow up to 200 units per acre.” *Id.* But given that City voters have twice approved a cap of 50 units per acre (Measure P, extended to 2030 by Measure Y), the City’s optimism provides no realistic assurance that affordable housing will be built here before Measure Y, and the 2023-2031 draft Housing Element, expire. Finally, the City’s broad reference at page H-C-14 to a “market trend” of developers that “bought out long term businesses to allow redevelopment into housing” refers only to “underutilized” properties; the Bridgepointe Center is not underutilized. The City’s argument does not meet the substantial evidence standard for the likelihood of development of this specific site, with its specific constraints and existing uses, during the relevant planning period.

Don’t get us wrong: Housing Action Coalition also hopes that Bridgepointe will begin redevelopment within the planning period, and it hopes that the City is successful in rolling back the restrictions of Measure Y through its General Plan revision efforts so that Bridgepointe can be developed with high-density housing. But without a showing, based on substantial evidence, that it is *likely* that Bridgepointe will redevelop “within the planning period,” the City should add sites to the inventory that are available to meet the need for affordable housing.

2. Hillsdale Mall

(APN 042-121-040, -060, -080; 039-490-050, -170; 039-353-010, -020, -030, -040)

As discussed in Housing Action Coalition’s prior comment letter, the question about Hillsdale Mall is not about whether the owner is interested in some mixed use housing for the site. The issue is when and how much housing will be built, and on which parcels or portions of parcels. Here, the City lacks evidence to justify the projections on the site inventory, or to claim that the existing uses are likely to discontinue soon enough for housing to be built during the required timeframe.

Retail uses of Hillsdale Mall are almost certain to continue through the next eight years. With the owner just having spent \$240+ million on the Hillsdale North project on 12.5 acres of APN 039-490-170, including a new food court on the portion spanning 31st Avenue to connect to the even larger portion of the mall that includes Macy’s and Nordstrom, the City Council cannot credibly make findings that all existing uses of that parcel will likely discontinue in the next eight years. Government Code § 65583.2(g)(2). Similarly, the substantial improvements and

new long-term leases at Hillsdale South show that redevelopment of that portion of APN 039-490-170 is also unlikely to take place during the period covered by the draft Housing Element.³

The City makes much of the owner's expressed desire to build housing, including showing images of the owner's proposals to modify the City's general plan to allow housing of 100-200 units/acre on portions of the site. Current San Mateo law does not permit these plans to go forward. As with Bridgepointe, the reality is that the City's voters have constrained housing production by adopting Measure P, then Measure Y, which prohibit such density until 2030. Without knowing the outcome of a hypothetical ballot initiative in 2024 that might permit such density (see December 2022 Draft at H-B-56), the City cannot reliably predict that the owner will attempt to build before Measure Y, and the current Housing Element, expire.

3. The Atrium: 1900 South Norfolk Street (APN 035-391-090)

As stated in Housing Action Coalition's earlier comment letter: The executive office building located at 1900 South Norfolk Street is currently used by a large number of office tenants. The draft Housing Element does not perform any analysis of the current use, including whether existing leases would create obstacles to residential development of the site during the next eight years. Publicly available information indicates that a number of leases continue to be signed or renewed for this three-story office building, with at least one such lease publicly reported to extend until 2030. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 9. The City should perform the required analysis under Government Code section 65583.2(g)(1), and evaluate whether it has substantial evidence to make the finding that existing uses are "likely to discontinue" during the next eight years, as required by section 65583.2(g)(2). If not, the City should not claim that this site meets the need for 99 lower income affordable housing units, even if the owner has expressed a long-term interest in redevelopment.

The site is currently zoned "executive office," with no residential overlay to make residential housing a permitted use (except by discretionary application for a special use permit). The City does not include a plan to rezone the site to make residential use a permitted use, as required by Government Code sections 65583.2(a)(4) and 65583(c). The owner of the property has indicated an interest in building housing *if* the site is rezoned; nothing suggests that the owner has an interest in going through an expensive two year gauntlet to apply for discretionary

³ Parcel 039-490-170 is also subject to the same problem as the Bridgepointe parking lot site: the City lacks any evidence that a site this large can be developed for 485 units of affordable housing. Government Code § 65583.2(c)(2)(B). The City has never seen a development include that much affordable housing; none of its cited examples come anywhere close. Under the City's inclusionary housing ordinance, even if all 28.91 acres of the parcel were developed and resulted in 1,199 units, only 15% of them would be required to be affordable for lower income households: 179 units, not 485. Meanwhile, the City's citation to projects that were predominantly market-rate, with only limited numbers of lower income units, fails to meet the statutory requirement.

permission to see if the City is willing to let residential housing be built here. The City needs substantial evidence that the existing use will discontinue, paired with a rezoning of the site, in order to take credit on the site inventory towards meeting the Regional Housing Needs Allocation (RHNA).

4. Borel Shopping Center (71-77 Bovet; 1750 El Camino Real)
(Consolidated Site AH: APN 039-011-450, -460, -470, -480, -500, -510)

As stated in Housing Action Coalition's earlier comment letter: This site is a busy shopping center anchored by a CVS Pharmacy, a 24 Hour Fitness,⁴ a branch of Patelco Credit Union, a UPS store, and a separate restaurant building for Jack's Restaurant and Bar. There is publicly available information showing that the lease for Jack's extends well into the planning period. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 11 (indicating Jack's lease extends from 2013-2029). The City should perform the required section 65583.2(g)(1) analysis of the existing leases, and current market demand for the retail uses at the location. The City currently lacks substantial evidence that the site's existing use is "likely to be discontinued" during the next eight years. It should not count towards 85 units of housing affordable to lower income households.

5. The Elks and The Shriners – 229 W. 20th Street and 150 W. 20th Street
(APN 037-052-350 and APN 039-030-220)

The Benevolent and Protective Order of Elks, Lodge 1112 ("San Mateo Elks Lodge"), has been located at 229 W. 20th Street since 1954. The San Mateo Elks Lodge has a membership of over 1,100 as of earlier this year. The Elks use their lodge to operate a popular swimming center for kids and families, hold crab feeds and other events in the meeting hall, and engage in fun activities and philanthropic works.

The only suggestion that the San Mateo Elks are not likely to continue their existing use of the Elks Lodge at 229 W. 20th Street is the statement on the site inventory that "Preliminary conversations with the owner to convert to residential have occurred." That kind of statement might sometimes go unnoticed and unquestioned by the City Council, HCD, or a court. But here, no one should take it as an adequate answer to the question of whether the San Mateo Elks will stop using their lodge in the next eight years. The reason is that the 2015 Housing Element, when listing the same site, said the same thing, word-for-word: "Existing private member club. Preliminary conversations with the owner to convert to residential have occurred."⁵ Nothing has

⁴ In 2008, the 24 Hour Fitness substantially modified the building it occupies when it moved into a space formerly occupied by Albertson's. It added locker rooms, a swimming pool, basketball courts, showers, and other tenant improvements at a cost exceeding \$2.2 million. BD-2007-230493; BD-2007-230029; BD-2008-230692.

⁵ In order to rely on conversations purporting to express intent, the public needs to know much more. Who had the conversation cited by the City, and with whom did they have it? Has

happened in the last eight years to suggest that “preliminary conversations” are substantial evidence on which to predict a likely discontinuation of the existing use, even if the more recent note is based on more recent preliminary conversations, instead of the “preliminary conversations” that took place eight years ago. This site should not be counted towards accommodating the need for 77 units of housing affordable to lower income households. Government Code § 65583.2(g)(2).

A second private club is located just down the street at 150 W. 20th Street: the Shriners. The Shriners are likewise a longtime institution in San Mateo, and are likewise committed to philanthropy and social activities. The Shriners’ building is used in part for a day care center. The site inventory provides insufficient detail to evaluate whether they plan to move out in the next eight years, saying only “Owners have considered mixed use with residential.” Without more, this is insufficient to justify concluding that the Shriners actually plan to leave or redevelop in the short or mid-term, or to treat their property as accommodating the need for 32 units of lower income housing.

The same analysis applies to other sites. *See, e.g.*, 1500 Fashion Island Blvd. (APN 035-550-040) (“Developer interest in redevelopment.”); Consolidated Site B (APN 032-312-250, -270, -150, -100, -070) (“General interest in redevelopment”). Vague expressions of interest do not constitute substantial evidence that the existing use will likely cease during the next eight years. Sections 65583.2(g)(1) and (g)(2) require more analysis, more evidence, and more likelihood.

6. Mollie Stone’s – Olympic Shopping Center

(Consolidated Site AD:

APN 042-242-050, -060, -070, -160, -180;

042-243-020, 042-244-040, -050;

042-245-040, -050, -060, -070, -080, -090, -100, -110, -120, -130;

042-263-010, 042-264-010)

This site, consisting of twenty parcels, is claimed to accommodate 161 units of housing affordable to those with lower incomes. The only basis for including it appears to be the claim that there is “ownership interest in specific plan redevelopment,” which does not indicate that all of the parcels would be redeveloped as housing at the maximum density, or indicate who said what to whom, and when.⁶

the Lodge taken any affirmative steps toward redevelopment beyond this conversation? Without more, the vague reference to “preliminary conversations” between unidentified speakers on an unidentified date does not constitute “substantial evidence.”

⁶ Here too, the concern about specificity is not idle. There are five separate owners. Carstens Realty owns most of the parcels, but CLC Investments, Sadigh Sassan, Shamco E LLC, and San Mateo Investment Co. each own one. The City does not discuss or address whether the

Meanwhile, and as discussed further in section B below, the draft Housing Element does not adequately analyze or demonstrate the realistic capacity of the site. Under section 65583.2(g)(1), for a nonvacant site like this, the city must “specify the additional development potential for each site within the planning period.” The required analysis is currently missing. A realistic assessment of the current uses and market conditions would preclude listing the entire site at maximum density. Mollie Stone’s is the only full-service grocery store in the surrounding area. For households in the southwestern portion of town (for example, everyone near Laurel Elementary School and south to the Belmont border), closing Mollie Stone’s would more than double their travel times to the nearest grocery, and extend them well beyond the one-mile used to define a “food desert” – a condition no one expects to develop in this well-resourced city.⁷ Currently San Mateo’s land use pattern follows the predictable pattern: few, if any, households are more than one mile from a grocery. There is no reason to believe that the market need for grocery stores will make the need for Mollie Stone’s, or another grocery store, superfluous in this part of town. Particularly as San Mateo’s population grows, the need for grocery stores will increase, not diminish.

This means that any redevelopment or specific plan of the Olympic Shopping Center will almost certainly include a substantial retail component, at least on the ground floor. Mixed use may be a responsible way to increase density, but it precludes listing the site at maximum density, particularly given the constraints of Measure Y. The City must conduct further analysis, including an analysis of existing leases, common ownership, and market conditions, before claiming that this site will meet the needs for construction of 161 units of housing affordable to lower income households. And, given the substantial demand for the existing use, the City may not be able to make the required finding under section 65583.2(g)(2).

7. Site AN (4100 and 4142 El Camino Real)
(APN 042-242-170 and -080)

On the draft Housing Element site inventory, consolidated Site AN consists of a City-owned vacant site and a neighboring parcel. In a recent staff report for the November 7, 2022 meeting, the chart responding to HCD comments indicated that the City had two City-owned sites: the “Talbot’s” site (APN 034-179-050 and -060), and APN 042-242-170, which it referred

five are willing or interested in a joint project, though it lists each of them as having expressed interest in a specific plan. Without evidence of what makes consolidation likely, the smaller sites are deemed insufficient to accommodate the need for lower income housing. See Government Code § 65583.2(c)(2)(A).

⁷ If Mollie Stone’s closed, and no grocery store was rebuilt in its place, it would create the unlikely situation where an affluent, urban community became a “food desert.” The United States Department of Agriculture has defined a “food desert” as an area where at least 500 people, or 33% of the tract population, reside more than one mile from a full-service supermarket. https://www.ers.usda.gov/webdocs/publications/45014/30940_err140.pdf.

to as the “Ravioli” site. The chart indicated that staff recommended adding to the narrative about the Talbot’s site, but recommended removing the Ravioli site from discussion.

The draft Housing Element had shown the two sites APN 042-242-170 and APN -042-242-080 as having a potential for consolidation, but if the City does not plan to sell APN 042-242-170, and instead plans to take it off of the site inventory, it should also remove APN 042-242-080 as unsuitably small for affordable housing.

However, the staff report is confusing on this point. It refers to APN 042-242-170 as the “Ravioli” site, and lists a street address of 505 South B Street. This is not the location of APN 042-242-170. APN 042-242-170 is located at 4140 El Camino Real. If it is indeed City-owned, we encourage the City to make plans to develop it, preferably by issuing a Request for Proposals to transfer it to a non-profit housing developer who could build a 100% affordable project on the site. If the site can be consolidated with the neighboring parcels – which have one-story commercial or professional uses, and a relatively large percentage of surface parking – the opportunity would be even more meaningful in terms of providing for the need for housing affordable to those with lower incomes. Even still, the City would need to engage in the process of determining that it is likely the existing uses on the neighboring parcels are likely to be discontinued during the planning period such that consolidation of the sites is feasible and realistic.

B. The Analysis Supporting The Government Code Section 65583.2(c) Calculation Is Insufficient.

In order to determine that the City has a sufficient number of sites to meet the need without rezoning, a key calculation is the projected number of units at each level of affordability. If the City overestimates how many units will be built on the sites it includes, it will incorrectly conclude that it does not need to identify any more. Unfortunately, the City’s current draft makes just this error.

The estimate of units on each site is governed by Government Code section 65583.2(c), which provides:

The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) . . . If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic

development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

The draft Housing Element fails to demonstrate that the site inventory numbers reflect the realistic development capacity for each site. For sites with the potential for mixed or non-residential use, the Housing Element calculates a discounted probability of residential development, but fails to apply it. For sites zoned entirely residential, the site inventory cherry-picks the data in an effort to claim that every site is likely to be developed at the maximum density permitted by San Mateo zoning laws.

1. Mixed Use/Non-Residential Zoning.

In the site inventory guidebook, HCD explains that where a city uses sites that are zoned for nonresidential uses, the city must evaluate the capacity analysis by taking into account that some or all of the site may be developed – as city law allows – for such nonresidential uses, such as commercial or office uses.

The City discusses this issue at pages H-31 to H-34 of the draft Housing Element, using the data in table 5. It states that 80% of sites developed during 2017-2022 were developed with at least some residential housing.⁸ It states that to account for this, “For those sites that assume mixed-use with residential components in the site inventory, potential density is assumed more conservatively at 30 to 35 du/ac.” December 2022 draft at H-31.

Unfortunately, the City does not consistently apply the results of this analysis. Instead of applying the mixed-use density number uniformly, it picks and chooses which sites the City “assume[s]” will be mixed-use, and then ignores the prospect that others may also have mixed-use or no residential use at all. The following sites are zoned for non-residential uses per the site inventory with a reported maximum density of 50, but the City nonetheless lists them at densities higher than what it claims is the “conservative” 30-35 du/ac:

⁸ Note that here the City counts projects, instead of evaluating by acreage. Larger sites are more likely to be developed for commercial or office uses. Table 5 shows that while 20 of 25 sites contained at least some residential component, only 19.99 of the 80.88 acres (75%) did. A realistic calculation of the likelihood of residential development should apply the proportion developed by acreage before multiplying it times the allowable units per acre, rather than using the percentage of sites with entirely non-residential uses.

Mixed Zoning Sites With Max Of 50, Not Properly Adjusted For Mixed Zoning:

Site	Zoning ⁹	Capacity per Inventory	Capacity at 30-35 du/ac because of mixed or non-residential potential (before accounting for site-specific factors)
G: 77 N. San Mateo	E2-0.5/R5	25 [39.682 du/ac]	19-22
N: 487 S. El Camino/ 62 E. 4 th /E 5 th and San Mateo Dr.	CBD/R	157	94-110
1500 Fashion Island	E1-0.62/R	273 [45 du/ac]	182-213
2118 El Camino: Catrina Hotel	C3-1/R4	56 [76.71 du/ac, despite a City-wide maximum of 50]	22-26
2955 El Camino	TOD	114 [50 du/ac]	69-80
039-360-140	TOD	67 [50 du/ac]	40-47
AC: Parkside Plaza	C1-0.5/R4	332 [50 du/ac]	200-233
220 W. 20 th	E1-1/R4	77 [50 du/ac]	46-54
150 W. 20 th	E1-1/R4	79 [40 du/ac]	59-69
2900 El Camino	C3-1/R4	54 [50 du/ac]	32-38
2838 El Camino	C3-1/R4	59 [50 du/ac]	35-41
4060 El Camino	C3-1/R4	51 [50 du/ac]	31-36

⁹ E1 = Executive [Office] Park.
E2 = Executive Offices
C1 = Neighborhood Commercial
C3 = Regional/Community Commercial
TOD = Transit Oriented Development (mixed use)
/R = Residential Overlay (residential as permitted, rather than special, use)

2028 El Camino	C3-1/R4	19 [50 du/ac]	11-13
2030 S. Delaware	TOD	52 [50 du/ac]	31-36
AL: Ah Sam	C3-2	105 [46 du/ac]	69-80
AM: 1670 Amphlett Blvd.	E2-1	289 [50 du/ac]	173-202
AM: 1700 Amphlett Blvd.	E2-1	203 [50 du/ac]	122-142
AM: 1720 Amphlett Blvd.	E2-1	230 [50 du/ac]	138-161
AN: 4100/4142 El Camino	C1-1.5/R4	28 [39 du/ac]	22-25
	Totals:	2,270	1,395-1,628
	Overestimate:	642-875 units	

The sites in the following chart are zoned for non-residential uses per the site inventory with a reported maximum of 30 or 35 units/acre, but the City does not discount them to take into account the possibility of non-residential development. Applying the City's data showing that mixed zoning sites develop at less than 80% of the maximum zoning, these sites should be estimated at no more than 24-28 units/acre:

Mixed Zoning Sites With Max Of 30-35, Not Properly Adjusted For Mixed Zoning:

Site	Zoning	Capacity per Inventory	Capacity at 80% of maximum zoning (before accounting for site-specific factors)
1885 S. Norfolk St. (Fish Market)	C1-1 Neighborhood Comm'l	105 [30 du/ac; zoning max is 35]	98
AB: 210 S. San Mateo	CBD "Central Business Dist."	35 [50.7 du/ac; zoning max is 30]	17
AE: The Great Entertainer	R3/C2-1 Regional Comm'l/Medium Density	44 [29.72 du/ac; zoning max is 35]	41

AF: 350 N. San Mateo/220 E. Poplar	C2-1, C2-2 Regional Comm'l	19 [30 du/ac; zoning max is 35]	18
AH: 71-77 Bovet	C1-2 Neighborhood Comm'l	209 [35 du/ac; zoning max is 35]	186
1900 S. Norfolk	E1-0.5 Exec. Office Park [no resid. overlay]	245 [30 du/ac; zoning max stated as 35]	229
	Totals:	657	589
	Overestimate:	68 units	

The City also takes an inconsistent approach to “pre-application” projects. Some are estimated based on similar experience throughout the City (e.g., Fishmarket, estimated at 35 du/ac despite the owner’s proposal of 260 units).¹⁰ But for others, the City takes credit based on the projected number of units out of a “pre-application” or pending application, even though the application itself has not yet been approved or, in most cases, even submitted. While some of these sites may ultimately develop for the proposed density, using the un-approved density from a pre-application is not a realistic assessment of their likely capacity. Until entitlements issue and the projects move forward, the realistic estimate of the site’s capacity should be based on the typical capacity based on the mixed-use sites that have been approved or built, i.e., 30-35 units/acre:

“Pre-Application”/Pending, Not Properly Adjusted for Mixed Zoning:

Site	Zoning	Capacity per Inventory	Capacity at 80% of maximum zoning (before accounting for site-specific factors)
Site AO: Block 20	CBD/S Central Business District Support	84 [72.4 du/ac]	35-41
Site Y: Hillsdale Inn (477 E. Hillsdale Blvd.)	C2-0.5 Regional/Comm. Comm'l	230 [75.4 du/ac]	92-107
1495 El Camino	E2-1/R4 Executive Office/High	35	20-24

¹⁰ At 260 units on 3.5 acres (75 du/ac), the owner’s proposal would appear to exceed Measure Y, and so is indeed unrealistic, at least for purposes of calculating a site inventory capacity. This also assumes that all 3.5 acres is developable, despite Bay Conservation District jurisdiction over this shoreline parcel.

	Density Residential	[51.47 du/ac] ¹¹	
R: 4 th /Railroad “Bespoke” ¹²	CBD/R Central Business District	60 [52 du/ac]	35-41
Site AG: Nazareth Vista	C1-3/R5 Neighborhood Commercial with Residential Overlay	48 [75 du/ac]	19-22
477 9 th Ave.	E2-2 [Executive Office, No Residential Overlay]	120 [75 du/ac]	48-56
	Totals:	577	291
	Potential Overestimate:	249-291	

By failing to follow through on the HCD required analysis – that properties zoned for non-residential uses will sometimes not become housing at all – the draft overestimates the capacity of its inventory. Based on the City’s own analysis, that sites where mixed or non-residential use is permitted should be estimated at 30-35 units/acre, the City overestimated the capacity by 710-943 units, over 10% of the RHNA totals. And if the “pre-application” sites are adjusted to reflect average capacities for mixed use zoning, instead of accepting pre-application numbers at face value, the overestimate is as high as 1,234 units, constituting 17.5% of the RHNA totals. Before adopting the Housing Element, the City should adjust the site inventory capacity calculations to comply with the state law requirement of realistic, demonstrated capacities, and then identify additional sites to make up for the shortfall.

2. Residential Zoning.

For the limited number of sites on the inventory that are zoned residential without the potential for non-residential uses, the City’s analysis is also flawed. As discussed in the Housing Action Coalition’s prior comment letter, the draft “cherry-picks” data to argue that capacities should be calculated based on the maximum permitted under the City’s zoning laws. At pages H-30 through H-31, and in table 4, the City separates prior residential developments into two categories: “in-fill” and “outliers.” The so-called “outliers” represent over 20% of the units, and 46% of the residentially zoned land: it is unreasonable to disregard them when computing the

¹¹ Note that this pre-application appears to have been submitted in 2017, suggesting that it might be a particularly poor basis for an estimate made in 2023.

¹² Note: Only two of the six parcels described at page H-C-33 (narrative description of the “Bespoke” project) are listed on the site inventory.

average. The average density for residential projects, combining both parts of table 4, is approximately 40 units/acre.

Notably, the draft applies the “outlier” density of 18.2 units/acre to only three sites, all adjacent to one another at 717-801 Woodside Road. The sites are in a residential neighborhood surrounded by other apartment buildings.

Meanwhile, the City does not apply the “outlier” density to sites that would appear to have far more in common with those on the list. The “outlier” project on Waters Park Drive was zoned “executive office”; it borders Borel Creek as it flows into Seal Slough. Less than 100 feet away, on the opposite side of Borel Creek as it flows into Seal Slough, is 1900 S. Norfolk Street, zoned “executive office.” Yet while the Waters Park Drive project developed at a density of just 17 units/acre, the City projects a capacity for 1900 S. Norfolk of 245 units on 8.18 acres: 30 units per acre. If indeed the Waters Park Drive project resulted in low density because of site-specific conditions (adjacency to the busy Highway 101-Highway 92 interchange; located in a flood zone; no residential zoning overlay), then consistency would demand similar treatment for 1900 S. Norfolk. For that matter, Parkside Plaza and Fishmarket are similarly adjacent to Seal Slough and right next to the interchange; they should also be projected at the “outlier” density.

3. Site-Specific Adjustments.

State housing law requires that site-specific conditions also be taken into account. In the narrative discussion of specific sites in draft Appendix C at pp. H-C-35 through H-C-49, the City identifies site-specific issues that should further reduce the realistic, demonstrated capacity. At the Fish Market and 1900 S. Norfolk sites, for example, there are required setbacks from Borel Creek and Seal Slough. 1900 S. Norfolk is also next to a freeway interchange, and so has restrictions on height relating to the height of the freeway railing; the site also has a long tail that winds around a PG&E substation, none of which could be developed and which should therefore be ignored in calculating realistic capacity. See December 2022 Draft Appendix C at p. H-C-39. Meanwhile, the City seems not to have considered the potential effect of San Mateo Zoning Code section 27.44.065 to this site (currently zoned E1): at least 35% of the parcel area must be open-space, preventing over 1/3 of the land from being developed for housing. Other sites also have odd shapes or watercourse adjacencies. Still others are subject to other rules governing setbacks or required ground-floor uses. See, e.g., San Mateo Zoning Code § 27.29.118 (prohibiting residential uses on first floor in mixed use projects in downtown), § 27.30.027 (prohibiting ground floor residential uses in the first 30 feet facing El Camino Real or 25th Avenue), § 27.39.100 (required retail frontage in downtown), 27.42.010 (“Street Wall” regulations requiring upper floor setbacks in the downtown). Meanwhile, the City mentions, but never really analyzes, how Measure Y can prevent housing from being built at the densities projected, unless state density bonuses are used to override this constraint.

Similarly, given that the \$240+ million construction of Hillsdale North Block precludes use of the 12.5 acres there, and that the pedestrian bridge shows an intention to continue use of significant portions of the main mall building, the City needs to analyze which portions of the

Hillsdale site might realistically be developed as residential housing during the next eight years, then reduce the calculation to take these site constraints into account. The existing leases at Bridgepointe mean that the proper calculation for that site's potential is to determine how large a parking structure would need to be built on the current surface lot to meet the requirements of the existing retail center, ice rink, and restaurants, and then determine the development potential of the fraction of the parking lot that would be available for housing. Applying a 30-35 unit average to these two sites seriously overstates the development capacity for all levels of affordability.

State law requires that the City develop and justify a cogent, realistic methodology to support its anticipated production calculations, and requires that it apply that methodology consistently and thoughtfully to the site inventory to yield realistic results. Unfortunately, the City's draft fails to meet the required standard.

C. Additional Comments On Zoning Status.

As noted above, a number of sites included in the City's inventory are zoned commercial or office without a residential overlay. We request that San Mateo rezone these sites to add a residential overlay, so that developers are assured that residential uses will be permitted, rather than hope the desired inclusion of residential uses will be permitted on a site-by-site basis as part of project-specific approvals. Uncertainty regarding the ultimate success of a rezoning effort discourages residential development in the City. December 2022 Draft at Appendix B, p. H-B-26. The entire point of the housing inventory is to determine if there are sufficient sites that are either (1) vacant and zoned residential, (2) vacant and zoned for nonresidential use "that allows residential development," (3) residentially zoned sites capable of being developed at a higher density, or (4) "sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element contains a program to rezone the site, as necessary, to permit residential use." Government Code § 65583.2(a)(1)-(4). The sites zoned for commercial or office use, without a residential overlay, do not fall within section 65583.2(a)(3), because they are not zoned residential. They should therefore be included in a program to rezone to affirmatively permit residential use. Having the City retain discretion to refuse or condition residential development on these properties does not make them available as required by state housing law.¹³ This issue would appear to apply to the following sites¹⁴:

¹³ We note, for example, that the Waters Park Road project, zoned E1, sought a rezoning because it was not zoned residential, as part of its attempt to seek permission to redevelop the site. Sites listed on the inventory should not have to go through this step.

¹⁴ Under San Mateo Zoning Code section 27.44.020, permitted uses in the E1 district include "Residential units, only on parcels designated with a residential overlay district classification . . ." *Id.* § 27.44.020(g). For parcels "without a residential overlay district classification," residential units are permitted only "subject to approval of a special use permit." *Id.* § 27.44.030(g). The same rules apply to E2. *See id.* §§ 27.48.020(b) and 27.48.030. The same rules apply to the C1 and C2 districts, absent a residential overlay. *Id.* § 27.30.010(a)

Sites Where Residential Units Are Not A Permitted Use:

Site	Zoning	Claimed Capacity
A: 117-121 N. San Mateo	E2	15
T: 1600-1620 El Camino Real, and 1535-1541 Jasmine	E2-2	44
901 El Camino Real	E2-1	17
1650 Borel Place	E1-2	74
1900 S. Norfolk	E1-0.5	245
477 9 th Ave.	E2-2	120
Portion of AI: 723 N. San Mateo Dr.	E2-1.5	34
AM: 1670 Amphlett Blvd.	E2-1	289
AM: 1700 Amphlett Blvd.	E2-1	203
AM: 1720 Amphlett Blvd.	E2-1	230
1863-1885 S. Norfolk (Fish Market)	C1-1	105
Y: Hillsdale Inn, car wash	C2-0.5	207
AF: 350 N. San Mateo/220 E. Poplar	C2-1, C2-2	19
AH: 71-77 Bovet, 93 Bovet	C1-2	243
2000 Winward Way (Residence Inn)	C2-0.62	160
Portions of AI: 727 and 733 N. San Mateo	C3-2	[counted above]
AL: Ah Sam Florist	C3-2	105
190 W. 25 th Ave.	C1-2	2
Total Capacity Not Zoned For Residential As A Permitted (Not Special) Use:		2,112

In determining how to rezone to add a residential overlay, the City should also consider whether the overlay after rezoning will enable the sites to realistically achieve the density claimed on the site inventory. See San Mateo Zoning Code § 27.29.110 (imposing maximum floor area ratios).

The City should also consider the impact of Government Code section 65583.2(h). Section 65583.2(h) provides that at least 50% of the need for very-low and low-income housing must be accommodated on sites designated for residential use where non-residential uses are not permitted. San Mateo's site inventory does not appear to satisfy this rule, because at least 50% of the need is proposed to be met using sites that allow exclusively commercial uses. (For

(permitting "residential units only on parcels designated with a residential overlay" for C1 district); § 27.32.010(n) (same for C2); 27.30.020 (requiring special use permit for "residential units on parcels without a residential overlay district classification" in C1); § 27.32.020(g) (same for C2). It does not appear that residential uses are permitted in the C3 district at all; consistent with the intention "to create and maintain major commercial centers accommodating a broad range of office, retail, and service uses of community-wide or regional significance," residential uses are not listed as a permitted use in § 27.34.010, though they arguably could be permitted as a special use because they are special uses permitted in C1 and C2. *Id.* § 27.34.020(a).

example, the Bridgepointe and Hillsdale shopping centers, zoned for commercial uses, *see, e.g.*, City of San Mateo Zoning Code § 27.34). Meanwhile, the statutory alternative of accommodating 100% of the very low and low income need on sites designated for mixed uses, “if those sites allow 100 percent residential use,” would appear not to apply to certain City zoning designations. *See, e.g.*, City of San Mateo Zoning Code § 27.38.110. The City should evaluate how to address the impact of this statutory provision as part of the final drafting of the Housing Element.

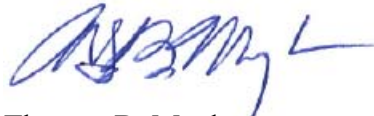
* * *

Based on the analysis above, San Mateo’s draft Housing Element does not comply with state law, because it proposes to meet more than 50% of the need for affordable housing with sites that are not vacant, and does so without substantial evidence that they are likely to be redeveloped. The City’s current analysis, which fails to analyze or account for leases, whether parcels proposed to be consolidated are under common ownership, recent remodeling or construction indicating that existing uses will continue, and other obstacles to development in the next eight years, is insufficient to meet its responsibility under state housing law. In particular, the City lacks substantial evidence showing that the Bridgepointe and Hillsdale shopping center sites have existing uses that are “likely to discontinue” during the next eight years, but as the other examples we cite above illustrate, the required analysis under Government Code section 65583.2(g)(1)-(2) must be done for each site separately in order to have a valid Housing Element.

Meanwhile, the City has also overestimated the capacity of the sites listed on the inventory. Correctly calculating the realistic capacity – even by using the high end of the City’s range of 30-35 units for mixed zoning sites with a maximum of 50, and 80% of the zoned capacity for sites zoned for 30 or 35 units/acre – reduces the City’s claimed buffer for all categories, and leads to a shortfall for the “very low” and “moderate” categories, even if all sites satisfied section 65583.2(g)(2). Further site-specific analysis leads to an even greater gap. The City should address these shortfalls by planning to rezone more sites. The City should also rezone the inventory sites in districts where residential is not a permitted use without a special use permit; the City itself recognizes that this is a substantial constraint on housing production, and the current zoning prevents the sites from falling into any of the categories of section 65583.2(a)(1)-(4) without rezoning under section 65583(c).

Given these flaws, San Mateo is not yet ready to adopt its Housing Element. Additional sites will need to be identified and potentially rezoned to ensure compliance with state housing law. A more substantial inventory will avoid the possibility that the Housing Element will be invalidated in the event that HCD or a court agrees with the legal issues identified above.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

April 3, 2023

Amourence Lee, Mayor
And Members of the City Council
City of San Mateo
330 West 25th Ave.
San Mateo CA 94403

RE: STUDY SESSION April 3, 2023

Dear Mayor Lee and Members of the City Council:

Miramar Capital is the owner of a 6 AC+ site located at 1500 Fashion Island Blvd (Bridgepoint Office Park). As the City Council provides direction on Land Use Heights, Density, and Measure Y this evening at its Study Session, Miramar Capital supports the land use designation proposed for this property in the 2031 Housing Element as a residential Development Opportunity with a general density of 100-200 units/acre (See Attached). Implementing the General Plan Update land use designation of Mixed Use High II will produce between 608-1216 residential units with building heights ranging between 6-10 stories. We respectfully request that the City Council give direction to staff to continue to pursue and analyze Mixed Use High II as part of the General Plan Update in order to maximize densities that will result in economically viable projects that can deliver much-needed housing to the City.

Miramar is in the process of evaluating the financial viability of redevelopment of Bridgepoint Office Park from commercial office to residential multi-family (Project). The Project concept proposes about 890 residential units in three buildings, two eight-story buildings – 740 Units Market-Rate (Studios 1-2 bedroom units) over a 2.3 level subterranean parking garage and one five-story building. About 150 of the units (about 17%) are proposed as Affordable Housing (Studios 1-3 bedroom units) over 1 level of raised podium parking.

We have met with staff and discussed our concept of a residential community, which would help achieve the City's Housing Element goals. However, despite the Housing Element and General Plan Update's high density land use designations, we are constrained because of the height and density limitations imposed by Measure Y. In our discussion with staff, we did want to make it clear that to achieve the optimal, desired density, an eight story building would be necessary. This is the maximum number of stories possible for Type III construction (five-stories wood-frame over three-stories concrete), which is the highest density in today's market conditions. Taller Type I buildings would be cost prohibitive and unnecessary, while shorter buildings would not achieve optimal and efficient density.

Miramar Capital strongly encourages the City Council to keep Mixed Use High II for Bridgepoint Office Park in order to permit the redevelopment of this site to high density residential. This redevelopment would help alleviate the City's market rate and affordable housing shortage and help implement the City's Housing Element, while having no impact on surrounding neighborhoods.

Thank you in advance and if you have any questions please feel free to contact me.

Sincerely
Perry Hariri
Managing Partner

MIRAMAR CAPITAL



Enclosure

cc: Zachary Dahl, Deputy Director, CDD
Manira Sandhir, Planning Manager



20	Bridgepointe Office Park  An aerial photograph of the Bridgepointe Office Park site. The site is a large, irregularly shaped area outlined in yellow, situated at the intersection of Fashion Island Blvd and J. Arthur Younger Fwy. The surrounding area includes other roads like Wawona Way and Vista del Mar, and nearby landmarks like the 101 freeway.	Address: 1500 Fashion Island Boulevard Zoning: Executive Office with Residential Overlay (E1-0.62/R) General Plan Designations: Executive Office APN: 035-550-040 Total Lot Size: 6.08 acres Site Ownership: Consolidated Max Allowable Base Densities: 50 units/acre (or 304 units) State Density Bonus: 106 additional units (35% density bonus) Proposed General Plan Base Density: 100-200 units/acre (or 608-1,216 units) Project Status: Potential Site for Housing Redevelopment Existing Conditions: Currently the site consists of two 3-story office buildings occupied by an employment agency, a consulting group, Reflektion Inc, Checkbook, and Wuhoover & Co. The buildings were built in 1982. Surface parking lots take up available space on the site such that the current FAR is 0.49, though zoning in this district allows up to 0.62 FAR. Development Opportunity: A developer has expressed interest in potentially redeveloping the site. The Housing Element Adequate Sites List estimates a realistic capacity of 273 units of housing for the site. However, the base zoning can allow up to 304 units. Should the developer/property owner choose to utilize the state density bonus, the development could produce up to 410 residential units, which is very feasible in either a mixed-use or 100% housing development given the size of the sites. Adoption of the General Plan Update's land use map will increase the base density of the site to between 608-1,216 units. Site Constraints: Staff has identified one potential constraint in that it is located adjacent to Highway 92, which has potential air quality impacts due to airborne particulates. These impacts can be mitigated through development design. Proximity to Transit: Located 1.5 miles of the Hayward Park Caltrain Station and 1.9 miles from South El Camino Real.

Nicholas "Nicky" Vu

From: Housing
Sent: Wednesday, May 31, 2023 2:29 PM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: June 5 housing AND flood focus? Insufficient time for public discourse

-----Original Message-----

From: Amy Jussel, Shaping Youth [REDACTED]
Sent: Wednesday, May 31, 2023 1:58 PM
To: Housing <housing@cityofsanmateo.org>
Cc: Richard Hedges <rhedges@cityofsanmateo.org>; Lisa Diaz Nash <ldiaznash@cityofsanmateo.org>; Rob Newsom <rnewsom@cityofsanmateo.org>; Adam Loraine <aloraine@cityofsanmateo.org>; Amourence Lee <alee@cityofsanmateo.org>; City Mgr <citymgr@cityofsanmateo.org>
Subject: June 5 housing AND flood focus? Insufficient time for public discourse

City Council & Housing Officials,

Quick note to be on record that cramming two huge issues of public interest into one council meeting is preposterous, given there is insufficient time to offer public discourse and outreach.

Flooding impacted our entire city and many of us are still navigating repairs due to same and eager to have a robust conversation on June 5 to ensure this NEVER happens again. We have many desiring to attend June 5 with specific questions addressing same.

Also, our communities are being devastated by fast implementation of poorly thought out development plans leaving huge gaping holes of destruction that are not just an eyesore but a mitigation issue that many of us would like addressed given planning has pushed through office buildings and market rate housing under the guise of 'affordable housing' w/only a smidge of same...We, as a public deserve to be heard with solutions, better alternatives, inquiries and mitigation questions regarding same.

Finally, holding meetings for hours on end into late night sessions and reducing public discourse to 60 second soundbites from citizenry who would like to have serious conversations about conscientious follow through is damaging the reputation of a council that has been positioned as desiring to 'rebuild trust' within the community.

I urge you to separate out these two very important topics which the public has an extremely vested interest in seeing handled properly WITH public input.

Anything less is giving lipservice to the concept of an informative "public hearing" with community discourse...Thank you for your consideration.

Appreciatively,

Amy Jussel Bedard

District 4

MGA#1 Board

Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, June 1, 2023 8:51 AM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: HOUSING in SAN MATEO

From: worldview2000@yahoo.com [REDACTED]
Sent: Wednesday, May 31, 2023 4:31 PM
To: Housing <housing@cityofsanmateo.org>
Subject: HOUSING in SAN MATEO

The city of San Mateo really does not have enough space or land to accomodate 7,000 or 8000 new homes . This is an unrealistic amount The City Council and powers to be need to tell SACTO and others that this kind of number is truly impossible. I do not want to see our precious tax revenues spent to purchase land to accommodate builders and other cronies ,,,

To begin with no entity is going to remove the R/R tracks or HWY 101 or 92 or similar ,,Some roads are really too narrow to force in more buildings We have a 55 foot height limit now in effect and many in your group just want to ignore it and allow buldings to go higher by getting waivers,,,The voters voted in this height limit for many reasons and those of you who seem to try and elude this 55 foot limit should understand that those of us who voted for this and similar past motions are not going away,,We will continue to fight any height structures over 55 feet. I have no objection to developers who build garages or keep it under 55 feet and go wide . We will fight these developers in many meetings and those of you who are in our path , will be defeated in any public elections should you dream about being on the city council or similar. So that being said I implore all of you to listen to people like me who do not want monstrous.high edifices that seem to go to the stars. Huge intense densities and buildings that accumulate many people really put pressure on the existing infrastructures we have,,,

I truly want a special tax to go on developers who will do new structures that will pay for all sewage and electricity lines pipes and similar to be underground and also with sewage to go all the way to the sewage plant,,the existing lines are oversubscribed so adding new pipes from new buildings will just call for new pipes to be installed every five years

NO ONE CARES Your planning commission has historically been DEAF to those of us who are concerned about too much growth here in San Mateo and you all seem to be swayed by tea and cookie (DOG AND PONY) exhibits but these professional pro growth entities.that are plaging our sensibilities....We need to suggest that they go to other locations like MERCED or FRESNO that would love development but many of us here in SM are sick and tired or the charades being presented by the planning commission...It has gone on for too long and the gravy train these developers provide to you all needs to STOP

I no longer like to attend your meeting and YES I have gone to many and spoken, I prefer now to again send you my thought and hope someone there will listen,,,OR DO YOU JUST DELETE and trash comments from people like me???DUNNO I know you will never answer my letter and have accepted your past actions very reluctantly.

I have lived at [REDACTED] for 40 years ,,I was born in Mills Hospital and not someone who just showed up. I am NOT a member of some political party or some political HACK...

Rick Karr [REDACTED]

Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Thursday, June 1, 2023 10:06 AM
To: Nicholas "Nicky" Vu
Subject: FW: Your June 5th Meeting / Housing Element Facts

From: Patrice Olds <polds@cityofsanmateo.org>
Sent: Thursday, June 1, 2023 9:16 AM
To: Zachary Dahl <zdahl@cityofsanmateo.org>; Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Cc: Martin McTaggart <mmctaggart@cityofsanmateo.org>
Subject: FW: Your June 5th Meeting / Housing Element Facts

Patrice M. Olds, MMC
City Clerk
City of San Mateo
330 W. 20th Avenue
San Mateo, CA 94403-1388
polds@cityofsanmateo.org
www.cityofsanmateo.org
(650) 522-7042

From: Lisa Taner [REDACTED]
Sent: Wednesday, May 31, 2023 2:20 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Subject: Your June 5th Meeting / Housing Element Facts

Dear City Councilmembers,

As your June 5th meeting approaches and there is further discussion on the Housing Element, I point to critical details for those who would say San Mateo needs to identify yet more places for housing units to satisfy the HCD. I shared these with Prasana, Drew and Zachary last week:

The organization 'Our Neighborhood Voices' recently presented to SMUHA. I learned some things about the HCD I found very disturbing, and feel that you should at the very least be aware as you continue to strive for the HCD to certify San Mateo's submission. San Mateo might consider joining forces with other cities on a class action lawsuit against the HCD. (This, at a cost of about \$20k, seems very little in order to wrench control away from this rogue state department.)

WE'RE GETTING SET UP TO FAIL

The HCD essentially has no timeframe to approve a city's submission. More precisely, they may indiscriminately 'bounce' a submitted element for an unlimited number of times - opening the door for the Builder's Remedy. Some of the HCD requirements are quite subjective. The speaker from Our Neighborhood Voices noted that a consultant who had successfully worked with some Southern California cities to obtain

HCD approval for their housing plans began bumping into walls because the HCD then began requiring new information which completely stalled approvals. This is not a one-off. A city may experience a different requirement each time its submission is kicked back, again and again. There is no deadline by which submissions have to be approved because there is no limit to the number of times the HCD can deny them. There is only the original deadline by which plans were supposed to be approved - placing cities in untenable situations as denials roll in.

It very much feels like cities are being set up to fail. The very long list of those waiting for approval is astounding – and gives special interests a megaphone to cry out that cities are not complying with the state. As you know, even San Mateo (whose staff has strongly defended their submission) has been placed on pause – allowing developer-friendly folks to suggest 'solutions' for this 'problem.' Not surprisingly, they include rezoning single-family neighborhoods, allowing up to 12 story buildings, and allowing for more rezoning by expanding definitions of 'transit' areas from a 1/2 mile to 3/4 of a mile, which throws doors open to more development.

In final review, the HCD, on a very flimsy methodology (per the State Auditor), devises the thousands of housing units every city must build, then can sit on the plans each city submits so that they are punished with the Builder's Remedy, etc. Do not allow San Mateo to fall victim to the antics of the HCD when we have already done our job.

Sincerely,

Lisa Taner

Nicholas "Nicky" Vu

From: Housing
Sent: Wednesday, June 28, 2023 9:36 AM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: Housing Element - Draft GPU Density Question

From: Justin Kim [REDACTED]
Sent: Wednesday, June 28, 2023 9:26 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element - Draft GPU Density Question

Hello,

We are a development company located in San Jose, CA. While reviewing the recent Housing Element site inventory, I came across a question regarding the density.

In the table provided below, there is a column indicating the current Maximum Density Allowed, based on the GP designation. However, there is also a column for Draft GPU Density, which I assume represents the proposed density for the upcoming General Plan update scheduled for early next year. I would appreciate if you could confirm this for me.

Additionally, I noticed that the Draft GPU Density column shows two different density ranges (e.g., 9 to 39; 40 to 99). Could you kindly explain why there are two density options?

Thank you in advance!

Table 2: Housing Feasibility and Realistic Capacity Justification

Site Address/Intersection	Assessor Parcel Number	Consolidated Sites	Parcel Size (Acres)	General Plan Designation (Current)	Zoning Designation (Current)
4060 S El Camino Real	042-241-180		1.02	Regional/Community Commercial/ High Density Multi-Family	C3-1/R4
4107 Piccadilly Ln	042-242-060	AD	8.82	Neighborhood Commercial/ High Density Multi-Family Neighborhood	C1-1.5/R4

Justin Kim
Valley Oak Partners, LLC

[REDACTED]
www.valleyoakpartners.com

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Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, July 27, 2023 9:20 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element

From: [REDACTED]
Sent: Thursday, July 27, 2023 9:18 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Hi,

Thanks for making this updated version available.

On page H-cC-61 the discussion of Parkside Plaza is confusing in that you seem to include the Fish Market site in the map. Does the Parkside Plaza as discussed here include the Fish Market site?

This sentence: "For the purposes of the Housing Element Adequate Sites List, staff estimates a realistic capacity of 332 units of housing, the maximum allowed given the base zoning and proximity to other multi-family developments, such as 1885 S Norfolk St (Fish Market)," seems to indicate the Fish Market is considered a separate site.

Also, will the numbers here: "Should the developer/property owner choose to utilize the state density bonus, the development could produce up to 498 residential units. Adoption of the General Plan Update's land use map will increase the base density of these sites to between 332-658 units," refer to both the Fish Market and Parkside Plaza locations for just the Parkside Plaza location?

Can you clarify these points in the report?

Thank you,
Dennis Keane

Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, July 27, 2023 10:24 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element

From: [REDACTED]
Sent: Thursday, July 27, 2023 9:23 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

From: [REDACTED]
Sent: Thursday, July 27, 2023 9:18 AM
To: housing@cityofsanmateo.org
Subject: Housing Element

Hi,

Regarding the Parkside Plaza site indicated on page H-C-61, you indicate this site is proximal to Hayward Park Station ("Proximity to Transit: Located 1.2 miles away from Hayward Park Caltrain Station and 1.6 miles from South El Camino Real.")

Can you clarify for me the parking availability at Hayward Park? Last I heard, parking for the public at that station was drastically reduced. Does this report assume people would walk/ride bikes/ drive/take public transportation (that doesn't exist) to travel that 1.2 miles?

Thank you,
Dennis Keane

Nicholas "Nicky" Vu

From: Housing
Sent: Monday, July 31, 2023 9:51 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: Fwd: Electronic version of Table 2 (site inventory) for July 2023 version of Housing Element?

Sandra Belluomini
City of San Mateo
650-522-7239

From: Mayhew, Tom [REDACTED]
Sent: Friday, July 28, 2023 5:42:36 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Electronic version of Table 2 (site inventory) for July 2023 version of Housing Element?

Hi, could you email me an electronic version of the site inventory (table 2 of the Housing Element, at H-C-22 through H-C-29)? Some of the math in the chart isn't adding up, and I'd be better able to help identify the issues, and cross-check capacity estimate methodology, if I had an electronic copy.

[for example, note that the total of LI + M + AM at the bottom of the chart is off: $2,970 + 1,181 + 5,704$ does not equal 9,948].

Also, if you have the chart that was used to generate the percentages in table 4 on page H-C-68, I'd appreciate it (I separately filed a PRA about this, but you may have it accessible).

Thanks!

Tom Mayhew
Partner
Pronouns: His/Him

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
San Francisco, CA 94104
www.fbm.com

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Nicholas "Nicky" Vu

From: Housing
Sent: Monday, July 31, 2023 12:13 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: Fwd: Housing Element Parking Policy Follow-up

Sandra Belluomini
City of San Mateo
650-522-7239

From: Torey Tibbetts [REDACTED]
Sent: Monday, July 31, 2023 11:44:28 AM
To: Housing <housing@cityofsanmateo.org>
Cc: Grecia Mannah-Ayon [REDACTED]
Subject: Re: Housing Element Parking Policy Follow-up

Hi there,

Just bumping this up and adding Grecia from our office who is taking over Housing Elements work, thanks!

Best,
Torey Tibbetts

On Sun, Jul 9, 2023 at 12:30 Torey Tibbetts [REDACTED] wrote:
To Whom it May Concern,

TransForm is a regional non-profit focused on creating connected and healthy communities that can meet climate goals, reduce traffic, and include housing affordable to everyone.

We tracked and responded to San Mateo's housing element, focused on smart parking reforms, and are glad to see **Policy H1.7** included in the adoption draft. If implemented, these policies will help make San Mateo a safer, greener city and we are committed to assisting in that goal.

Given the city promises to implement these changes **by 2025-2026**, we are checking-in to see if the city has begun this process, or when you plan to start?

Best,
Torey Tibbetts

--

Torey Tibbetts, Housing Policy Intern
(They/Them/Theirs)

TransForm

[REDACTED]

Sign up for our emails at www.TransformCA.org. Follow us on [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#), too.

--

Torey Tibbetts, Housing Policy Intern
(They/Them/Theirs)

Transform



Sign up for our emails at www.TransformCA.org. Follow us on [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#), too.

Nicholas "Nicky" Vu

From: Wesley Greason [REDACTED]
Sent: Wednesday, August 2, 2023 2:18 PM
To: Nicholas "Nicky" Vu
Subject: RE: Housing Element Questions

Hi Nicky,

So sorry for the typo, got my "San" city's mixed up. Has the city of San Mateo added any new sites to their housing element/will there be any updates moving forward. I'm putting together a list of all the cities our builder desires to be in.

Thank you for your time & sorry for the typo!

Wesley Greason
Bella Vista Land Advisors
Real Estate Brokerage & Development
DRE #02109329
[REDACTED]

From: Nicholas "Nicky" Vu <nvu@cityofsanmateo.org>
Sent: Tuesday, July 25, 2023 11:00 AM
To: Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>; Wesley Greason [REDACTED]
Subject: RE: Housing Element Questions

Hi Wesley,

Unfortunately, the City of San Mateo only manages the housing inventory list for our own City. For info about the City of San Carlos I would reach out to their Planning Division.

Best
Nicky

From: Housing <housing@cityofsanmateo.org>
Sent: Monday, July 24, 2023 4:03 PM
To: Nicholas "Nicky" Vu <nvu@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>
Subject: FW: Housing Element Questions

From: Wesley Greason [REDACTED]
Sent: Thursday, July 20, 2023 10:30 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element Questions

Greetings, San Mateo Housing.

My name is Wesley, I'm a broker here at Bella Vista. Has San Carlos added any new sites to its housing element inventory list in the last 90 days? We represent a builder who would like to build in the area.

Thank you for your time,

Wesley Greason
Bella Vista Land Advisors
Real Estate Brokerage & Development
DRE #02109329



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Nicholas "Nicky" Vu

From: Housing
Sent: Wednesday, August 9, 2023 4:37 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: SCLP comments on July 26, 2023 update, San Mateo 2023-2031 Housing Element
Attachments: Aug 9 2023 SCLP letter to San Mateo.pdf

From: Dashiell Leeds [REDACTED]
Sent: Wednesday, August 9, 2023 3:52 PM
To: Housing <housing@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>
Cc: Gita Dev [REDACTED]; James Eggers [REDACTED]; Gladwyn D'Souza [REDACTED]; Mike Ferreira [REDACTED]
Subject: SCLP comments on July 26, 2023 update, San Mateo 2023-2031 Housing Element

Dear Mayor Lee and Members of the San Mateo City Council, Planning Commission, and City Staff,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the July 26, 2023 Updated Draft San Mateo 2023-2031 Housing Element (HE).

The overall updated draft Housing Element (HE) is an improvement, but more focused and stronger policies and programs are needed to have a reasonable expectation of meeting the RHNA number of 7,015 new housing units, particularly for affordable units.

Please see the attached letter for our full comments.

Sincerely,
Gita Dev
Co-Chair, Sustainable Land Use Committee
Sierra Club Loma Prieta Chapter

email sent from account of:
Dashiell Leeds
Conservation Coordinator
Sierra Club Loma Prieta Chapter



SIERRA CLUB

LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

August 9, 2023

City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403

email to: Housing@cityofsanmateo.org, citycouncil@cityofsanmateo.org,
planningCommission@cityofsanmateo.org

Subject: San Mateo 2023-2031 Housing Element – comments on July 26, 2023 update

Dear Mayor Lee and Members of the San Mateo City Council, Planning Commission, and City Staff,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the July 26, 2023 Updated Draft San Mateo 2023-2031 Housing Element (HE).

The overall updated draft Housing Element (HE) is an improvement, but more focused and stronger policies and programs are needed to have a reasonable expectation of meeting the RHNA number of 7,015 new housing units, particularly for affordable units. Our key comments are listed below.

City staff need to communicate very closely with the California Department of Housing and Community Development (HCD) to assure a high likelihood that this HE version will be approved.

This is the third review of a proposed HE to HCD and time is running out to get the HE certified. Not having the HE certified in a timely manner has major negative consequences for San Mateo. This includes losing control of development (e.g., Builders Remedy), losing access to government funding, and undermining all the other important aspects of the proposed 2040 General Plan including the planned vote in November 2024 to consider changes to Measure Y.

City staff should be in very close communication with HCD staff to assure that this HE version is very likely to be certified.

The City must take strong new actions to assure that the RHNA goals are met

Obtaining a HCD certified HE is just an interim step toward the real goal of having the RHNA goals met, particularly for affordable housing units. The HE Housing Plan (p. H-70 to H-97) needs to demonstrate a significant change to current policies and programs in order to realistically be able to reach the goal. The lack of affordable housing on the Peninsula is a significant contributor to environmental degradation as workers must commute long distances by car, emitting greenhouse gases (GHG) as well as other

pollutants. It also leads to sprawl, as more development is done in areas that were open space or agricultural land.

There are specific areas that will need to be retained or expanded to make sure the final HE contains the key actions needed to make significant progress on addressing the enormous lack of affordable housing in the Bay Area. Listed below are the most important goals, policies, and programs in the HE that need to be retained and strengthened in the final HE.

The “buffer” for meeting the goals for affordable units (low and very low) is only 9% as shown on page H-7. This is a lower number than in the earlier versions of the HE. This makes it less likely that enough affordable units will be built. The buffer number for affordable units should be higher.

The HE should prioritize policies and programs that reduce costs and streamline the processes for affordable units. The following policies and programs should be strengthened to accomplish this need:

H1.7 -Update Zoning Codes to Support Housing Production,

H 1.8 - Adopt Objective Design Standards,

H 1.9 – Establish Minimum Densities for Mixed-Use Projects, and

H 1.12 - Encourage Development of Missing Middle Housing within half mile of the transit corridor.

Funding that can be used to support affordable housing is a fundamental need and more must be done to obtain funding. This could include establishing or increasing Vacancy Tax, Commercial Linkage Fees, and Transfer Tax. It is particularly important that funding focus on repairing the legacy of discrimination in housing. The following policies and programs should be strengthened to accomplish this goal:

a. H 1.2 - Utilize Public Funding for New Affordable Housing,

b. H 1.3 - Increase Affordable Housing Production,

c. H 1.17 - Permitting and Development Fee Schedule Review,

d. H 3.3 – Evaluate Housing Revenue Sources,

e. H 5.1.1 - Adjust the City's Below Market Rate (inclusionary) program to provide larger density bonuses, and/or increased city support in exchange for affordable units in **high resource areas**.

f. H 5.1.2 - Support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households. However, the units should be dedicated for at least 30 years, with affirmative marketing to households with disproportionately high housing needs including persons with disabilities, single parents, and minority households, and

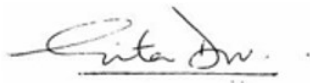
g. H 5.1.3 - Explore the potential to implement a loan program for ADU construction If a City-funded ADU loan program is determined to be infeasible. The City will support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households for 15 years.

The updating of H1.20 “Adopt San Mateo General Plan 2040” is built into the HE.

H1.20 would lead to a ballot measure in November 2024 to update Measure Y. If approved by the voters, significantly higher density and heights would be possible in key areas, such as near transit. This change, if approved, will make meeting the RHNA numbers more possible. It will also potentially make providing more open space to “green” the City more feasible (parks, open space, trees, wider and safer bike and pedestrian paths, restoring creeks and riparian areas, etc.). However, it is important that the City have a strong communication plan to inform the voters of the reasons for this vote and the consequences of approval or denial. The plan to meet RHNA needs to be clear in case the measure fails.

We ask that you consider this information as you finalize the Housing Element for submission to the State HCD. SLU is prepared to help the City in advancing the HE as it is finalized and when it goes into effect.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gita Dev", with a horizontal line underneath.

Gita Dev

Co-Chair Sustainable Land Use Committee, Sierra Club Loma Prieta Chapter

Nicholas "Nicky" Vu

From: Ashley Snodgrass
Sent: Thursday, August 10, 2023 8:56 AM
To: Nicholas "Nicky" Vu
Subject: FW: Public Comment on Latest Draft Housing Element
Attachments: 2023.8.9 City of San Mateo Housing Element Letter.pdf

Hi Nicky,

Please see the comments below.

Ashley

From: Jeremy Levine [REDACTED]
Sent: Wednesday, August 9, 2023 4:41 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>
Cc: Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Planning <planning@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>
Subject: Public Comment on Latest Draft Housing Element

Good afternoon San Mateo City Council and staff,

Please see the attached letter for comments from the Housing Leadership Council regarding San Mateo's latest draft housing element. We greatly appreciate the progress the city has made with this draft and look forward to continuing to work on further improvements.

Thank you for your consideration,
Jeremy

--

Jeremy Levine (he • him)
Policy Manager
Housing Leadership Council of San Mateo County



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August 9, 2023

City of San Mateo
330 W 20th Ave.
San Mateo, CA 94403

To the honorable San Mateo City Council,

The Housing Leadership Council of San Mateo County appreciates this opportunity to engage the City of San Mateo on its housing element. This is our fourth formal letter to the city. In the middle of last year, we sent the city two letters outlining opportunities to improve the initial draft of its housing element, [one](#) focused primarily on needs and constraints, [the other](#) focused on affirmatively furthering fair housing, the sites inventory, and the goals, policies, and programs. We followed up with a more [policy-focused letter](#) last November.

At their core, housing elements are about policy change. All of the elaborate research that makes up a housing element—of local housing need, the governmental constraints to meeting that need, and the fair housing implications of the city’s policy choices—are supposed to lead to policy outcomes that respond to what the city learns. The analyses alone cannot make a housing element comply with state law, only appropriate policy change can.

The newest draft of the housing element makes several necessary policy changes that will help the city achieve compliance by responding to specific issues raised by the department of Housing and Community Development (HCD). Of most significance, HLC recognizes the commitments to development timelines for publicly owned sites in **policy H1.2**; to eliminate the pre-application and third-party design review requirements for new projects and approve projects up to 25 units administratively in **policy H1.6**¹; to reduce parking requirements in **policy H1.7**²; and to increase the base density by a minimum of 25 du/ac in all General Plan update study areas as described in **policy H1.20**.³ These are excellent and substantial changes.

¹ HCD’s [March 27, 2023 Review Letter](#), p. 6: “[The permitting process] should be addressed as a constraint including but not limited to findings one, two and three and add or modify programs as appropriate. Lastly, the preapplication process adds at least four months in addition to the typical approval times listed and the element should add or modify programs as appropriate to address the constraint.”

² HCD’s [March 27, 2023 Review Letter](#), pp. 5-6: “In addition, Program 1.7 must include specific implementation actions to reduce parking requirements for studio and one-bedroom units city-wide as well as for units that are at least 1,400 square feet.”

³ HCD’s [March 27, 2023 Review Letter](#), p. 8: “While the element includes Program 1.21 (Adopt San Mateo General Plan 2040), it must include specific commitments to increase densities and adjustments to development standards. In addition, the element should include a specific program to address the constraint of Measure Y.”

These policies form the foundation by which San Mateo can create a great housing plan that complies with state law. Nonetheless, these policies do not yet fully respond to the findings in the city's analyses, in part because the findings are not yet accurate. The city should pursue a couple of methodological changes that will better align the housing element with state law and indicate where the city still can progress on policy.

1. Lower the realistic capacity for the city's opportunity sites from 90% to 70% and provide supporting evidence as requested by HCD.⁴ As of the latest draft, San Mateo's realistic capacity of 90% lacks supporting evidence. Historic development trends suggest a capacity closer to 70%.⁵ If the city used a realistic capacity that reflected actual historic development trends, it would be clear that current zoning is inadequate to demonstrate enough capacity to satisfy the Regional Housing Needs Allocation, requiring the city to rezone through the housing element.
2. Expand the scope of policies to Affirmatively Further Fair Housing (AFFH). San Mateo's plans for rezoning through the General Plan continue to exempt the highest-opportunity areas of the community from new homes. The city's AFFH analysis primarily justifies current conditions rather than seeking to understand the barriers to fair housing and remove them. Instead of continuing to expend energy on expensive studies to justify existing conditions, the city should implement meaningful new policies.

Though they seem esoteric, these methodological changes have large implications for the policies San Mateo must implement in order to comply with housing element law. The city currently maintains it can comply with RHNA without rezoning, which would mean that the city is not required to rezone during the current General Plan update. While this is a politically expedient result, it does not reflect reality. The city must identify additional sites to meet both the overall number of new homes in RHNA and to provide enough homes throughout the community to meet the AFFH expectation.^{6, 7}

These are not the only two methodological issues HLC could raise regarding the housing element. We have ongoing concerns about major opportunity sites that would further reduce the site inventory.⁸ Yet we prefer to focus on policy change rather than nitpicking technical requirements. In order to comply with state law and create a great plan for new homes, HLC proposes the following amendments and additions:

⁴ HCD's [March 27, 2023 Review Letter](#), p. 4: "The analysis should be based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly."

⁵ See [pp. 244-245 of the public comment packet](#) for agenda item 2 of the January 24, 2023 city council meeting.

⁶ See pages 4-9 of HLC's [May 6, 2022 comment letter](#) to the city for an analysis of fair housing issues, which remain unaddressed.

⁷ HCD's [March 27, 2023 Review Letter](#), p. 9: "[AFFH] actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, **new housing choices and affordability in high opportunity areas** [emphasis added], place-based strategies for community preservation and revitalization and displacement protection."

⁸ See pp. 236-242 See analysis presented on [pp. 244-245 of the public comment packet](#) for agenda item 2 of the January 24, 2023 city council meeting.

- Amend policy H1.2's actions (d) and (e) to specify a minimum quantity of affordable homes that will be delivered on each site. Furthermore, amend action e to complete site analysis for 4142 S El Camino Real within 12 months of housing element adoption, issue an RFP for the site within 24 months, and select a developer within 36 months.⁹
- Amend policy H.1.4 to add an action to implement a rental registry to track rentals and provide data to the city regarding ADU rental rates, prices, and evictions. Data from a rental registry will help the city identify whether the city is actually delivering on its affordability goals (which should be adjusted downwards, in any case). The city could further promote ADUs by allowing two ADUs on large lots and fee waivers for deed-restricted ADUs that are rented on the open market.
- Amend policy H1.7's action (d) to make a concrete commitment to implement an affordable housing overlay for quasi public sites owned by religious and public institutions to allow development at least up to the R-6d zoning standards.¹⁰ Because a meaningful portion of these sites are located within San Mateo's highest-opportunity neighborhoods, creating a quick, streamlined process by which these areas can build housing will help San Mateo satisfy the AFFH requirements to plan for housing in higher-opportunity neighborhoods.
- Evaluate new sites to add to the housing element and commit to further rezoning.
- Amend policy H1.20's action (a) to clarify that the study areas with large opportunity sites like Bridgepoint and Hillsdale will be rezoned by a minimum of 100 du/ac. Furthermore, amend action (d) to clarify that the city will rezone single-family neighborhoods within one mile of transit to allow up to 55 du/ac if the amendment to the current Measure Y ballot initiative does not pass. These policies ensure San Mateo will adequately rezone to generate more capacity on its opportunity sites.

San Mateo's city staff have worked hard to help San Mateo comply with state housing law, but, without clear direction from council to pursue more meaningful policy change, the city may continue to cycle through an expensive, time consuming loop of housing element review that can be avoided with bold action. San Mateo has tried to analyze its way into housing element compliance twice already, spending hundreds of hours of staff time and hundreds of thousands of dollars on consultants, when the city could much more easily achieve compliance by committing to more meaningful policy recommendations.

Fundamentally, cities cannot analyze their way into new homes, nor can they analyze their way into compliance with state law. The housing element process challenges cities to provide a series of analyses and then commit to substantially change local policies to enable new housing development. HLC looks forward to continue working with San Mateo's leaders as they strive to meet the housing needs of the entire community.

⁹ [San Mateo draft housing element](#), p. 78: The policy as currently written commits to complete site analysis within 48 months of housing element adoption and select a development partner within 60 months, virtually guaranteeing the development is not completed within the planning period.

¹⁰ [San Mateo draft housing element](#), p. 81: The policy as currently written says "Evaluate the feasibility of an affordable housing quasi-public overlay or code amendment to support the production of affordable housing on quasi-public sites, such as religious or educational institutions."

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'J. Levine'. The signature is fluid and cursive, with a large initial 'J' and a stylized 'L'.

Jeremy Levine

Nicholas "Nicky" Vu

From: Housing
Sent: Wednesday, August 9, 2023 4:37 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing Element (Housing Action Committee comments on July 2023 draft)
Attachments: 2023-08-09 Housing Action Coalition Comments on San Mateo July 2023 Draft Housing Element.pdf;
RE: San Mateo stores - housing redevelopment plans?

From: Mayhew, Tom x4948 [REDACTED]
Sent: Wednesday, August 9, 2023 3:42 PM
To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>; Housing <housing@cityofsanmateo.org>
Cc: Higley, CJ x4942 [REDACTED]; Corey Smith [REDACTED]; Ali Sapirman [REDACTED]
Subject: Housing Element (Housing Action Committee comments on July 2023 draft)

Please see attached, a letter on behalf of the Housing Action Coalition, commenting on the July 26 draft Housing Element. (Also attached is an email exchange with CVS regarding two sites on the inventory).

Tom Mayhew

Partner

Pronouns: His/Him

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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August 9, 2023

Via E-Mail

City Council
City Planning Commission
Housing Manager, Planning Division
City of San Mateo
330 W. 20th Avenue
San Mateo, California 94403

E-Mail: housing@cityofsanmateo.org

Re: Housing Element for City of San Mateo 2023-2031
Draft for Public Comment dated July 26, 2023
Comments of Housing Action Coalition

Dear City Council, Planning Commission, and Housing Manager:

On behalf of the Housing Action Coalition,¹ we write to comment on the July 26, 2023 draft 2023-2031 Housing Element for the City of San Mateo.

The new draft, if adopted without significant improvement, would fail to meet the need for housing and violate state law. First, it overstates how much housing the site inventory under current zoning will provide, by ignoring the specific and pointed comments of HCD and the requirements of the statute. Second, it continues to include unrealistic sites where existing uses are likely to continue. Third, it repeats the overestimation of ADU units despite being twice told by HCD why it should not. The result is that the draft is incorrect when it claims San Mateo can meet its share of the regional housing need without any rezoning.

Instead of identifying a real path forward (i.e., meaningful rezoning), the draft simply rewords the Housing Element's failed arguments for compliance, argues that the same sites will provide more units based on more opaque data, and adds only two sites to the inventory: one of them based on a recent pre-application (site AQ: the "Post & Beam" project at 600 E.3rd), and the other a five-story office building that is still actively being leased to dozens of office tenants

¹ The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

at 1690/1700 El Camino Real. If the City wants to comply with state law, a more ambitious program of rezoning, motivated by a genuine desire to affirmatively further fair housing, is necessary to do so.²

A. The Capacity of the Site Inventory To Meet The RHNA Need Is Not Realistic, Because It Ignores The Applicable Law And The Relevant Data.

The RHNA capacity numbers on the site inventory are unrealistic, because the draft deliberately avoids doing what HCD directed and what the law requires. The estimate of units on each site is governed by Government Code section 65583.2(c), which provides:

The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) . . . If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

² A brief note about process: We have heard that City staff are bringing the new draft of the Housing Element only to the City Council, without having a hearing with the Planning Commission to obtain their recommendation, even after the Planning Commission repeatedly requested the opportunity to do so. Given the Planning Commission's familiarity with development standards, policies, and land use in the City, it is surprising that their knowledge, experience, and expertise would not be desired as part of the process. We also note that under the San Mateo Municipal Code provides, at section 27.060.040(b), governing the Planning Commission's jurisdiction, that the Commission "shall review and make recommendations to the Council upon all . . . General Plan Amendments." The Housing Element is part of the General Plan, and so amendments to it are General Plan Amendments. In January the Planning Commission advised the City Council that the draft was non-compliant, and had it exactly right; the Commission identified the very issues that HCD then found prevented certification. The City Council should want to hear what the Planning Commission recommends with respect to the current draft, rather than relegating the Commission's members to separate public comments as private citizens.

A concrete example will illustrate how the draft currently estimates capacity. The draft calculates a total capacity number as 90% for most sites, absent a filed pre-application or application. *See* H-C-68. Thus, for example, the Walgreens complex at 4060 South El Camino Real, zoned for either commercial use or residential use with a maximum density of 50, is projected to accommodate 46 units on 1.02 acres (~90% of maximum). Then, to estimate the realistic capacity for each income category, the draft simply multiplies the total units by the proportion of each RHNA category for the City as a whole. July 2023 version at H-37 (“Most sites in the inventory have unit affordability distributed in proportion to the RHNA allocation.”). Because the lower income categories represent approximately 40% of the RHNA numbers assigned to San Mateo, the inventory claims that the realistic capacity of the Walgreens site to accommodate affordable housing for lower income households is 40% of 46 units: 19 units.

The problem is that these capacity numbers are inflated, as explained further below:

- Even if Walgreens is torn down, the commercial zoning might mean that another retail building is constructed without any housing at all. The possibility of nonresidential redevelopment means that claiming 46 total units for the site is too high.
- Claiming that, on average, 40% of the units will accommodate the need for lower income housing is an overestimate. Under a new 2018 state law (AB1397, codified at Government Code § 65583.2(c)(2)), the City is required to consider the actual production of lower income housing in coming up with its realistic capacity estimates, and adjust its capacity numbers accordingly. A typical project does not include 40% affordable housing.
- For sites that have filed applications or pre-applications (unlike Walgreens), the site inventory ignores its own realistic capacity methodology and simply uncritically accepts the number on the application, without any evaluation of how city zoning laws would reduce it. This too, leads to an overestimate.

An inflated capacity analysis leads to a major violation of state housing law: claiming that the RHNA numbers are satisfied when they are not, and failing to plan and take additional actions to meet the actual need. HCD specifically directed the City that one reason why its Housing Element did not substantially comply with the law is because the capacity numbers were not realistic. Using realistic capacity numbers for all levels of affordability will show that the City needs to add a lot more more than just two sites to come into compliance with state law.

1. The City Should Use Data From Existing And Approved Projects, As The Statute Requires, Rather Than Relying On “Applications.”

The first step is to make sure the estimates are based on valid data. The law requires a realistic capacity estimate to be adjusted by considering “typical densities of existing or approved residential developments . . .” Government Code § 65583.2(c)(2). The January

version tried to do that in Table 4 at page H-30 and H-31, listing 2017-2022 project densities. But unfortunately, the January version improperly ignored three large projects to make the average look like it was over 100%, calling them “outliers” so that they wouldn’t affect the total, and omitting a few others. HCD’s March 27 letter told the City to revisit this issue: “The majority of sites still assume 100 percent maximum density as realistic capacity. The analysis must demonstrate that all projects in those zones developed at maximum density to support assumptions.”³

The new draft now ignores and even removes relevant data, and relies on an irrelevant chart instead. Table 4 in the July version, now at page H-32, has been edited to remove some of the information, including the maximum density. But worse, it removes the totals and averages, so that no one can easily figure out what is typical.

So that the Planning Commission and City Council can be fully informed, we have included (in an appendix to this letter, after the signature block) the data from the original table 4 in the January version, plus the data for the sites added in the new July draft, adding a column to show the maximum density for the acreage, and including the totals and the relevant average. The chart shows that the 3,028 units were approved/developed on land that had a maximum zoned capacity of 3,263 units: 92.8% of the maximum.⁴ Interestingly, based on this data, the current draft’s reasonable capacity numbers – 90% for most sites, and 75% for those in residential zones – is in the range of reasonable as a starting point, if further adjusted as set forth in A.2 below. (This will need to be adjusted downward – this is the percentage of maximum for those projects that developed with residential units, but ignores that not every project has residential units.) There is no reason to omit the totals as the new draft now does.

The July draft capacity estimate doesn’t rely on this data set of existing/approved projects, however: it looks at applications instead of approvals. *See* H-C-68 (chart based on “Applications from 2019 – present”). Applications are irrelevant. State law expressly requires consideration of “existing and approved” projects, rather than applications. The reason the statute requires consideration of “existing or approved” developments is simple: those developments have gone through the close study of whether they comply with all zoning requirements (setbacks, height limits, etc.) and the economics of building a project. “Existing and approved” projects have been battle-tested through the gauntlet of Planning Division, Planning Commission, and City Council review, unlike application or pre-application numbers that reflect only an initial proposal. The City knows well that many projects initially propose a

³ As Table 4 shows, 9 of 25 projects approved during 2017-2022 that included a residential component did not develop at or over the maximum density.

⁴ One site on the July version of Table 4 has been omitted from ours, because of an atypical situation: Kiku Crossing. Kiku Crossing achieved higher density only by invoking a unique state statute (AB1763) that overrode both the Measure Y height limit and eliminated the density limit entirely. Because this state law meant the project was not subject to a maximum density, it is not typical and cannot be used to calculate a percentage of maximum density for typical projects.

higher number than what is eventually approved after the review process takes place. Table 4 should be edited to include the average capacity by acreage of approved projects, which helps show what is realistic to expect from future ones.

2. The City Must Adjust Downward To Account For The Possibility Of Non-Residential Redevelopment.

While there is a significant demand for housing that may result in redevelopment of many of the sites on the inventory, housing is not the only possible outcome for the sites. Most of the sites on the inventory have mixed zoning: they could be used for housing, but they could also be used for an entirely non-residential use like commercial or office space. HCD directly instructed the City to evaluate the probability of this occurring when it explained why the City's January Housing Element did not comply with state law:

In addition, the calculation of residential capacity must also account for the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. . . . For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

HCD March 27, 2023 letter, Appendix at p. 2. HCD also said the same thing, word-for-word, in its September 2022 comment. HCD September 28, 2022 letter, Appendix at p. 3. Yet the current draft still does not comply.

Despite HCD's direction to evaluate this issue, the new July draft deletes the chart – former Table 5 in the January version – that addresses it. Hiding the data will not help. As we explained back in January, the City's own data shows that residential capacity numbers should be reduced by approximately 25%, based on an 75% likelihood that a mixed-zoning site will be redeveloped with some residential units, and a 25% likelihood that it will be redeveloped with no residential units. Table 5, at page H-32 to H-34 of the adopted Housing Element showed that 78% of projects by number, and 75% of the acreage, contained some residential units, but that 25% of the re-developed acreage contained no residential units at all.⁵

⁵ Larger sites are more likely to be developed for commercial or office uses. The January adopted Housing Element Table 5 shows that while 20 of 25 sites contained at least some residential component, only 19.99 of the 80.88 acres (75%) did. A realistic calculation of the likelihood of residential development should apply the proportion developed by acreage before multiplying it times the allowable units per acre, not the site count.

We note that the deletion was only partial; the July version of the Housing Element still states that “[H]istorically 78% of the commercially zoned sites included housing,” and then claims – incorrectly – that realistic capacity numbers are reduced for mixed-use sites. (Housing Element at page H-31). There is even a new, stray reference to the old, now-omitted Table 5. (See H-34, referring to “the history described in Tables 4 and 5”). Table 5 should be restored to

The capacity numbers of sites on the inventory, for those sites with mixed zoning, should therefore be, at most, 92.8% times 75%: 69.6%. (Or if the draft's 90% number is used, then 67.5%). The draft currently applies a capacity number of 90% to sites where nonresidential uses are authorized by the zoning, with no consideration of the probability of nonresidential development, and so the capacity numbers will need to be reduced for most of the sites on the inventory.

We note that the City could rezone so that housing is a required use in these zones (i.e., a minimum residential density), so that a 100% nonresidential project is not possible. This would guarantee that these sites would include housing if they are redeveloped, and enable the City to ignore the probability of nonresidential development. The only other alternative is to do as HCD has now directed twice: Unless the City rezones to eliminate the possibility of a 100% nonresidential project in these zones, it must discount its capacity numbers to incorporate the probability that underutilized sites become office or retail spaces, rather than being used for housing. It is time to incorporate the discount into the analysis, and recognize that the site inventory lacks sufficient sites to provide for the necessary RHNA housing at all income levels.

3. The City Should Consistently Apply The Realistic Capacity Methodology, Including To Sites With Unapproved Applications or Pre-Applications.

As just explained, the draft states that the realistic capacity of the majority of sites is 90% of the zoned maximum. But for sites where an application or pre-application has been made, the draft now always uses a much higher capacity number – sometimes well in excess of the City's own zoning laws – even though the project has not yet been approved. In most cases, these applications or pre-applications include a density bonus request, and so the inventory projects development at up to 150% of the zoned capacity. While in the January version the capacity number was at least sometimes adjusted to a reasonable projection of the realistic capacity, the draft now uncritically embraces any number that has been suggested by an applicant or pre-applicant.

If the City were to accept that its January Housing Element was invalid, and that the Builder's Remedy now applies – so that it cannot use its zoning laws to prevent these projects from being built as proposed, absent a health and safety concern – then the City could approve all of the applications now, and count these numbers towards the RHNA. But until and unless the applications are approved, there is insufficient basis to claim these numbers as realistic: the fact that an owner has proposed a number in a "pre-application" or even a formal application does not mean that the number is valid or likely to be accepted by the City. The history of actual approved projects, not the face value of a pre-application, is what should supply the realistic capacity of not-yet-approved sites on the inventory.

the draft, and the effect of its analysis should be included in estimating capacities as HCD directed.

Moreover, the approach of including state law density bonus numbers ignores that the City's Housing Element is supposed to evaluate the realistic capacity based on the City's zoning restrictions, and not merely assume that the City's zoning laws are adequate to accommodate the need because state law can override them. The City should apply the same realistic capacity methodology to all sites that have not yet received a formal approval. An unanalyzed application or pre-application is not sufficient evidence to claim a higher number.

4. The Estimate Of Lower Income RHNA Capacity Is Overstated.

Probably the most significant problem with the site inventory is in its estimate of the realistic capacity of the sites to provide housing opportunities for households in the lower (very-low and low) income categories. Here, the Housing Element ignores the new 2018 (AB1397) statutory requirement that realistic capacity numbers consider typical densities of existing/approved projects "at a similar affordability level in [the] jurisdiction," Government Code section 65583.2(c)(2), and instead projects that, on average, 40% of the units will be affordable to those in the lower income category.⁶ The only reasoning given for the 40% prediction of lower income units is that lower income units reflect 40% of the RHNA requirement for the City. This logic is circular: the City predicts that it will satisfy its goal by assuming that the goal will be satisfied. No one in San Mateo could possibly think that it is a realistic estimate to say that 40% of the units, on average, will be affordable to those in the lower income category.

We have included a second chart in the appendix, this time adding a column to the Table 4 data to show the typical densities "at a similar affordability level" by showing the percentage of total units that are affordable to households in the lower income RHNA category. The result shows that, based on an average of recent existing and approved projects, the median project includes only 8-9% affordable units (not even 15%, because of the interaction between the inclusionary ordinance and state density bonus law).⁷ The average, taking the atypical Kiku Crossing into account, is around 18%, though we note here that our chart is incomplete and that the City will have the necessary data to complete it. Even the incomplete data makes clear that

⁶ We do not fault the City for attributing the units across all properties, because it can be difficult to predict which parcel will develop in which way. The issue is what percentage should be applied across all properties.

The significant exception to the use of the 40% number is for the Hillsdale Mall site. For that site, the site inventory projects only 15% lower income units, explaining that this was reasonable based on the city's inclusionary zoning ordinance. As we explain, an estimate like the one used for Hillsdale is far more reasonable than the one used for other sites.

⁷ Here, the median is more relevant than the mean in evaluating typical densities at this level of affordability, because the mean is heavily skewed by the high number of affordable units in the atypical Kiku Crossing project, which combined both a significant land donation by the City with a special state law that removed density limits and significantly raised the height limit. The City does not have a significant city-owned land inventory to repeat this success.

the site inventory's estimate, using 40% as a formula for the "realistic capacity" of the site inventory to meet the RHNA need for lower income housing, is not a realistic projection or estimate based on typical existing/approved projects.

Applying a realistic estimate of lower income production to the site inventory has a major impact. If a realistic percentage for the lower income category is applied, based on the data, then the current site inventory has a RHNA shortfall of more than 1,000 units in this category. In order to satisfy the RHNA for this category at current levels of affordable housing production, if the City does not develop new programs and policies, and succeed in the Measure Y effort to allow greater density, the City would need to rezone hundreds of acres at 50 dwelling units per acre to result in the required level of lower income housing, or come up with a more aggressive program of building affordable housing itself.

B. The City Includes Sites That Are Not "Suitable And Available" Because They Do Not Have A "Realistic And Demonstrated Potential" For Redevelopment During The Planning Period To Meet The Need For Housing.

One of the most concrete aspects of any housing element is the inventory of land "suitable and available" for residential development to meet the city's regional housing need by income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p. 1 (https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf). The list is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels.

Where nonvacant sites are listed on the sites inventory, there must be a "realistic and demonstrated potential for redevelopment" during the next eight years. Government Code § 65583(a)(3). To address past abuses – including where cities list unrealistic sites in order to avoid required rezoning – the California Legislature created a high standard for listing sites that are currently being used for something other than housing. Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development "based on substantial evidence that the use is likely to be discontinued" during the planning period. Government Code § 65583.2(g)(2) (final sentence). The City must analyze the evidence: existing leases, market demand for the existing uses, and anything else that would indicate whether existing uses will continue. Government Code § 65583.2(g)(1).

HCD has twice told the City to correct this issue. In the September 28, 2022 letter, HCD wrote:

The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element

describes in general the existing use of each nonvacant site, for example, ‘commercial’ or ‘parking lot.’ This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. . . . [T]he housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code § 65583.2, subd. (g)(2).)

Despite this specific guidance from HCD, the site inventory still lists existing uses as “commercial” or “parking lot” without any additional discussion of most of the parcels, the existing uses are not described in detail to facilitate an analysis, existing leases are ignored, and the housing element does not demonstrate that existing uses are likely to discontinue in the planning period. In its March 27, 2023 letter, HCD reiterated:

[T]he element should describe the likelihood that existing uses will discontinue during the planning period, whether there are current leases, or other factors of whether the uses will impede residential development.

Unfortunately, the draft doesn’t respond to these instructions. The following examples show that the City has listed unrealistic sites without evidence that the existing uses are likely to discontinue.

1. The Bridgepointe Shopping Center Parking Lot
(APN 035-466-100) 8.5 acres, 383 units (155 lower income)

The City’s new draft has dropped the unrealistic Bridgepointe shopping center buildings, but tries to claim, contrary to the evidence, that much of the parking lot is nevertheless likely to become housing before January 2031.

Most of the shopping center buildings are occupied under long-term leases by major retailers (Ulta Beauty, Total Wine & More, Ross, Marshall’s, Hobby Lobby, Starbucks, Petco, Cost Plus). The center is highly successful, and a new Benihana restaurant is currently being built on one edge of the parking lot. Other restaurants dot the perimeter, including BJ’s, Lazy Dog (opened May 2022), and California Fish Grill (also opened 2022). An ice rink that was closed at the time of an earlier draft of the Housing Element has now re-opened. These are all long-term uses that are not likely to discontinue.

The parking lot is used by all of the tenants. The City nonetheless claims that the parking lot will meet the need for 383 units of housing, including 155 lower income units. In order to do so, the City needs substantial evidence that the existing use of the parking lot will discontinue.

There is no such evidence. The City has no evidence that the owner plans to build high density residential on even a portion of the parking lot during the term of the existing leases.⁸ Nor does the City have any evidence that the leases with the major retailers and restaurants – which almost certainly provide for rights to have customers park in front of their businesses – would allow the owner to do so. Given the evidence we have already provided the City that the long-term leases run throughout the planning period, and the continued evidence of retail use of the center (including the new Benihana construction), the City lacks substantial evidence that the regional need for housing, particularly for the lower income category, is met by this parking lot. As we have previously commented, our client would strongly support dense residential construction on the parking lot, and we hope the site evolves in this manner. The City, however, has not met its burden of showing, based on substantial evidence, that the parking lot is available for development or realistic as the site of 155 lower income units, in spite of the economic and legal constraints on its use.

2. The Atrium: 1900 South Norfolk Street
(APN 035-391-090) 8.18 acres, 368 units (149 lower income)

As stated in Housing Action Coalition’s earlier comment letters: The executive office building known as “The Atrium,” located at 1900 South Norfolk Street, is currently used by a large number of office tenants. The draft Housing Element does not perform any analysis of the current use, including whether existing leases would create obstacles to residential development of the site during the next eight years. Publicly available information shows that the owner continues to sign long-term leases with new tenants, even in 2023. <https://property.compstak.com/1900-South-Norfolk-Street-San-Mateo/p/3970> (indicating a lease was signed with new tenant Golden Gate Regional Center in 2023 that expires in 2035). In prior letters we also submitted publicly available information indicates that a number of other leases continue to be signed or renewed for this three-story office building, with at least one other lease publicly reported to extend until 2030. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 9. Despite this information, the City does not analyze whether the existing leases present an obstacle to residential development during the 6th cycle as required by Government Code section 65583.2(g)(2), emphasizing only “owner/developer interest” in redevelopment.

Based on the results of a recent Public Records Act response, the evidence of owner/developer interest is insufficient to conclude that the existing use of the property as an office building is “likely to discontinue” during the 6th cycle, or that the property should be projected to provide the 368 units, and 149 low income affordable units, claimed on the inventory. A 2020 email shows that a developer was exploring the idea of building townhomes on a small portion of the parking lot only: 3 acres, for 55-60 townhome units, “while still

⁸ The earlier draft of the Housing Element had suggested that there was owner interest in redevelopment. In response to our Public Records Act request, no evidence of this was produced. On the new site inventory, the box for “Owner/Developer Interest” is left blank; the chart argues that the site is realistic solely because it is a parking lot with no structures on it.

preserving the office building and all of its associated tenants.” A lower-intensity development proposal like this is consistent with the similar townhome development at 1, 2, and 3 Waters Park a few hundred feet away, but does not justify claiming that the entire 1900 S. Norfolk site would be redeveloped, particularly at the intensity claimed in the site inventory. A second communication, directly from the owner Seagate Properties in April 2022, sought a General Plan designation that would make residential development possible, but did not provide any timeline or state that the existing use would be eliminated during 2023-2031: “we . . . believe there will be opportunities now or during the 20-year period of the General Plan for the property to be redevelop[ed] with housing on the portions of the existing surface parking lot. A Medium Mixed-Use designation will allow both office and housing to occupy the site.” Both of the communications provide no evidence that the existing office use of the site will discontinue at all, much less that it is likely to discontinue soon enough that housing can meet the 6th Cycle RHNA need. Both these communications *confirm* that the existing use will continue, rather than providing evidence that it will not; the expressions of owner interest do not justify claiming that all 8.18 acres will develop. Moreover, the continued signing of new long-term leases, including after the April 2022 letter, show by the owner’s current actions that housing is not expected to happen before 2031.

If the City pivots and claims that a portion of the parking lot can be redeveloped consistent with the owner’s actual statements, rather than the entire 8.18 acres, it would need to make a site-specific adjustment to the capacity. The office building, and the need for parking for its tenants, reduce the available space. So does the large utility substation that isolates a strip of the acreage from the rest of the parcel, rendering that portion unbuildable. There are other site-specific constraints, including the Measure Y height limit, the height limits adjacent to the Highway 92/101 interchange (bordering this site on two sides), and the required setback from Borel Creek/Seal Slough, all of which may lower the realistic capacity. The draft fails to analyze these site-specific constraints in projecting 368 units.

3. Hillsdale Mall

(APN 042-121-040, -060, -080; 039-490-050, -170; 039-353-010, -020, -030, -040) 28.91 acres, 1200 units (180 lower income)

As discussed in Housing Action Coalition’s prior comment letters, the question about Hillsdale Mall is not about whether the owner is interested in some mixed use housing for the site. The issue is when and how much housing will be built, and on which parcels or portions of parcels. Here, the City lacks evidence to justify the projections on the site inventory, or to claim that the existing uses are likely to discontinue soon enough for housing to be built during the required timeframe. The letter that the City cites at page H-35 fn.8 shows a proposal for densities higher than San Mateo zoning law allows (absent amendment of Measure Y). The new draft does not address these issues further, though it has – as explained in section A.4 above – reduced the number of affordable units to a more reasonable number.

4. Parkside Plaza Shopping Center: 1825 and 1850 S. Norfolk
(APN 035-381-020 and -030) 6.65 acres, 299 units (121 lower income)

The owner of Parkside Plaza shopping center has, according to the site inventory, expressed no interest in redevelopment. And, there are existing uses that would presumably prevent the owner from doing so anytime soon. The shopping center is full of retail tenants: Smart & Final, Pet Club, a Round Table Pizza, a large optometrist, dry cleaners, restaurants, a beauty supply, a martial arts school, “Fluff and Puff Dog Wash,” and others. If not for the tenants, and not for the lack of ownership interest, it might seem like a reasonable site for housing: other developments are happening or planned in this neighborhood. But with the large number of existing tenants, including national chains, the site is unlikely to redevelop before 2031. Under Government Code section 65583.2(g)(1) and (g)(2), it is not properly listed as accommodating the need for sites for lower income housing.

We note here that a similar retail shopping center site – the Concar Passage project – has recently put their project on hold due to current economic conditions.⁹ Five years after first applying for approval, and three years after obtaining it, the project proponent there has – just before expiration of its rights – asked for another extension of two years to sign a ten-year development agreement and exercise options to consolidate ownership of the parcels. While the Concar Passage project might still provide housing during the 6th cycle planning period, there is no housing being built right now even with a motivated developer with a plan who has been pursuing it for five years so far. Contrast that with Parkside Plaza: no owner or developer interest and no plan. It is simply unrealistic to expect that Parkside Plaza will be redeveloped as residential in time to meet the need for housing, including lower income housing, during 2023-2031.

5. Borel Shopping Center (71-77 Bovet; 1750 El Camino Real)
(Consolidated Site AH: APN 039-011-450, -460, -470, -480, -500, -510)
6.65 acres, 213 units (86 lower income)

The City has repeatedly been told by public comments why the Borel Shopping Center site is not realistic: tenants have long-term leases that preclude development even if the owner is interested. As explained by the comment letter by Campaign for Fair Housing Elements in April 2022, the major tenants (CVS and 24 Hour Fitness) have long-term leases that will not expire until long after January 2031, and have indicated they do not want to leave. *See* draft Housing Element, Appendix G at page 13.¹⁰ Our recent communication with CVS’s Northern California director of real estate confirms that CVS has no present intention or belief that it will move out before 2031. (Attached email from CVS, dated August 7, 2023). As demonstrated by our earlier

⁹ See staff report for item 26 of the July 17, 2023 City Council meeting for additional details. <https://sanmateo.primegov.com/Portal/Meeting?meetingTemplateId=6875>

¹⁰ Long-term leases are unsurprising, particularly after buildings are extensively remodeled. As the City knows from the building department, 24 Hour Fitness did major renovations under its long term lease: \$2.2 million in improvements in 2008.

comment letter, Jack's Restaurant and Bar likewise has a long-term lease that lasts for most of the period (the lease runs from 2013-2029). The City lacks substantial evidence that the site's existing uses are "likely to be discontinued" during the next eight years. It should not count towards 86 units of housing affordable to lower income households.

6. Borel Estate Building, 1690 (1700) S. El Camino Real
(APN 039-012-010)
Acreage not shown on inventory, 155 units (63 lower income)

1700 S. El Camino Real, the entire block between Borel and Bovet, is a five story office building with two banks (California Bank and Trust and Beacon Business Bank) on the first floor, and 32 offices on floors 2-4. The tenants are primarily in the financial services industry and other professionals.

If the City has evidence that the owner is likely to discontinue office leasing during the 2023-2031 period, it does not describe it. Despite this being one of the larger sites on the inventory, there is not a page in the Housing Element Appendix C that answers the critical question: is there substantial evidence that this site is likely to redevelop as housing before January 2031? Absent such evidence, it should not be listed. If what the City means instead is that the parking lot is a likely housing site, with the five story office building remaining, it should designate a smaller segment and analyze how much of the parking lot use is likely to discontinue during the planning period.

7. Office Building at 1650 Borel
(1650 Borel)
2.51 acres, 113 units (46 lower income)

This office building is filled with professionals: law firms, accountancy practices, psychiatrists, mortgage brokers, opticians, and engineers. New leases continue to be signed; in 2022, one of their longtime occupants – a CPA firm (Galligan, Thompson & Flocas) – signed a new 10 year lease that will run to 2031. <https://property.compstak.com/1650-Borel-Place-San-Mateo/p/4097> The site inventory shows that no owner or developer interest has been expressed in redevelopment. The law requires the city to presume that this site's existing use will continue, even if the city thinks this two-story building could or even should redevelop. Government Code § 65583.2(g)(2). Existing uses preclude listing this site as meeting the need for lower income housing.

8. The Elks and The Shriners – 229 W. 20th Street and 150 W. 20th Street
(Consolidated Site H) 5.4 acres, 140 units (57 lower income)
(APN 039-030-220) 1.98 acres, 89 units (36 lower income)

The Benevolent and Protective Order of Elks, Lodge 1112 ("San Mateo Elks Lodge"), has been located at 229 W. 20th Street since 1954. The San Mateo Elks Lodge has a membership of over 1,100 as of earlier this year. The Elks use their lodge to operate a popular swimming

center for kids and families, hold crab feeds and other events in the meeting hall, and engage in fun activities and philanthropic works.

The only suggestion that the San Mateo Elks are not likely to continue their existing use of the Elks Lodge at 229 W. 20th Street is the statement on the site inventory that “Preliminary conversations with the owner to convert to residential have occurred.” That kind of statement might sometimes go unnoticed and unquestioned by the City Council, HCD, or a court. But here, no one should take it as an adequate answer to the question of whether the San Mateo Elks will stop using their lodge in the next eight years. The reason is that the 2015 Housing Element, when listing the same site, said the same thing, word-for-word: “Existing private member club. Preliminary conversations with the owner to convert to residential have occurred.”¹¹ Nothing has happened in the last eight years to suggest that “preliminary conversations” are substantial evidence on which to predict a likely discontinuation of the existing use, even if the more recent note is based on more recent preliminary conversations, instead of the “preliminary conversations” that took place eight years ago. No records were produced in response to our Public Records Act request showing that any conversation about likely redevelopment has taken place recently or at all. Nor does an offhand email from a curious real estate broker, asking about the Housing Element designation, show a likelihood that the Elks plan to move. This site should not be counted towards accommodating the need for 77 units of housing affordable to lower income households. Government Code § 65583.2(g)(2).

Meanwhile the Housing Element also pairs the Shriners’ property with two neighboring parcels: 205 W 20th and 2010 Pioneer Court. The City has no evidence that the owners are coordinating or will do so.

A second private club is located just down the street at 150 W. 20th Street: the Shriners. The Shriners are likewise a longtime institution in San Mateo, and are likewise committed to philanthropy and social activities. The Shriners’ building is used in part for a day care center. The site inventory provides insufficient detail to evaluate whether they plan to move out in the next eight years, saying only “Owners have considered mixed use with residential.” Without more, this is insufficient to justify concluding that the Shriners actually plan to leave or redevelop in the short or mid-term, or to treat their property as accommodating the need for 32 units of lower income housing.

The same analysis applies to other sites. *See, e.g.*, 1500 Fashion Island Blvd. (APN 035-550-040) (“Developer interest in redevelopment.”); Consolidated Site B (APN 032-312-250, -270, -150, -100, -070) (“General interest in redevelopment”). Vague expressions of interest do not constitute substantial evidence that the existing use will likely cease during the next eight

¹¹ In order to rely on conversations purporting to express intent, the public needs to know much more. Who had the conversation cited by the City, and with whom did they have it? Has the Lodge taken any affirmative steps toward redevelopment beyond this conversation? Without more, the vague reference to “preliminary conversations” between unidentified speakers on an unidentified date does not constitute “substantial evidence.”

years. Sections 65583.2(g)(1) and (g)(2) require more analysis, more evidence, and more likelihood.

9. Mollie Stone's – Olympic Shopping Center

(Consolidated Site AD:

APN 042-242-050, -060, -070, -160, -180;

042-243-020, 042-244-040, -050;

042-245-040, -050, -060, -070, -080, -090, -100, -110, -120, -130;

042-263-010, 042-264-010)

8.82 acres, 296 units (120 lower income)

This site, consisting of twenty parcels including the only grocery store in the neighborhood (Mollie Stone's), a CVS, a bowling alley, a church, and a number of small retail businesses, is claimed to accommodate 120 units of housing affordable to those with lower incomes. Many of the sites are separated by city streets. The only basis for including this group of sites appears to be the claim that there is "ownership interest in specific plan redevelopment," which does not indicate that all of the parcels would be redeveloped as housing at the maximum density, or indicate who said what to whom, and when.¹² There are three separate owners, and no indication that they are working together or have the agreement of the tenants to temporarily close during redevelopment. As with Borel Square, we note our recent communication with CVS's Northern California real estate director (attached), showing that one of the major tenants has no current intention or belief that it will move out so that its store can be redeveloped as housing before 2031. We also note that, while the interest in redevelopment was in a specific plan process – probably necessary given that the city streets break up the site – the City has nothing in its Housing Element indicating it plans to engage in a specific plan process for this area. The City appears to lack substantial evidence that this site will likely redevelop during 2023-2031.

10. Downtown Retail Block on East Fourth: Site N

(Consolidated Site N: 034-144-220, 034-144-230, 034-144-240)

3.14 acres, 141 units (58 lower income)

The city claims that three parcels under separate ownership will consolidate and be redeveloped in the heart of downtown: Consolidated Site N is a combination of (1) the long downtown block on East Fourth with Dean's Produce, Equinox, First Bank, Jamba Juice, Noah's Bagels, Starbucks Coffee, Chase Bank, a bicycle shop, and other restaurants and stores; (2) an

¹² Here too, the concern about specificity is not idle. There are five separate owners. Carstens Realty owns most of the parcels, but CLC Investments, Sadigh Sassan, Shamco E LLC, and San Mateo Investment Co. each own one. The City does not discuss or address whether the five are willing or interested in a joint project, though it lists each of them as having expressed interest in a specific plan. Without evidence of what makes consolidation likely, the smaller sites are deemed insufficient to accommodate the need for lower income housing. See Government Code § 65583.2(c)(2)(A).

old bank building now occupied by a Mattress Firm store, and (3) the parking lot on East Fifth across from Central Park, behind the shops on East Fourth.

The parking lot is under separate ownership from the other parcels, and had proposed a project in 2013 called “Essex at Central Park.” <https://www.cityofsanmateo.org/2708/Essex-at-Central-Park> But the owners have not moved it forward for the last five years (the last meeting about it was a Planning Commission meeting in August 2018), and the Housing Element site inventory indicates both that there is no “Pipeline Project” here (i.e., that the prior project was abandoned) and further, that the City has no indication of owner interest. Whatever enthusiasm for redevelopment the owner once had ten years ago seems to have gone away.

It should be easy enough to determine if the owners of these parcels, who are known to City staff, are likely to develop their properties during this Housing Element cycle. But the City apparently has no indication that either of them are interested in building. Given the apparent disinterest in residential development by the separate owners, combined with a robust and thriving set of existing uses and a lack of indication of coordination between the owners, the City cannot overcome the presumption that the existing uses will continue, and are an impediment to affordable housing. Government Code § 65583.2(g)(2).

11. Pioneer Court

(Consolidated Site I: 2040-2070 and 2041-2075 Pioneer Court)
1.6 acres, 63 units (25 lower income)

Consolidated Site I contains six distinct parcels on either side of Pioneer Court. The multi-unit office park at 2041 Pioneer Court has at least 6 tenants, including two general dentistry practices, a spa, an acupuncture center, a chiropractor, and a consulting firm. Across the street at 2050 Pioneer Court is the offices of a manufacturing company, and next to that at 2070 and 2075 Pioneer Court are a law firm and a financial services firm, respectively. None of these proposed lots have evidence of owner/developer interest in converting to residential use during the planning period. These existing office uses are presumed to be an obstacle to residential development.

12. Villa Plaza (Walgreens and others)

(4060-4070 S. El Camino Real)
1.02 acres, 46 units (19 lower income)

It’s unlikely that a major national retailer like Walgreens doesn’t have a long-term lease. But the City does not appear to have made any effort to determine whether it does, or whether it would preclude development at this site. Also on the site are smaller businesses. One of them does have a publicly reported lease, signed in 2021, that extends to 2031, precluding development even if the owner were interested. <https://property.compstak.com/4060-South-El-Camino-Real-San-Mateo/p/4092>. Absent further analysis, this site lacks evidence that it is likely to redevelop, particularly in light of the known lease that extends for the entire planning period.

13. Site B: Downtown Parking

(Consolidated Site B: 5 N. San Mateo Dr., 123 Baldwin Ave., 117 Baldwin Ave., 26 N. San Mateo Dr., 27 N. San Mateo Dr.)
0.98 acres, 44 units (18 lower income)

Consolidated Site B is made up of 5 distinct lots that are currently used as parking lots. These parking lots are surrounded by medical office buildings that need parking for the comings and goings of doctors and patients; one of the lots is even owned by Sutter Health. These parking lots service family medicine office, an episcopal day school, two cosmetics stores, a dermatologist, a pediatrician, and an oral surgeon, to name a few. While the site might make sense for housing, the City cannot say, without affirmative owner interest, that the existing use is likely to cease. Sometimes surface parking lots turn into housing and sometimes not; when listing a property as meeting the need for lower income units, the City is required to show evidence and show that housing is the likely outcome before January 2031.

14. Lack of A Meaningful Buffer

HCD guidance is to have a buffer of at least 15% in each income category. That helps ensure that there are adequate sites not just to avoid constant rezonings due to the No Net Loss statute, but also helps account for the known-unknown: that even sites that seem poised to become housing may not do so, or may not do so in a timely way. Several approved projects have recently asked for years-long extensions to assess economic conditions and decide whether to move forward, including Concar Passage (two-year extension, after one year extension), Block 21 (three-year extension), Hillsdale Terraces (five and a half years of extensions so far). Others are trying to sell their property without proceeding with the proposed development. (4 W. Santa Inez, on the market since mid-2022).

Despite this, the City's new draft has very little buffer, particularly in the lower and moderate income categories. Particularly given that the City did not meet its goals in these categories during prior cycles, the City's plan should ensure that more than enough opportunity sites exist, to increase the likelihood that the RHNA goal is actually met.

C. The Draft Ignores HCD's Repeated Rejection Of The ADU Number, And Fails To Address The Legal Standard.

"The department [HCD] may . . . allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period" Government Code § 65583.1(a); *see also* § 65852.2(m). However, HCD has repeatedly told San Mateo that it needs to take 2018 numbers into account. In its September 28, 2022 letter, it wrote: "The trend does not consider the number of permits in 2018." When the City included the same chart of 2019-2022 numbers, and presented a four-year average, HCD expressed annoyance that the City still didn't comply: "The element did not address the finding regarding the City's ADU projections, please see HCD's prior review." Despite this clear direction, the draft continues to omit 2018 numbers and projects the same

number of ADUs (440, or 55 per year) that were in the non-compliant version adopted in January. *See* July version at H-39.

The draft should be edited to project a lower number, based on the number of units developed during the five-year 2018-2022 time period directed by HCD. Notably, many people decide not to build a permitted unit after they learn how expensive it is. If people aren't going to actually build the units, then the City should consider additional rezoning so that apartment buildings can legally be built to accommodate the unmet need for housing.

Based on data produced by the City, only 170 ADU permits were “finaled” (i.e., construction completed) during 2018-2022:

	2018	2019	2020	2021	2022	Avg
Applications	--	56	94	94	115	90
Permits issued	8	44	47	66	84	49.8
Permits finaled ¹³	6	21	35	55	53	34

Averaged over 5 years, the number of ADUs developed during 2018-2022 was only 34 units per year.¹⁴ Projected over the eight year period, this would be 272 units, not 440, with proportional reductions across each of the income categories.

HCD has also twice indicated that if ADU production was insufficient, the City should have a program in place to rezone elsewhere in the City, to ensure that the RHNA need is met. The draft does not implement this comment; it amends policy 1.4 (at page H-76) to “monitor” ADU production, but does not include a program to rezone if the numbers fall short. We propose that Policy H1.4 should add, under (f), that “If ADU production is lower than the projection in any two consecutive years, then, within six months, the City will address the shortfall in ADU production by rezoning additional realistic sites for multifamily development (30 du/ac or more) sufficient to accommodate the shortfall.”

D. Minor Corrections.

We also noticed some minor errors and discrepancies in the site inventory that we call to staff's attention for correction:

¹³ This is based on a document produced in response to a Public Records Act request. Included in these totals are at least 14 existing units that had been constructed at some prior date, but which were finalizing a permit to make the unit legal in response to a code enforcement action.

¹⁴ The real number of ADUs added to the housing stock is less than the number of “finaled” permits. Some people use ADUs as home offices, as AirBNB short-term rentals, or for out-of-town visitors, not to provide full-time housing.

1. The totals on the site inventory are incorrect. The total of all of the numbers in the column titled “Total” is 9,848, not 9,948. The correct total appears to be used in the text at H-C-14, however.

2. The total of the three categories does not add up to either of these numbers: $2,970 + 1,181 + 5,704 = 9,855$ (not 9,848, and not 9,948). This problem is due to rounding errors in the spreadsheet. The following addresses have a discrepancy (either positive or negative, by 1-3 units, between the sum of the three categories (LI + M + AM) and the total: 121 N. San Mateo, 2833 S. El Camino, 3101 S. El Camino, 885 S. El Camino, 100 E 4th, Bridgepointe parking lot, 2955 S. El Camino, 3520 S. El Camino, 210 S. San Mateo, 2900 S. El Camino, 2838 S. El Camino, 1106 S. El Camino, 93 Bovet, 3880 S. El Camino, 1801 S. Grant, 1017 E. 3d, 4142 S. El Camino, 1690 El Camino. The subcategories should be adjusted so that they do not exceed the estimated total capacity of the site.

3. There are math errors in applying the capacity formula, even if 90% times zoned maximum is valid. For example, 151 W. 20th is 0.36 acres but is listed for 18 units. $50 \text{ du/ac} \times 0.36 \text{ acres} \times 90\% = 16.2 \text{ units} = 16$, not 18. The problem may be related to rounding up, rather than rounding down, for the RHNA categories, or could be because some sites were inadvertently left at 100% in the spreadsheet. For some, the total even exceeds 100% of the zoned maximum even though the property is not a pipeline project and has not invoked density bonus. The following non-“Pipeline Project” sites have a unit total on the spreadsheet that exceeds the acreage times 90% of the zoned maximum: 121 N. San Mateo, 205 W. 20th, 151 W. 20th (by 2 units), 2833 S. El Camino, 2825 S. El Camino, 3101 S. El Camino, 487 S. El Camino, 168 E 4th (both parcels), Bridgepointe Parking, 1500 Fashion Island (by 22 units), 2118 S. El Camino (by 23 units), 3011 S. El Camino, 2900 S. El Camino, 4060 S. El Camino, 1106 S. El Camino, 901 S. El Camino, 3600 S. El Camino, 350 N. San Mateo, 1 Baywood (3 units), 406 1st (2 units), 93 Bovet (4 units), 1650 Borel (34 units), 1900 S. Norfolk (111 units¹⁵), 1801 S. Grant, 2030 S. Delaware (5 units), 480 S. Ellsworth (17 units), 1620 S. Delaware (2 units), and 1690 El Camino Real (15 units). Seventeen of these appear to be from rounding errors (that 90% of the maximum is slightly lower than the number shown as the total capacity), but the ones with larger numbers in parentheses have other less easily identified problems that require correction/adjustment.

4. The approach of assigning 40% of the total capacity (i.e., the RHNA proportion) to the lower income category was exceeded by more than a rounding error for the following non-Pipeline sites: Bridgepointe Parking (155 is not 40% of 383), 1850 S. Norfolk, 2838 S. El Camino, Consolidated Site AC (Mollie Stone’s), 3880 S. El Camino, 1900 S. Norfolk, and especially 480 S. Ellsworth (25 is not 40% of 39).

5. For certain sites, redevelopment would displace existing housing. For example, at Site AJ, the building at 245 S. Humboldt is an apartment building that appears to have at least

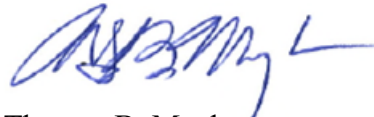
¹⁵ If 1900 S. Norfolk is zoned for 50 du/ac instead of 35 du/ac as shown on the spreadsheet, this will correct the discrepancy.

four units. Because RHNA is about increasing the capacity to accommodate housing, the capacity estimate for the site should be adjusted downward to take into account the housing that would be displaced by redevelopment, so that only the net increase is included on the inventory. This issue must be analyzed for all sites, but we noticed Block 21/Consolidated Site S (where it appears 7 residential units were demolished for the project but the inventory does not show the net result),¹⁶ Site AP (2 single family homes that would be demolished), Site J (117 W. 20th), Site AJ (245 S. Humboldt), Site T (appears to include two duplexes on Jasmine, 4 units). The affordability of the displaced units should be analyzed so that they are subtracted from the correct category on the inventory.

* * *

Given these flaws, San Mateo is not yet ready to adopt a valid Housing Element. Additional sites will need to be identified and potentially rezoned to ensure compliance with state housing law and to ensure that San Mateo's share of the regional need for housing is met. A more substantial inventory will also avoid the possibility that the Housing Element will be invalidated in the event that HCD or a court agrees with the legal issues identified above, and show that San Mateo is committed to doing its part to address the ongoing housing affordability crisis.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

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¹⁶ <https://www.cityofsanmateo.org/DocumentCenter/View/88381/Appendix-C-Historical-Evaluation>

2017-2022 Residential Project Densities
(based on combination of January and July versions)

Address	Acres	Units	Max Zoned Density ¹⁷	Max Capacity (max zoned times acreage)
1650 Delaware	1.1	73	50	55
BM Montara, 2775 S. Delaware	1	68	50	50
Central Park South, 31 9 th Ave	1.1	60	50	55
Station Park Green, 1790 S. Delaware St.	12	599	50	600
200/210 S. Fremont St.	0.4	15	50	20
BM Morgan, 2901 E. Kyne St.	1.6	82	50	80
BM Res 6, 3069 E. Kyne St.	1.1	54	50	55
Passage, 666 Concar Dr.	14.5	961	50	725
1919 O'Farrell St.	0.7	49	50	35
4 W. Santa Inez Ave.	0.25	10	40	10
1 Hayward Ave.	0.29	18	44	12.76
401 Concar Dr.	2.81	191	50	140.5
1, 2, 3 Waters Park Dr.	11.1	190	35	388.5
Promenade, 220 N. Bayshore Blvd.	2.1	42	50	105
Peninsula Heights, 2988 Campus Dr.	15.5	290	35	542.5
2089 Pacific Blvd. Multi-Family	2.37	16	35	82.95
406 E. 3d	0.88	25	35	30.8
303 Baldwin	0.93	64	50	46.5
5 Delaware St. at Landing	1.51	67	50	75.5
222 E. 4 th	1.13	10	50	39.55
500 E. 3d (Block 21)	1.51	111	50	75.5
435 E. 3d	0.25	18	50	12.5
405 E. 4 th	0.51	15	50	25.5
Totals	74.64	3028		3263
		92.8% of max		

¹⁷ Because the maximum density was not shown on the July version, we have tried our best to indicate what we think is the maximum for the additional sites added to the chart. We have italicized the ones where information does not appear on the site inventory. The City will have better information to complete the chart.

2017-2022 Residential Project Densities For Lower Income
(based on combination of January and July versions)

Address	Acres	Units	Lower Income Units	Percentage
1650 Delaware	1.1	73	6	8%
BM Montara, 2775 S. Delaware	1	68	68	100%
Central Park South, 31 9 th Ave	1.1	60	5	8%
Station Park Green, 1790 S. Delaware St.	12	599	12	15%
200/210 S. Fremont St.	0.4	15	0	0%
BM Morgan, 2901 E. Kyne St.	1.6	82	??	??
BM Res 6, 3069 E. Kyne St.	1.1	54	5	9%
Passage, 666 Concar Dr.	14.5	961	73	8%
1919 O'Farrell St.	0.7	49	4	8%
4 W. Santa Inez Ave.	0.25	10	0	0%
1 Hayward Ave.	0.29	18	18	11%
401 Concar Dr.	2.81	191	16	8%
1, 2, 3 Waters Park Dr.	11.1	190	19	10%
Promenade, 220 N. Bayshore Blvd.	2.1	42	0	0%
Peninsula Heights, 2988 Campus Dr.	15.5	290	29	10%
2089 Pacific Blvd. Multi-Family	2.37	16	??	??
406 E. 3d	0.88	25	3	12%
303 Baldwin	0.93	64	6	9%
5 Delaware St. at Landing	1.51	67	7	10%
480 E. 4 th (Kiku Crossing)	2.41	225	223	99%
222 E. 4 th	1.13	10	10	100%
500 E. 3d (Block 21)	1.51	111	12	11%
435 E. 3d	0.25	18	1	6%
405 E. 4 th	0.51	15	??	??
Totals	77.05	3253	579	18% mean (= 579/3253)
				9% median

Nicholas "Nicky" Vu

From: LaBonge, Stephen [REDACTED]
Sent: Monday, August 7, 2023 9:59 AM
To: Mayhew, Tom x4948
Subject: RE: San Mateo stores - housing redevelopment plans?

External Sender

Tom – While we never know how retail will evolve, I do not see anything happening in the timeframe you outlined. I hope this helps.

Stephen LaBonge | **Director of Real Estate, CVS Pharmacy / Longs Drugs**
c [REDACTED] | Bay Area CA (Pacific Standard Time)

From: Mayhew, Tom x4948 [REDACTED]
Sent: Thursday, August 3, 2023 10:55 AM
To: LaBonge, Stephen [REDACTED]
Subject: [EXTERNAL] San Mateo stores - housing redevelopment plans?

**** External Email - Use Caution ****

Stephen –

Hi, I'm working pro bono on a project involving long range housing plans in San Mateo, for a non-profit (Housing Action Coalition). The City has listed the two CVS locations in San Mateo – 77 Bovet (Borel Square) and 4242 S. El Camino Real (Olympic Shopping Center) – as “likely” to become housing between now and January 2031. I have my doubts, so am reaching out to see if you can help shed light. Has CVS had conversations with the property owners at either location about redevelopment? Is CVS planning on moving/closing these locations, or is it likely to continue these locations between now and January 2031?

My phone numbers below if that's easier.

Thanks,

Tom

Tom Mayhew

Partner

Pronouns: His/Him

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

www.fbm.com

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Nicholas "Nicky" Vu

From: Housing
Sent: Wednesday, August 9, 2023 4:37 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: [correction] City of San Mateo Housing Element- Comment letter from NAACP San Mateo Branch Housing Committee
Attachments: City of San Mateo Housing Element- NAACP San Mateo Branch Housing Committee comments (2023-08-09)).pdf

From: Ellis A. Schoichet AIA [REDACTED] **On Behalf Of** Ellis A. Schoichet AIA
Sent: Wednesday, August 9, 2023 4:27 PM
To: Housing <housing@cityofsanmateo.org>
Cc: 'NAACP San Mateo County' [REDACTED]; 'Rev. Lorrie Owens' [REDACTED]
Subject: [correction] City of San Mateo Housing Element- Comment letter from NAACP San Mateo Branch Housing Committee

Correcting the date of the Housing Element Update:

Please see the attached comments addressing the 7/26/2023 Housing Element update. Thanks in advance for your consideration! Please let me know if you have any questions or require additional information.

Best regards, Ellis

Ellis A Schoichet AIA, Co-Chair
[NAACP San Mateo Branch #1068 | Housing Committee](#)
[REDACTED]



NAACP San Mateo Branch 1068 | Housing Committee

August 9, 2023

Housing Manager, City of San Mateo, Planning Division
330 West 20th Avenue, San Mateo, CA 94403
Subject: **San Mateo 2023-2031 Housing Element**

Dear City of San Mateo Housing Manager,

The NAACP San Mateo Branch #1068 Housing Committee (NAACP-SM/HC) advocates on issues related to equity and fairness in housing within San Mateo County. We appreciate the opportunity to provide these comments on the 2023-2031 City of San Mateo Housing Element (the Housing Element), prepared in consultation with City of San Mateo Planning Commissioner Adam Nugent.

The Housing Element is a good start but there are areas where the Housing Element should be refined and improved. The following comments are intended as constructive input that can be used to strengthen the final document and better address the most recent HCD comment letter, of March 27, 2023 (HCD comments).

Fundamentally, the Housing Element will Affirmatively Further Fair Housing (AFFH) when it accomplishes these four goals:

1. Address significant disparities in housing needs and in access to opportunity.
2. Replace segregated living patterns with truly integrated and balanced living patterns.
3. Transform racially and ethnically concentrated areas of poverty into areas of opportunity.
4. Foster and maintain compliance with civil rights and fair housing laws.

San Mateo is tasked to create housing mobility strategies, new housing choices and affordability in areas of opportunity, place-based strategies that encourage community conservation and revitalization, and to protect existing residents from displacement. It is our hope that we can help the City accomplish these goals.

Housing Needs, Resources, and Constraints

The City still has work to do in addressing housing needs, resources and constraints as these relate to the City's responsibility to affirmatively further fair housing.

Page 1 of the Appendix to the HCD comment letter states:

“Disproportionate Housing Needs including Displacement: The element should analyze information on housing condition patterns within the City. This could include an analysis on concentrations of substandard housing geographically within the City.”

Page H-D-66 of the City’s Housing Element covers information on housing condition patterns within the City and states:

“In the City, 20 to 40% of all households that suffer from severe overcrowding, severe cost burden, or an incomplete kitchen or plumbing. Any of the four severe housing problems place households at risk of displacement and adverse physical and mental health. Regionally, the City of San Mateo is surrounded by municipalities with less than 20% of households with substandard housing issues. It is plausible that the high Hispanic population relative to other surrounding census tracts is behind the concentration. This population is more likely to rent and live in multigenerational homes. Both can be factors that indicate substandard and overcrowding conditions. While some tracts in the City of San Mateo likely offers refuge for low-income renters who cannot afford other areas of the County, it is important to note that substandard housing conditions place residents at risk of displacement from the City, as discussed in the following section.”

The City of San Mateo goes on to include new, additional information in Appendix D showing that there are significantly more code enforcement violations in census tracts with higher rates of poverty and higher populations of non-white residents. Census tract 94401, which has the highest percentage of non-white residents, had 50% of all violations in the City.

This new addendum appears to be in response to HCD’s request for an “analysis on concentrations of substandard housing geographically within the City.” While this addendum adds additional information on the geographic location of datapoints correlated to substandard housing conditions, it fails to adequately *analyze* the contributing factors to these substandard conditions, as it is tasked to do under the State’s AFFH requirements.

Unfortunately, the limited treatment of substandard housing conditions provided in San Mateo’s Housing Element, page H-D-66, is extremely problematic. The Housing Element is tasked to identify fair housing contributing factors - factors that create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. Rather than relating the substandard housing conditions within the City to geographic and structural factors that could be fixed through the development of program actions addressing those conditions, the Housing Element’s analysis of “why” significant and disproportionate concentrations of substandard housing conditions exist within the City amounts to this sentence: “It is plausible that the high Hispanic population relative to other surrounding census tracts is behind the concentration [of severe overcrowding, severe cost burden, and substandard housing conditions].”

This is an unacceptable analysis. How can the City develop programs to ameliorate substandard housing conditions, cost burden, and severe overcrowding in the identified geographic areas if the only contributing factor listed for this concentration of negative conditions is the existence of a “high Hispanic population” within the subject census tracts? What does such an analysis imply the City should do?

Instead, the analysis should focus on an array of known contributing factors:

1. Persistent, long-term lack of maintenance of properties.
2. Un-permitted structures that may not meet building codes.
3. Deteriorating or obsolete structures that would require costly repair or demolition to remedy - likely precluding continued use as naturally affordable housing if and when neighborhood conditions improve.
4. Zoning that makes the replacement of older, multi-unit buildings with new structures of a similar number of housing units either illegal or financially unviable.
5. Environmental quality issues such as lack of trees, public open space, excess paving, and large volumes of traffic on neighborhood streets.

These issues, among others, evidence a general lack of infrastructure needed to house the numbers of people who want or need to live in these neighborhoods- often revealed by the significantly higher number of vehicles stored in the street, on private driveways, and on front lawns as compared to other areas of the City. The way the current document is written implies that the blame or causality lies with the type of people who live in the area, and leaves it at that. Focusing on the actual contributing factors will help the City find effective program options for improving neighborhood conditions and quality of life.

Sites Inventory

The City's and region's long-term and continuing shortfall in housing production, especially below market rate affordable housing, has had significant harmful effects on the entire population of the region. It has had disproportionate, negative impacts on people of color, people with disabilities, and low-income households - protected classes with disparate housing needs. When a city like San Mateo fails to provide adequate sites with a clear path to development, and subsequently experiences a shortfall in housing development, these negative impacts are perpetuated. The City's program of identifying, designating, and incentivizing new housing development and its success or failure at achieving adequate housing is a fundamental Fair Housing issue. The following comments on the City's Sites Inventory are provided through an AFFH lens. Failure to identify adequate, fairly-placed sites in conjunction with programs to significantly incentivize and increase the production of housing, especially below market rate affordable housing, is a failure to affirmatively further fair housing.

Page 1 of the HCD comments continues:

“Sites Inventory: ...The element states that there are no units in the sites inventory located in Racially Concentrated Areas of Affluence (RCAA), but it should analyze whether conditions are exacerbated and promote strong housing mobility within the City’s programs to affirmatively further fair housing.”

Low and very-low income units should be dispersed in all areas of the City. While it makes sense that the lion’s share be concentrated in areas that are rich in transit opportunities and other service amenities, sites for new types of units should also be identified within the highest-resource areas of the City in accordance with AFFH principles. The City should consider zoning changes and other incentives that would facilitate new multi-unit housing, with nodes of service amenities and transportation to serve them, outside of the transit-rich downtown core of the City.

An analysis of whether conditions are exacerbated by the City’s limited identification of sites within Racially Concentrated Areas of Affluence (RCAA) was not found. The public is owed an analysis of whether the near total exclusion of the City’s RCAA from accommodating housing inventory sites will hinder the City’s ability to “replace segregated living patterns with truly integrated and balanced living patterns.” Placing practically all housing inventory sites within the City’s intermediate-resource areas will make it difficult to significantly improve existing segregated living patterns. At the very least, a full and true analysis of the impacts of the City’s inventory site placements on its ability to “replace segregated living patterns with truly integrated and balanced living patterns” should be provided.

Similarly, the City is tasked to transform racially and ethnically concentrated areas of poverty into areas of opportunity.

Page 1 of the HCD comments, again:

“In addition, the element stated no sites are identified in areas with high overcrowding and cost burden. The element should include an analysis of whether this affects the existing patterns and whether sites exacerbate conditions and identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti- displacement and place-based community revitalization strategies).”

The State’s comment appears to ask the City to analyze the impact of the Housing Element’s directing development opportunities for new housing away from areas of high overcrowding and cost burden. The Housing Element acknowledges that the, “[c]oncentration of naturally occurring affordable ownership and rental housing opportunities in the northeast areas of the City further concentrates poverty, cost burden, and overcrowding in areas with low economic and environmental outcomes,” as a factor contributing to the City’s fair housing issues. “Hispanic residents and single female parent households are concentrated in census tracts with higher poverty, low economic and environmental opportunity, high-cost burden, overcrowding, and flood

hazards compared to the rest of the City of San Mateo.” (quotes are from Pages H-66 to H-67).

The lack of planned Inventory sites in areas of high overcrowding and cost burden could be acceptable if the Housing Element also included strong program actions promoting equitable quality of life improvements in those underserved areas. Ideally, such improvements would parallel or exceed the quality of life improvements naturally accompanying new development in other areas. Unfortunately, the Housing Element commits to no measurable housing-related actions of this sort.

Providing a “Reasonable Buffer”

Page H-30 of the Housing Element states:

“Staff conducted a site-by-site review of all potential development sites, citywide. As is demonstrated below, there are enough sites with sufficient acreage that can meet the RHNA, plus a reasonable buffer, within the existing zoning densities and the growth limits of the voter-approved initiative known as Measure Y.”

Pages H-44 to H-45: We advocate for a buffer in the RHNA numbers that focuses on the needs and feasibility of Very-Low, Low, and Moderate income housing. The City does not control the sites identified for future housing development and it is prudent to assume that despite the City’s best efforts a significant number will remain undeveloped, underdeveloped, or develop with other uses. The City should increase the buffer percentage for Very-Low, Low, and Moderate income units accordingly. These are the housing types that have historically been the hardest to create.

The City’s Housing Element currently provides a buffer of only 9% for Very-Low and Low income units, and 1% for Moderate Income units. The buffers for these units should be at least 50%. The marked imbalance between the buffers for sites providing Above-Moderate income housing units versus Moderate, Low, and Very Low income units highlights the inability or unwillingness of the City to provide capacity for these sorely needed categories of housing, especially given the State of California’s more stringent requirements for Very-Low or Low-income housing sites.

The Sites Inventory Affordability Breakdown notes the potential increased buffer provided by the City’s General Plan Update, but the City cannot commit to these numbers as part of this Housing Element. The significant increases in site capacity proposed in the General Plan Update must receive voter approval via a future ballot measure, an outcome that can hardly be counted on. An alternative means of achieving a buffer of 50% or greater for Very-Low, Low, and Moderate income housing should be outlined within this Housing Element. Without such a plan in hand, if the ballot measure fails, the City could be halfway through this Housing Element Cycle before it has a legitimate plan and rezoning program to meet its RHNA commitment. Likewise, the General Plan Update should be formulated to allow a buffer of 50% for Very-Low, Low, and Moderate income units not only for the current Housing Element cycle, but for the successive, extrapolated RHNA cycles occurring within the life of the General Plan Update (through 2040).

Suitability of Nonvacant Sites:

Pages 2 and 3 of the HCD comments state:

“Suitability of Nonvacant Sites: While the element was revised to add some additional information for the nonvacant sites, it should connect the existing uses and feasibility of development to the project examples described. In addition, the element should describe the likelihood that existing uses will discontinue during the planning period, whether there are current leases, or other factors of whether the uses will impede residential development. The element should also analyze the feasibility of developing gas stations and car wash sites during the planning period. The element states that each parcel was ranked for likelihood of development, but it should describe the criteria used for ranking and how they were applied to feasibility of development.

In addition, as noted in the housing element, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element *must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period.* (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.” [emphasis ours]

Pages H-30 to H-31, and H-C-15 to H-C-29: Essentially all of San Mateo’s inventory sites are on non-vacant properties. The Housing Element provides qualitative information on the characteristics and current uses of sites included in the site inventory. However, because many sites throughout the City and region share the qualitative characteristics described for the Housing Element’s selected sites and have not been recently redeveloped into housing, the City’s use of these qualitative descriptions of its inventory sites is not sufficient for demonstrating the likelihood that an existing use is not “an impediment to additional residential development and will likely discontinue in the planning period” for a given site.

The HCD comments note “(t)he Element states that each parcel was ranked for likelihood of development, but it should describe the criteria used for ranking and how they were applied to feasibility of development.” Right now, there is no way for the public to adequately evaluate whether the City’s claims that a site is likely to be redeveloped are warranted based on the qualitative descriptions added to this new version of the Housing Element. That is a problem.

For instance, some sites are included because they contain parking lots, as indicated in Appendix C. The City does not provide information on the utilization of the parking lots, nor whether the existing uses on the site would be functionally willing or capable of eliminating their parking. It does not factor in the costs associated with replacing some or all of this surface parking with parking garages. This is a significant potential

roadblock in the redevelopment of a site, given that San Mateo's land uses are overwhelmingly suburban and car-dependent.

The following are examples of acceptable substantial evidence that an existing use will likely be discontinued in the current planning period (from the HCD Site Inventory Guidebook, May 2020):

- The lease for the existing use[s] expires early within the planning period,
- The building is dilapidated, and the structure is likely to be removed, or a demolition permit has been issued for the existing uses,
- There is a development agreement that exists to develop the site within the planning period,
- The entity operating the existing use has agreed to move to another location early enough within the planning period to allow residential development within the planning period.
- The property owner provides a letter stating its intention to develop the property with residences during the planning period.

With respect to the final point, the City should append copies of the actual letters from property Owners in support of assertions that the Owners of currently developed properties plan to re-develop their properties with residential uses during the planning period. Absent specific evidence that fulfils the intent of the above criteria, the City should use an objective, calculated probability of redevelopment based on the redevelopment of all similar properties locally or regionally over an appropriate period of time in order to weight and estimate the likelihood of redevelopment of any given site. Site capacity should then be calculated based on this weighted trend.

For instance, the City could use easily accessible data on redevelopment rates of all properties within the City, or it could refine this data by considering qualitatively similar sites, such as those that contain parking lots, where existing buildings and their uses remain. It could factor in the number of such parking lots that have been redeveloped within the City while the existing leased or occupied structures have remained, and use the more specific data if the data shows an increased likelihood of redevelopment. Surface parking lots proximate to significant transit nodes could be weighted higher given recent trends. This methodology will undoubtedly lead to the City considering additional sites for Very-Low, Low, and Moderate income units - a positive and more defensible outcome that is absolutely necessary in our view.

Page 5 of the HCD Comments states:

“As noted in Finding A3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or

revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.”

Additional sites should be selected. Or programs and incentives articulated that would spur re-development of currently selected sites. Re-zoning, as needed to achieve an accurate and achievable site capacity that meets the City’s RHNA allocation plus an adequate buffer, should be committed to within this Housing Element. For a non-vacant site, the information provided should be clearly consistent with the intent of the HCD criteria outlined above. Otherwise, it does not adequately demonstrate that an existing use has a true chance of being replaced with housing within the planning period.

Contributing Factors and Fair Housing Plan

Pages H-66 to H-69: We appreciate the Housing Element’s new prioritization of contributing factors and agree that of the contributing factors listed, those that are ranked “high” are the most impactful factors that the City has the power to remedy. These include 1) the concentration of Hispanic residents and populations living with a disability in the northeastern portion of the City, 2) the relative lack of affordable housing opportunities in higher resourced areas of the City, 3) the undersupply of accessible housing units, and 4) the persistence of housing discrimination for residents with disabilities and for Hispanic households.

However, the City’s listing of contributing factors misses many pertinent factors that are provided as examples in the “California Department of Housing and Community Development: Affirmatively Furthering Fair Housing” document. Many of the example contributing factors are more easily influenced by city-level programs than the contributing factors listed in the City’s Housing Element. The Housing Element should focus its attention on contributing factors that can be influenced by city-level policies, and factors that cannot be influenced by city-level policies should be included only as background information. For example, the City has little influence on “higher rates of mortgage denial rates among Hispanic households” and would not be well positioned to produce policies that have a significant impact in that arena.

Some contributing factors excerpted from the “California Department of Housing and Community Development: Affirmatively Furthering Fair Housing” document, pages 68-70 where the City could have a significant impact include:

- Community opposition
- Displacement of residents due to economic pressures
- Deteriorated and abandoned properties
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods

- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of tenant protections
- Land Use and Zoning Laws
- Inaccessible sidewalks, pedestrian crossings, or other infrastructure
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes

Acknowledging and addressing some of these factors could go a long way toward building programs that have a beneficial impact in San Mateo.

Implementation Plan - Goals, Policies, and Actions

The Housing Element needs to show the “Beneficial Impact” of its Goals, Policies, and Actions as they relate to Affirmatively Furthering Fair Housing. Greater focus should be placed on actual outcomes and material progress.

The State guidance document, “California Department of Housing and Community Development: Affirmatively Furthering Fair Housing,” page 52, describes the term “Beneficial Impact” as such:

“Programs in the element must have specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. For example, programs to “explore” or “consider” on an “ongoing” basis are inadequate to demonstrate a beneficial impact in the planning period. Conversely, a program with clear and specific commitment and numerical objectives such as “rezone 50 acres to high density by June 2022” is adequate to demonstrate a beneficial impact. This specific and clear commitment combined with numerical objectives and timelines is called “beneficial impact.” Similarly, programs to affirmatively furthering fair housing must have specific and clear commitment, milestones, and metrics or numerical and anticipated outcomes.”

Page 7 of the HCD comments states:

“As noted in Finding A1, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the City may need to revise or add programs. The element must be revised to add goals and actions based on the outcomes of a complete analysis.”

In light of the need for a complete AFFH analysis and the likely need to add or revise programs to reflect this analysis, our review of the Housing Element’s Goals, Policies, and Actions focuses on whether currently listed policies and actions answer the following four questions listed in the “California Department of Housing and Community Development: Affirmatively Furthering Fair Housing,” page 63:

- Did the element identify goals and actions based on the identified and prioritized contributing factors?
- Do goals and actions address mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for preservation and revitalization, displacement protection, and other program areas?
- Are actions significant, meaningful and sufficient to overcome identified patterns of segregation and affirmatively further fair housing?
- Did the element include metrics and milestones for evaluating progress on programs/actions and fair housing results, including concrete timelines?

Likewise, Page 7 of the HCD comments emphasizes the need to answer the above questions:

"Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

In addition, the element should reference the table in Appendix D in the programs section and the programs identified in Appendix D (Attachment 1) should include geographic targets for each identified action to affirmatively further fair housing. All programs that affirmatively further fair housing should include metrics, milestones and geographic targets. The analysis demonstrates a need for housing mobility in the RCAA and higher opportunity areas, but the sites analysis states no units were identified in these areas. Programs should be revised to include significant and meaningful action to overcome the identified patterns and trends.”

Throughout the Implementation Plan (pages H-75 to H-96), actions that include language like “present options,” “evaluate,” or “study” should be revised to provide specific commitments to meaningful policy changes that can be evaluated using metrics and milestones. This will typically mean the action provides a quantifiable description that can be objectively measured so that the public can both determine whether such an action has actually been meaningfully implemented by the City, and allow the public to evaluate objectively measurable outcomes. A listing of staff actions is not the desired focus of this section. Rather, the Goals, Policies, and Actions section should be focused on City policy that will be implemented during the Housing Element cycle and the anticipated effects of the policy’s implementation. Not staff’s process in developing possible policy options to present to the City Council in the future - without firm commitments to actually implement said actions. For most new and potentially meaningful programs the Housing Element does not outline actual policy-related actions and leaves open the possibility that future City Councils will opt out of them- effectively offering zero commitment to their implementation.

New Housing Choices and Affordability in High Opportunity Areas: Policies

We believe the current sites inventory within the Housing Element fails to adequately provide new housing choices and affordability in the high and highest opportunity areas in a manner that will overcome identified, existing patterns of segregation in any significant way. The Housing Element could provide for this requirement through policies in the Implementation section, separate from the sites inventory, if currently listed policies are modified to satisfy the questions outlined above, and relevant new policies are added. Many of the policy proposals will have limited or no effect on mobility strategies, housing development, preservation, or AFFH. For the sake of brevity, we focus on policies likely to have the greatest impact:

Policy H1.7: A quasi-public affordable housing overlay or code amendment to support the production of affordable housing on quasi-public sites such as religious or educational institutions could add significant new housing choices and affordability in high opportunity areas. However, the Housing Element does not commit to this action, stating that the City will “evaluate the feasibility” of the overlay or code amendment. Neither does it provide meaningful metrics or geographic commitments for such an overlay.

Policy H1.12: This policy has perhaps the greatest potential to provide new housing choices and more affordable options in high opportunity areas if implemented in an appropriate manner, and expanded to fully include R1 districts in the mix. Evaluating and researching missing middle infill housing opportunities is only the first step toward meaningful action. This policy should be fully implemented beyond the study stage. Unfortunately, that is all that the policy currently commits to. In its current state, this policy does not meet the test for affirmatively furthering fair housing.

Policy H1.20: If passed, the General Plan Update should lead to a significant increase in the volume of available buildable capacity for residential construction within the City. Since the land-use changes proposed in the General Plan Update are limited to a small portion of San Mateo’s overall land area, a complete AFFH analysis may find that this

General Plan Update will not lead to significant progress in replacing segregated living patterns with truly integrated and balanced living patterns. In addition, the General Plan Update depends on the passage of a ballot measure to achieve much of its proposed new capacity. The Housing Element should pursue alternatives for achieving the City's RHNA allocation, acknowledging that the ballot measure may fail. The alternatives should also consider the constraints resulting from the reliance on non-vacant sites in the inventory more realistically.

Policies H5.2.1 - H5.2.3: These policies encourage the development of more accessible units in inclusionary housing. They are good policies that could provide some benefit over the life of the Housing Element if aggressively implemented. In striving to accommodate hard to serve residents the City must commit to funding supportive services in conjunction with housing for extremely low-income and special needs residents.

Place-Based Strategies for Community Preservation and Revitalization: Policies

Many of the contributing factors listed in the Housing Element refer to the concentration of people with disproportionate housing needs in the northeastern portion of the City. The document cites households with higher poverty and cost burden, poor opportunity outcomes, overcrowding, and low economic and environmental outcomes. The Housing Element's policies should commit to addressing and repairing these challenges in its community preservation and revitalization plans. The City's policies could use improvement and a re-commitment to addressing geographic housing-related issues more comprehensively.

Policy H2.1: While this policy provides a significant benefit to a handful of homes, it is existing, and is not a significant way to achieve meaningful community preservation and revitalization at a scale that can meet the needs of the community. It should be continued, but should only be treated as a small-scale supplement to achieving progress in this area.

Policy H2.4: This policy can provide benefits to equity priority neighborhoods. However, it is an existing, status quo policy, and will have limited overall impact over the course of the planning period.

Policy H2.6: Provide commitments to implement a replacement unit program, not just to conduct a study.

Policy H5.3.1: This policy has the greatest potential to create positive change for the northeastern neighborhoods of the City from a community preservation and revitalization lens. As it stands, the policy goals and objectives of H5.3.1 are too open-ended to allow for meaningful evaluation. No concrete policy commitments that address the contributing factors affecting these neighborhoods are provided. Actions should be tied to addressing and ameliorating issues identified in the contributing factor analysis and should be provided with metrics for measurement and evaluation. Without such metrics and connections to the analysis, an area plan might succumb to maintaining the status quo. Or worse, it could produce unanticipated, unwanted, or even harmful

outcomes for the populations and geographic area the City is attempting to help. The Element's prioritization of land use around Highway 101 could be troubling for environmental reasons, too. Circulation changes around Highway 101 may be beneficial, but housing-related policies should direct new housing away from this significant source of particulate air pollution and toward areas richer in transit opportunities and other service amenities.

Displacement Protection: Policies

Policy H3.3: This policy is limited by the Housing Element's commitment to only "conduct a feasibility study."

Policy H3.4: We applaud the City's commitment in this Housing Element to extending AB1482 to tenants with a tenure of less than one year. However, the rest of the implementation action items of this policy should commit to meaningful actions with concrete results.

Policies H3.5 - H3.7: These policies are limited by the Housing Element's commitment to only "explore," "examine," "study," and "research" policy actions.

Policy H5.4.5: This policy will be fundamental to the City's ability to both protect vulnerable residents from displacement and allow for meaningful place-based strategies for community preservation and revitalization. As stated, this policy must be developed in conjunction with Policy 5.3.1.

Housing Mobility Enhancement: Policies

Policy H5.1.1: This could be a beneficial program. Because this policy requires a feasibility analysis that has not yet been conducted it is difficult to assess whether it would provide a significant increase in the number of inclusionary units produced over the course of this Housing Element cycle. It is likely null if the General Plan Update ballot measure fails to pass, given the City's recent nexus study indicating that an increase in the inclusionary percentage at the height and density limits of the City's current general plan would render housing projects financially infeasible.

Policy H5.1.2: This policy will significantly benefit and impact the lives of 30 households. It will be extremely limited in impact at the scale of the City over the course of this Housing Element cycle.

Policy H5.1.3: A policy to financially support the construction of ADU's could be beneficial, although, again, limited in scope. It needs firm commitments to be considered an acceptable AFFH action.

Related Environmental Justice Activities (Page H-97)

We applaud the City's development of the "Related Environmental Justice Activities," listed on page H-97, as part of the City's General Plan Update and want to encourage the full implementation of these programs. These programs should be integrated with the City's housing-related policies to maximize the benefit in lower-resource neighborhoods.

Conclusion

In conclusion, we ask that you consider the above points as you refine the Housing Element and work with the State of California to achieve certification. The NAACP San Mateo Branch Housing Committee is prepared to clarify our input to the extent it would be helpful in the process. We hope to be a trusted resource in the years ahead as the initiatives and policies in the City of San Mateo's Housing Element are implemented.

Comments prepared by:

NAACP San Mateo Branch #1068 Housing Committee in consultation with City of San Mateo Planning Commissioner Adam Nugent.

August 9, 2023

Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, August 10, 2023 8:48 AM
To: Nicholas "Nicky" Vu
Cc: Eloiza Murillo-Garcia
Subject: FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, August 9, 2023 6:56 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

Please share your comments regarding the Draft Housing Element.

Comment period for the draft document is April 6 through May 6, 2022.

First Name	Nina
Last Name	Singh
Email Address	
Comment on 2023-2031 Draft Housing Element	City continues to approve multiple housing projects without addressing infrastructure inadequacies specifically parking and traffic congestion. Case in point apartments and office buildings constructed on Concar drive next to Hayward Park Caltrain station. There has been no change/expansion to the roads or parking in the area from pre-construction of these projects. However road traffic / usage increased multiple fold as a result of these new constructions. All the City did was replace the roads and refresh parking signage! To top it City is now planning another project in the same oversaturatued Concar drive area It would behoove the City to put some attention to upgrading and expanding roads and parking instead of ad-nauseam approving new housing. Without the infrastructure

improvement, people are being packed into areas resulting in
quality of life degrading further

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Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, August 10, 2023 8:48 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Housing element

From: Bennett Charles [REDACTED]
Sent: Thursday, August 10, 2023 7:36 AM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing element

Hello - I am writing to provide public comment for the city's housing element. I am very supportive of the city's planning efforts in identifying sites for housing development.

My concern is that the city is under-allocating units to these prime development sites. Hillsdale Mall, Bridgepoint, and others such as the 41st street commercial area, and sites along El Camino can all handle many more units than is currently discussed. I don't see why Hillsdale Mall is limited to, say, 1200 units; I think 2000 would be fine if the massing was well designed and is on El Camino.

The reason is that I do not want timid allocations to these prime sites to affect future housing elements, requiring impingement on detached single family home neighborhoods beyond what those neighborhoods want. In a different world, I'd be happy to simply relocate if the physical environment of my neighborhood changed in a way I do not like. But that's not the real world.

While I am strongly supportive of a significant number of new housing units, like many single family homeowners, I do not want to have any new structures, whether they are houses, apartments, or ADU's taller than about 30 feet in my neighborhood west of Alameda, especially if they are on lot lines.

If the city wants to experiment with upzoning an existing area with single family homes, I would urge that you obtain consensus from property owners in that area.

I am very happy with AB 2011 and the potential it offers to make good use of retail sites, and I think this is the best path forward.

I also would encourage the city to find ways to reduce costs to homeowners who want to modernize their houses, but that's a separate conversation.

Thank you,
Bennett Charles

--
Bennett Charles
[REDACTED]

Nicholas "Nicky" Vu

From: Housing
Sent: Monday, August 21, 2023 9:17 AM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: San Mateo - Housing Element + Zoning/GP Update

From: Justin Kim [REDACTED]
Sent: Monday, August 21, 2023 9:14 AM
To: Housing <housing@cityofsanmateo.org>
Subject: San Mateo - Housing Element + Zoning/GP Update

Hi,

We're a development company based in San Jose. I saw that the city is working with HCD on the 6th cycle Housing Element.

Could you possibly provide some insight into the expected timeline for achieving compliance with HCD for the Housing Element?

Moreover, once the Housing Element aligns with HCD requirements, what's your estimation for the duration needed to update the zoning and GP to be in accordance with the updated Housing Element? Will Zoning/GP be updated at the same time as the Housing Element gets approved by HCD?

Is there a possibility of any delays occurring post-adoption of the Housing Element? If so, could you provide an estimate of the potential delay duration?

Thank you,

Justin Kim
Valley Oak Partners, LLC

[REDACTED] www.valleyoakpartners.com

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Nicholas "Nicky" Vu

From: Eloiza Murillo-Garcia
Sent: Wednesday, October 25, 2023 9:11 AM
To: Nicholas "Nicky" Vu; Julia Klein; Prasanna Rasiah; Mazarin Vakharia; dianarelrod; Veronica Tam; Linda Ly; Nicholas Hamilton
Subject: FW: Comment on Latest Draft Housing Element,
Attachments: 2023.10.23 City of San Mateo Housing Element Letter V.pdf

FYI

From: Jeremy Levine [REDACTED]
Sent: Monday, October 23, 2023 12:49 PM
To: Adam Loraine <aloraine@cityofsanmateo.org>; Amourence Lee <alee@cityofsanmateo.org>; Richard Hedges <rhedges@cityofsanmateo.org>; Lisa Diaz Nash <ldiaznash@cityofsanmateo.org>; Rob Newsom <rnewsom@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>
Cc: Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>; Alex Khojikian <akhojikian@cityofsanmateo.org>
Subject: Comment on Latest Draft Housing Element,

Good afternoon San Mateo planning commission and city council,

Please see the attached letter for the Housing Leadership Council's latest comment on the San Mateo housing element. Thank you to staff and the city's consultants for their hard work on the latest draft. We look forward to the next public hearings related to this issue.

Regards,
Jeremy

--
Jeremy Levine (he • him)
Policy Manager
Housing Leadership Council of San Mateo County
[REDACTED]

[Facebook](#) • [Twitter](#) • [LinkedIn](#) • [Instagram](#) • [Become A Member!](#)



October 23, 2023

City of San Mateo
330 W 20th Ave.
San Mateo, CA 94403

To the honorable San Mateo City Council,

The Housing Leadership Council of San Mateo County appreciates this opportunity to engage the City of San Mateo on its housing element. This is our fifth formal letter to the city. In the middle of last year, we sent the city two letters outlining opportunities to improve the initial draft of its housing element, [one](#) focused primarily on needs and constraints, [the other](#) focused on affirmatively furthering fair housing, the sites inventory, and the goals, policies, and programs. We followed up with a more [policy-focused letter](#) last November and [a fourth letter](#) in August, 2023.

With the guidance of city staff, San Mateo's city council has made numerous improvements to the housing element. Still, with this letter, we share evidence that San Mateo must continue strengthening its policy proposals in order to comply with housing element law. To summarize, we have proposed the following additional policy improvements to San Mateo's housing element:

- Entitle housing on city-owned properties on a faster timeline.
- Track ADU rentals through a rental registry or other mechanism to establish affordability.
- Allow housing ministerially on sites owned by faith-based institutions (state law SB 4 has partially facilitated this change; the city should provide even more flexibility on height and density on faith-owned land).
- Commit to a minimum of 100 du/ac and 10 stories on major opportunity sites like Bridgepoint and Hillside.
- Implement a "backstop policy" that commits to rezone to allow housing in all areas within a quarter mile of a transit stop and major transit corridors if a ballot measure to overrule Measure Y fails to pass in 2024.

We proposed these policies because they will help the city maximize opportunities for new affordable housing development. We also believe they are the bare minimum that the city of San Mateo must pursue in order to comply with state law. A handful of ongoing technical issues compel San Mateo to implement stronger policies than currently proposed.

Issue #1: San Mateo has not actually demonstrated capacity to meet RHNA because several major non-vacant opportunity sites lack substantial evidence of redevelopment.

Two major sites in particular, Concar Passage and the Bridgepoint shopping mall, lack substantial evidence of redevelopment. These are just the two largest sites for which we have identified potential issues; more are referenced in Appendix A below.

- **Concar Passage, which accounts for 961 units in the inventory**, faces steep barriers to development, both governmental and nongovernmental. A prior development agreement was not executed because the developer does not currently have the property rights, as noted on [pg 127 of the Planning Commission meeting packet](#).¹ In the Planning Commission meeting the developer explained the options to obtain the property rights are predicated on the existing retail leases expiring and some of the leases were renewed during COVID. The developer also said that the property owners were planning to renew other leases as well. [Commissioner Patel asked](#) when all of these renewed leases would expire and the developer said that was confidential. On page 127 of the meeting packet, the developer acknowledges the project is no longer financially feasible.² In the Planning Commission meeting [Commissioner Ebnetter directly asked](#) if the project was financially feasible under the current economic conditions, zoning, Measure Y, etc. and the developer responded, "Today? No. We would build it if it was."
- **Bridgepoint, which accounts for 838 units in the inventory**, has become fully leased up as described in a letter sent to the city by Farella, Braun & Martel LLP on August 7, 2023. Two years ago, the mall had a number of vacancies; today, it has none. The property owner has indicated no plans to redevelop, and the city is providing no incentives beyond rezoning.

Rather than removing these sites from the inventory, which would require identification of new sites and further analysis, we believe the city should adjust their realistic capacity significantly downward—say, to 5%. That way, the city can continue to promote housing on these sites while being realistic about their probability of redevelopment in the next ten years. Additionally, the city should ask the land owner and the developer if there are any policies or programs the city could adopt that would make these sites more likely to develop in the future, and consider adding those policies to future housing elements.

The draft housing element further overcounts likely ADU production and assumes ADUs will be affordable at higher rates than are supported by historic data. The city should use HCD “safe harbor” formulas, which would lead the city to calculate 49.8 ADUs per year, 398 over the 8 year cycle. The city should further assume an affordability breakdown of 5% VLI / 30% LI / 50% M / 15% AM and commit to establishing a monitoring program (with a timeline of key milestones) for tracking rental rates of constructed ADUs.

¹ "At the time the entitlements were obtained in 2020, the above described transactions were not expected to close for approximately 2 years because of on-going, binding leases between the land owners and the retail tenants (e.g. Ross). At that time, the City Council authorized the City Manager to execute the DA upon notice from the Applicant that the land transactions had closed and the DA could be recorded against the Property. The authorization to execute the DA expires on September 30, 2023."

² "...the current economic conditions are such that the entitled project is not currently financially feasible, especially due to inflationary construction and financing costs."

Issue #2: San Mateo's plans to rezone raise AFFH concerns that the city has yet to address

28 Pipeline Projects, Redevelopment Opportunity Sites, and other Sites are located within 500 feet of Highway 101 or Highway 92 east of El Camino Real, both of which average in excess of 100,000 vehicles per day. These 28 sites account for 4,806 units of housing, 48% of the Site Inventory capacity. Of these units, 1,252 are assigned Low Income, 42% of the Low Income capacity. Only 30% of the Site Inventory capacity is assigned Low Income, so a disproportionate number of these units are located within 500' of heavily trafficked highways.

The California Air Resources Board (CARB)'s [Air Quality and Land Use Handbook](#) considers the risks of poor air quality on sensitive receptors such as homes, daycares, etc., and recommends against siting these uses within 500ft of a roadway that averages in excess of 100,000 vehicles/day. Per the EPA 2014 National Air Toxics Assessment and CDC Places data, people who live within a mile of a busy freeway have a 43% higher cancer risk over the course of their life. CalEnviroScreen 4.0 shows that census tracts adjacent to Highways 101 and 92 have high levels of particulate matter. The intersection of Highways 101 & 92 in particular has more than half a ton of particulate emissions per year. This level of particulate matter is 95% higher than other census tracts in CA and 6x the particulate emissions in San Mateo Park, the R1 neighborhood located the farthest from Highways 101 and 92.

Concerned about the impact to future residents (and the disproportionate impact to low-income residents) both the General Plan Subcommittee and Planning Commission repeatedly suggested "swapping" specific land uses to move residential uses away from Highways 101 and 92. This is in line with BAAQMD's recommendation (pg 37, Planning Healthy Places), "...when updating or making revisions to a zoning code in an area characterized by elevated levels of air pollution (such as immediately adjacent to a freeway), local government may choose to designate the land use as commercial, office, or parking instead of residential..." The City did not incorporate the General Plan Subcommittee and Planning Commission's suggestions.

At this point, HLC wants the City of San Mateo to focus on implementing adequate policy responses to these issues; we do not want the city to engage in more time-consuming and expensive analysis. However, the housing element should be honest: San Mateo does not have capacity to meet its housing goals without rezoning. **The city council must ensure that the city has adequate plans in place to rezone, whether through a ballot measure to overturn Measure Y in its existing multi-family areas or a "backstop" commitment to rezone other parts of the city up to the Measure Y limit.**

San Mateo's city staff have worked hard to help San Mateo comply with state housing law, but, without clear direction from council to pursue more meaningful policy change, the city may continue to cycle through an expensive, time consuming loop of housing element review that

can be avoided with bold action. Fundamentally, cities cannot analyze their way into new homes, nor can they analyze their way into compliance with state law. The housing element process challenges cities to provide a series of analyses and then commit to substantially change local policies to enable new housing development. HLC looks forward to continue working with San Mateo's leaders as they strive to meet the housing needs of the entire community.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'J. Levine', with a large, stylized initial 'J'.

Jeremy Levine

Appendix A: Other Sites with Unaddressed Constraints to Development from the Inventory

Pipeline Projects and Redevelopment Opportunity Sites

- Pipeline Project #1, Fremont Terrace: Status should note that [construction has been halted for over a year](#) and has not yet resumed.
- Pipeline Project #3, Block 20: Site constraints should note that two properties on the site qualify as historical resources for the purposes of CEQA.
- Pipeline Project #7, 1919 O'Farrell St.: Status should note that the property was [listed for sale](#) in November 2021, a month after entitlement.
- Pipeline Project #11, 4 W Santa Inez: Status should note that the property was [listed for sale after entitlement](#).
- Redevelopment Opportunity Site #14, Hillsdale Mall: Development opportunity should incorporate a discussion of the barriers to development outlined in the letter submitted by Farella, Braun & Martel LLP on August 7, 2023. The maximum allowable base density is 1,630 units and the property owner is proposing a max of 1,200 units. It's unclear why an increased base density in the new General Plan would induce the owner to increase the number of units when the owner is not currently proposing to maximize residential. APN 042-121-060 also appeared on the Site Inventories for Cycle 4 and Cycle 5 and as such constraints to development warrant additional analysis and should include a discussion of how the constraints will be mitigated.
- Redevelopment Opportunity Site #15, Borel Square Shopping Center: Site constraints should note that the excluded parcel in the middle of the site contains an environmental covenant in place by the County of San Mateo precluding development for sensitive receptors including residential uses.
- Redevelopment Opportunity Site #19, Downtown Cluster: Status should note that a project was entitled on this site in 2017 and ultimately expired. APN 034-144-240 also appeared on the Site Inventories for Cycle 4 and Cycle 5 and as such constraints to development warrant additional analysis and should include a discussion of how the constraints will be mitigated.
- Redevelopment Opportunity Site #22, Olympic Shopping Center: APN 042-245-120 also appeared on the Site Inventories for Cycle 4 and Cycle 5 and as such constraints to development warrant additional analysis and should include a discussion of how the constraints will be mitigated.
- Redevelopment Opportunity Site #27, Car Wash: APN 035-200-070 also appeared on the Site Inventories for Cycle 4 and Cycle 5 and as such constraints to development warrant additional analysis and should include a discussion of how the constraints will be mitigated.

Non-Vacant Sites

- Forty-one of the sites listed on the Sites Inventory were also included on the sites inventories for Cycle 4 and Cycle 5, thirty-six of which accommodate low income housing. These sites are not identified in Table 2: Sites Inventory (pg H-C-22-29) even though pg 12 of HCD's Site Inventory Guidebook instructs that if a site accommodates

any low or very low income RHNA, and it was used in a prior cycle (for non-vacant) or two prior cycles (for vacant) then it must be identified in the sites inventory. The city does not identify any constraints to development of these sites over the past fifteen years, nor note any new incentives to development, beyond the rezoning required by AB 1397.

These sites APNs are listed below:

- 032-292-070
- 032-292-080
- 032-312-250
- 032-331-010
- 032-331-020
- 032-331-150
- 033-171-060
- 033-171-180
- 035-200-070
- 035-215-060
- 035-221-010
- 035-221-020
- 035-242-090
- 035-242-140
- 035-242-160
- 035-242-170
- 035-242-190
- 035-242-200
- 035-242-210
- 035-242-220
- 039-052-350
- 039-060-010
- 039-060-060
- 039-060-070
- 039-060-090
- 039-351-070
- 039-351-110
- 039-351-120
- 039-351-130
- 039-360-160
- 039-360-070
- 034-183-060
- 040-030-190
- 042-121-060
- 034-144-240
- 042-241-180
- 042-245-120
- 032-122-240
- 032-122-250

- 032-075-010
 - 032-075-100
- In the Non-Vacant Site Redevelopment Analysis (pg H-C-15) the City identifies four missing middle projects received in Cycle 5 and notes “[t]his trend is expected to continue, with the recent approval of a 10-unit project at 4 Santa Inez (net increase of 8 units). This demonstrates that the City’s existing zoning allows for a range of housing types and sizes.” The City omits that 4 Santa Inez was only approved after [a lawsuit determined that the City had illegally denied the project](#) in violation of the Housing Accountability Act.

Nicholas "Nicky" Vu

From: Housing
Sent: Monday, November 13, 2023 12:27 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: Fwd: Community Feedback: San Mateo Housing Element 2023-2031

Sandra Belluomini
City of San Mateo
650-522-7239

From: Mike Hagmaier [REDACTED]
Sent: Monday, November 13, 2023 12:04:10 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Community Feedback: San Mateo Housing Element 2023-2031

To Whom it May Concern,

I have a lot of concerns regarding the housing element plan for 2023-2031. There are so many things wrong with it, I really don't know where to begin, so let's start here:

The state of our current infrastructure and lack of maintenance of it (storm drains, roads), is abysmal. We pay taxes for these things every year based on the misnomer that the money will go to fix them, but it doesn't seem to help. That's not our fault, it's the city's. The primary starting place should be improving our current infrastructure for existing homes so that they perform as they should. No harm in preparing for new homes during the renovation, just don't pack in the new homes first as that's just adding more cost by doing things backwards.

I'm sure you've seen the lack of driving etiquette on our streets, by our schools, through parking lots, through red lights. Where are the police? What happened to patrol cars monitoring our roads? We need more law enforcement to manage the chaos out there now with our current population. There better be some serious consideration for law enforcement, firefighters, EMTs, and other civil servants that make our communities safe. Fund them first, fund housing second.

The plan to build housing in phases over years is simply allowing an onslaught of noise, pollution, and angst. I'm sure you've experienced a neighbor doing a large remodel or complete new home construction before. It's horrific for anyone's wellbeing, especially for those who work from home. I can't imagine the state of mind people will be in if all they hear while at home is the noise of building. We just had a house built next door to us that took nine months, and we were pretty close to our wit's end before it wrapped up. And that is just one single home. I can't imagine it on a larger scale.

Far less people are commuting to work, but are commuting more to take care of daily chores and errands. Hoping that we'll be a populace that uses mass transit is a moot point. Nobody takes the train to drop their kids off or get groceries, very few people use the bus to shop or go to the doctor, and even fewer people use bicycles to get around the peninsula.

Office vacancies are at an all time high, so allowing more office space is simply a lark. Convert those unused spaces into housing (if you must). Reasonable growth should be the rule, and using reason to enable it should be a requirement.

Measure Y was voted on and won. It seems that ignoring the voice of the people is the new political strategy. The state of California really should be sued by the cities and counties that don't want to enact housing requirements. Quality of life matters, and there is quality of life outside of San Mateo for those who can't find a residence here. It's a harsh truth. I'd like to live in Atherton, but I sure can't afford it, so I'll stay here in San Mateo.

And, lastly; the housing element is, as was well-stated by Keith Weber in the San Mateo Daily Journal last week, simply "Out of Whack". I too say "send it back", and be sensible for the wellbeing of the community that matters. Us. Not the developers, not the Mayor, and not the out-of-touch Governor of California.

Regards,
Mike Hagmaier
San Mateo, CA [REDACTED]

Nicholas "Nicky" Vu

From: Housing
Sent: Monday, November 13, 2023 10:47 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: San Mateo Reality

From: William Williams [REDACTED]
Sent: Monday, November 13, 2023 10:28 AM
To: Housing <housing@cityofsanmateo.org>
Subject: San Mateo Reality

As long as the Planning Commission and the San Mateo City Council continue to approve office development, housing will not get built.

Getting rid of Measure Y will just enable highrise office development, especially at the Hillsdale Mall.

How many more residents and businesses will be displaced to vacate blocks for office development?

Be honest.

X Bill Williams, San Mateo [Outlook](#)

Nicholas "Nicky" Vu

From: Housing
Sent: Wednesday, November 15, 2023 3:54 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: City of San Mateo Housing Element
Attachments: 23-1115 City of San Mateo Housing Element_MidPen Letter.pdf

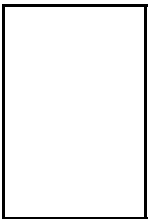
From: Mollie Naber [REDACTED]
Sent: Wednesday, November 15, 2023 3:38 PM
To: Zachary Dahl <zdahl@cityofsanmateo.org>
Cc: Housing <housing@cityofsanmateo.org>
Subject: City of San Mateo Housing Element

Dear Mr. Dahl,

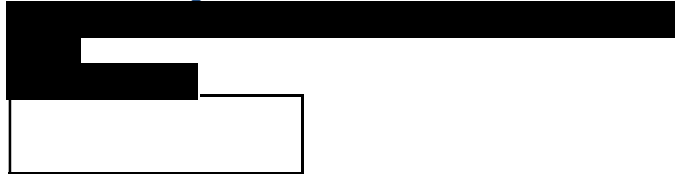
Please see MidPen's attached letter regarding the City of San Mateo Housing Element.

Sincerely,

Mollie Naber



Mollie Naber (she/her) | Associate Director of Development
MidPen Housing



November 15, 2023

Zachary Dahl, Interim Director of Community Development
Community Development Department, City of San Mateo
339 West 20th Avenue, San Mateo, CA 94403
Email: zdahl@cityofsanmateo.org

RE: City of San Mateo Housing Element

Dear Mr. Dahl,

MidPen Housing (“MidPen”) is one of the nation’s leading nonprofit developers, owners and managers of high-quality affordable housing and onsite resident services. Since MidPen was founded in 1970, we have developed over 125 communities and 8,500 homes for low-income families, seniors, including homeless families and individuals and those with supportive housing needs throughout the greater Bay Area. Committed local partners are essential to fulfil our mission, and the City of San Mateo is among the best.

Our four communities in San Mateo, including our most recent development, Kiku Crossing, represent the City’s commitment to build affordable housing. In 2018 the City selected MidPen from a pool of affordable and market rate developers to execute their vision for workforce housing at 480 East 4th Avenue. The City worked closely with MidPen in the following ways to maximize public benefit at this 225-unit affordable development, which will open in early 2024:

- Prioritized City land for development of 100% affordable housing.
- Encouraged use of State density bonus legislation to build additional height and density beyond what was allowed under local code, resulting in 61 more units with no added parking.
- Dedicated City staff to accelerate entitlement, permitting, and inspection processing, which shortened the project timeline thereby reducing escalation contingencies and interest rate risk.
- Waived approximately \$2,000,000 in City permit and plan check fees and deferred impact fee payment to permanent loan conversion, thereby saving an additional approximately \$350,000.
- Supported revisions from the initial City RFP that significantly reduced cost and time, specifically supporting off-site resident parking and shared public parking to reduce costs of required podium parking and allowing concurrent construction of two structures to reduce time and save more than \$2,000,000.

The City’s Regional Housing Needs Allocation (RHNA) sets a goal of 7,015 units of production by 2031. Approximately 40% of these units have a target of being affordable to residents making 80% of AMI and below. To meet these goals, the City needs to utilize all tools at its disposal. Drawing from deep experience working with jurisdictions across the Bay Area on Housing Element Policy, MidPen published [a guide on best practices](#). The City used many of these best practices at Kiku Crossing, such as fee waivers and deferrals, reduced parking requirements, and prioritizing public land for affordable housing.

Thank you for your commitment to affordable housing production. If you have any questions, please feel free to contact me at (650) 339-6181 or mollie.naber@midpen-housing.org.

Sincerely,



Mollie Naber, Associate Director, MidPen Housing

Cc: City of San Mateo Housing Department, housing@cityofsanmateo.org



Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, November 16, 2023 8:44 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: HAC Comments to San Mateo Housing Element (11-15-2023)
Attachments: Ltr to City of San Mateo re HAC Comments to Housing Element (11-15-2023).pdf

From: Higley, CJ x4942 [REDACTED]
Sent: Thursday, November 16, 2023 5:42 AM
To: Housing <housing@cityofsanmateo.org>
Cc: Mayhew, Tom x4948 [REDACTED] Ali Sapirman
[REDACTED]; Contreras, Daniel x4984 [REDACTED]
Subject: HAC Comments to San Mateo Housing Element (11-15-2023)

On behalf of our client, the Housing Action Coalition, attached please find comments to the updated draft of the Housing Element for the City of San Mateo.

CJ Higley
he/him



www.fbm.com

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THOMAS B. MAYHEW

CHARLES J. HIGLEY

November 16, 2023

Via E-Mail

City Council
City Planning Commission
Housing Manager, Planning Division
City of San Mateo
330 W. 20th Avenue
San Mateo, California 94403

E-Mail: housing@cityofsanmateo.org

Re: Housing Element for City of San Mateo 2023–2031
Draft for Public Comment dated November 8, 2023
Comments of Housing Action Coalition

Dear Planning Commission:

On behalf of the Housing Action Coalition,¹ we write to comment on the November 8, 2023 draft 2023–2031 Housing Element for the City of San Mateo. In our earlier letter on August 9, 2023, we identified several issues that show that the new draft does not comply with state law, and is likely to be rejected by HCD, including overestimating realistic capacity, including sites without evidence that the existing uses are “likely to discontinue” during the planning period, and overestimating ADU production by ignoring the 2018 numbers. Unfortunately, none of these issues were corrected in the November 2023 draft; we reiterate that they should be for a valid Housing Element.

This letter addresses one sub-issue where the draft did make some edits. When a city includes sites zoned for non-residential use (as most of the lower income sites on the San Mateo inventory are), the realistic capacity estimates should be reduced to account for the probability of a non-residential development. While the City has previously acknowledged this requirement, and twice been directed to incorporate the analysis by HCD, the current draft still does not do so.

¹ The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California’s housing shortage, displacement, and affordability crisis. The Housing Action Coalition has commented on previous drafts of the 2023–2031 Housing Element for the City of San Mateo.



As explained in our August 9, 2023 letter, the City's own adopted Housing Element showed that 25% of the acreage developed from 2017-2022, and 22% of the projects, were office or commercial projects. Thus, even if a typical residential project develops at 90% of the zoned maximum, the capacity estimate should be reduced by 25% to account for the probability of a site being developed for a non-residential use (if it is redeveloped at all). The current draft includes no adjustment to account for non-residential development.

Unlike the adopted Housing Element, the new draft simply omits the data, depriving the City Council and the public of the information used to calculate realistic capacities. The draft includes serious errors about the statistics:

- The draft incorrectly claims at page H-32 that “90% of projects in the last six years located in commercial or mixed-use zones have included a residential component.” This is inaccurate. As table 5 from the adopted Housing Element in January 2023 shows, the actual statistic based on the City's own prior data for 2017-2022 showed 78% of projects, and 75% of the acreage. Including the 2023 numbers shows that the real number is even lower.
- The draft Appendix C, at page H-C-18, then tries to dodge these statistics by changing the time period. Instead of using 2017-2022 as the time period, it shortens the time period to 2019-October 2023, and claims that only 2 of 24 projects were non-residential. Deliberately shortening the time period to omit major commercial and office projects (e.g., the August-November 2018 approvals of 2940 S. Norfolk, 1 Franklin Parkway, and 115 Monte Diablo) does not mean that there is no continued demand for non-residential uses in San Mateo; it means only that the City is trying to ignore this evidence of the demand.
- Having changed the time period to include 2023, the draft fails to consider that non-residential projects continue to be applied for and built. In addition to 180 E. 3d (a retail office project approved in 2019), and 400 E. 5th (a five-level parking structure constructed at the same time as Kiku Crossing, both for the residents but also for 526 public spaces), the 222 E. 4th Street project (over 90% of the square footage for non-residential uses), and 303 Baldwin (over 60% of the square footage for non-residential uses) – four projects which show a continued demand for non-residential development in the City – there is other recent 2023 development application activity for non-residential uses that reinforces the point:
 - 2164 Palm Avenue: a 2 story private tennis court building, approved June 13, 2023.
 - 3125 Clearview Way: changing a parking lot into a food truck court, with seating and landscaping, approved February 8, 2022
 - Hillsdale Mall: convert 37,611 square feet of retail uses to office use, approved May 23, 2023.

- 1050 S. Amphlett: pre-application approved for 3 story self-storage building
- 922 S. Claremont: pre-application submitted for demolition of one-story building to build two story self-storage building.
- 2 West 3d/El Camino: A three-story office building proposed on a former gas station site.

In estimating whether the existing site inventory is adequate to meet the need for housing, the City cannot ignore that its zoning laws permit other non-residential uses, and there continues to be a demand for office and commercial uses of properties throughout the City. The City should perform the required analysis and reduce its estimates to account for the probability of non-residential development. It cannot realistically claim that the yield for mixed zoning sites will be 90% of the zoned maximum.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, November 16, 2023 8:44 AM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: San Mateo Revised Housing Element Letter
Attachments: San Mateo Revised Housing Element Letter 11.15.23.doc.pdf

From: Choua X. Vue [REDACTED] **On Behalf Of** David D. Bohannon II
Sent: Wednesday, November 15, 2023 4:56 PM
To: Housing <housing@cityofsanmateo.org>
Cc: Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>; Mazarin Vakharia <mvakharia@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>; John Ebnetter <jebnetter@cityofsanmateo.org>; Seema Patel <spatel@cityofsanmateo.org>; Adam Nugent <anugent@cityofsanmateo.org>; Martin Wiggins <mwiggins@cityofsanmateo.org>; Margaret Williams <mwilliams@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Rob Newsom <rnewsom@cityofsanmateo.org>; Richard Hedges <rhedges@cityofsanmateo.org>; kohar@kohplanning.com; chelsea.maclean@hklaw.com; Paul.McDougall@hcd.ca.gov; Adam Loraine <aloraine@cityofsanmateo.org>; idiaznash@cityofsanmateo.org; Amourence Lee <alee@cityofsanmateo.org>
Subject: San Mateo Revised Housing Element Letter

Good evening Zach,

Please see attached letter. Thank you!

David Bohannon



www.ddbo.com

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November 15, 2023

[Sent via email: housing@cityofsanmateo.org]

Zach Dahl
Community Development
City of San Mateo
330 West 20th Avenue
San Mateo, CA 94403

Re: San Mateo Revised Housing Element Comments

Dear Zach and City staff:

On behalf of HSC Property Owner LLC, the owners of the Hillsdale Shopping Center and surrounding properties (Hillsdale Mall Site), we appreciate the opportunity to submit comments on the revised Housing Element, recently released on November 9, 2023.

As you may know, our team is actively monitoring the multiple long-range planning efforts occurring concurrently in the City to understand the City's needs and goals so that the long-range planning and development efforts for the Hillsdale Shopping Center can evolve in alignment with the City's long-term vision.

We previously commented on the inventory assumptions for the Hillsdale Mall Site on December 15, 2022 and appreciate the City's willingness to modify the total unit count and affordable housing assumptions. However, we continue to have additional comments, as described below.

Moderate Income Assumptions

We object to the inclusion of 180 Moderate income units at the Hillsdale Mall Site. In the "Identification of Affordable Sites" section of the Housing Element, the discussion of the Hillsdale Mall identifies that a realistic capacity of 1,200 units has been estimated for this site, *"with 15% of the units identified as affordable in accordance with the City's Inclusionary Housing policy."* (HE, p. H.36) We previously reviewed 15% inclusionary housing language and were comfortable with the assumption.

We note that the inclusionary housing program requires 15% of rental units to be affordable to low income families.¹ Further, while moderate income units are required for ownership projects (i.e. for sale units), there is no obligation to provide moderate income rental units. It follows that, according to the description in the Housing Element, the inventory assumption for the

¹ City of San Mateo, Below Market Rate Housing Program, available at: <https://www.cityofsanmateo.org/3896/Developer-Resources>

Hillsdale Mall Site should be 15% low income units (or 180 low income units out of 1,200 units).

The assumptions in the inventory, however, assume 180 low income units *as well as 180 moderate income units*, along with 840 above moderate units, for a total of 1,200 units. Our current development plans have considered the inclusion of low income and possibly very low income units, but we currently have no plans to include moderate income rental units and thus the assumption of 180 moderate income units for the site is not realistic, as required by state law for a housing element inventory.

We also note that the inclusion of moderate income units for the largest development site in the City appears to be a departure from the City's methodology elsewhere. The discussion of "Distribution of Sites by Affordability" describes the City's methodology (p. H-38):

1. For sites in the pipeline, the actual proposed distribution of units by affordability was included. For example, Concar Passage (Planning Application PA-2018-052) includes a total of 961 units, of which 73 will be very low-income. These are the figures used in the spreadsheet.
2. For all other sites, the distribution of units by affordability varies by site size. Most sites in the inventory have unit affordability distributed in proportion to the RHNA allocation. For large sites over 10 acres, the City applies only the inclusionary housing requirement (15%) for the lower income category. For the moderate category, 15% was also applied to the smaller sized units that are naturally affordable to moderate income households.

For emphasis, we note that the above language provides that "[f]or large sites over 10 acres, the City applies *only* the inclusionary housing requirement (15%) for the lower income category." In contrast, the Housing Element says that moderate income assumptions were applied to smaller units that are naturally affordable. It is, therefore, inconsistent to apply a 15% low income unit assumption *plus a 15% moderate income unit assumption* to the Hillsdale Mall Site, which is identified in the inventory as 32.68 acres. Again, we are planning for a robust affordable housing program to include low income and possibly very low income units, but the overall mix of affordable housing is to be determined and we are not currently planning for moderate income rental units. This is due, in part, to the lack of financing available for moderate income units.

Suggestion to Add Moderate Income ADUs

For the purpose of collaboration, we suggest that the 180 units allocated to the Hillsdale site are moved to other sites that are more likely to include naturally occurring moderate income housing. One specific suggestion is to increase the assumption for moderate income accessory dwelling units (ADUs). We note that the Housing Element explains that the City has used conservative methodology with respect to ADU production (p. H-40):

Based on increased documentation and State guidance, jurisdictions are allowed to count projected development of ADUs based on prior year production averages. As outlined in Table 5, the City has issued an annual average of 60 building permits for ADUs, including JADUs, over the last four years (2019-2022). Consistent with the accepted approach of using a four-year average of permitting data, the Sites Inventory is using an estimate of 55 new ADUs annually, below the annual average of 60, which results in 440 new ADUs projected over the eight-year cycle. It should be noted that ADU permitting in both 2021 and 2022 exceed the annual estimate of 55. The City has over 17,000 parcels that are zoned R1 and has issued permits for 271 ADUs over the last eight years, so there is a significant number of eligible parcels that have the capacity to add an ADU and/or a JADU.

Of the 440 units, the City expects 132 very low income units, 132 low income units, 132 moderate income units and 44 above moderate income units. (Housing Element Inventory, p. H-C-14)

HCD itself describes this as a “conservative” approach. (Housing Element Site Inventory Guidebook², p. 31) HCD further notes that “[s]ince 2017, the Legislature has passed a series of new laws that significantly increase the potential for development of new ADUs and JADUs by removing development barriers, allowing ADUs through ministerial permits, and requiring jurisdictions to include programs in their housing element that incentivize their development. As a result using trend analysis when estimating the potential for development may not accurately reflect the increased potential for these units.” Housing Element Site Inventory Guidebook, p. 31) In addition, HCD suggests using trends from “regional production of ADUs.” Housing Element Site Inventory Guidebook, p. 31)

Accordingly, given these conservative assumptions, we strongly suggest that more moderate income units are assumed as ADUs, rather than as part of the Hillsdale Mall site.

Inventory Assumption Corrections

We also request additional corrections to the following inventory assumptions:

- The Bohannon owned Ana Furniture site (Address: 3011 S El Camino Real; APN 039-360-140) existing use is listed as parking, but the actual use is an existing, operating commercial building. The affordable assumption of 24 (40%) low income units plus 10 (16%) moderate income units as part of a total development capacity of 60 units, exceeds the inclusionary obligation of 15% low income.
- The Bohannon owned sites (Addresses: 3101 El Camino Real and 3111 El Camino Real; APNs: 039-360,140 and 039-360-070) also include an affordable assumption of 26 (41%) low income plus 11 (17%) moderate income units as a part of a total development capacity of 64 units that exceeds the inclusionary obligation of 15% low income.
- The Michael's site (Address: 2955 S El Camino Real; APN 039-360-120) is listed as parking, but the actual use is an existing, operating commercial building. The affordable assumption of 41 (39%) low income units plus 18 (30%) moderate income units as part of a total development capacity of 103 units, exceeds the inclusionary obligation of 15% low income.

² HCD, Housing Element Site Inventory Guidebook, available here: https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf

- The Petsmart site (Address: 3520 S El Camino Real; APN 042-121-040) affordable assumption of 32 (39%) low income units plus 14 (17%) moderate income units as part of a total development capacity of 81 units, exceeds the inclusionary obligation of 15% low income.

A screenshot of these assumptions is provided below:

Housing Element Inventory	2700 S El Camino Real	039-352-060	V	Regional/Community Commercial/ High Density Multi-Family	C3-1/R4	50	0.38	1.00	Commercial/Used car sales	6	62	68	Yes	
	2750 S El Camino Real	039-352-070	V	Regional/Community Commercial/ High Density Multi-Family	C3-1/R4	50	0.38		Commercial/Used car sales					
	2790 S El Camino Real	039-352-090	V	Regional/Community Commercial/ High Density Multi-Family	C3-1/R4	50	0.38		Commercial/Parking					
	2955 S El Camino Real	039-360-120		Transit-Oriented Development	TOD	50	2.24	1.24	Parking					Y

CITY OF SAN MATEO 2040 GENERAL PLAN HOUSING ELEMENT

Housing Element Inventory	Site Address	APN	Site	GP	Zoning	Max Density	Acres	Total Units	Existing Use	LI	M	AM	Total	Pipeline Project	Owner/ Developer Interest (Y)
	3011 S El Camino Real	039-360-140		Transit-Oriented Development	TOD	50	1.38	1.38	Parking						Y
	3520 S El Camino Real	042-121-040		Regional/Community Commercial/ High Density Multi-Family	C3-1/R4	50	1.06	1.06	Commercial						
Same owner	3101 S El Camino Real	039-360-160	L	Transit Oriented Development	TOD	50	1.13	1.13	Vacant						
	3111 S El Camino Real	039-360-070	L	Transit Oriented Development	TOD	50	0.28		Vacant						

We formally request that these assumptions are corrected, particularly for those sites that are non-vacant, consistent with the methodology in Housing Element Inventory (Appendix C), Section 4.3 explaining that non-vacant sites must meet at least three criteria in order to be included in the inventory. Given that these sites are not vacant, that removes one of the criteria for inclusion in the inventory.

Conclusion

We recognize that the Housing Element Update is an extraordinarily difficult task. We thank you for your time and your consideration and your efforts on the revised Housing Element to date. At this stage, we strongly request that the moderate income units are reallocated from the Hillsdale Mall assumptions to another location where such units are more likely to be developed, such as ADUs, and that other inventory assumptions are corrected to reflect realistic redevelopment capacity.

Sincerely,

David Bohannon

Cc: Eloiza Murillo-Garcia (emurillogarcia@cityofsanmateo.org)
Mazarin Vakharia (mvakharia@cityofsanmateo.org)
Planning Commission (PlanningCommission@cityofsanmateo.org)
John Ebnetter (jebnetter@cityofsanmateo.org)
Seema Patel (spatel@cityofsanmateo.org)
Adam Nugent (anugent@cityofsanmateo.org)
Martin Wiggins (mwiggins@cityofsanmateo.org)
Margaret Williams (mwilliams@cityofsanmateo.org)
City Council (CityCouncil@cityofsanmateo.org)
Amourence Lee (alee@cityofsanmateo.org)
Lisa Diaz Nash (ldiaznash@cityofsanmateo.org)
Adam Loraine (aloraine@cityofsanmateo.org)
Rob Newsom, Jr. (rnewsom@cityofsanmateo.org)
Rich Hedges (rhedges@cityofsanmateo.org)
Kohar Kojayan (kohar@kohplanning.com)
Chelsea Maclean (chelsea.maclean@hklaw.com)
Paul McDougall (Paul.McDougall@hcd.ca.gov)

Nicholas "Nicky" Vu

From: Housing
Sent: Thursday, November 16, 2023 3:25 PM
To: Eloiza Murillo-Garcia; Nicholas "Nicky" Vu
Subject: FW: SCLP Comments on San Mateo Updated Housing Element
Attachments: SCLP Letter to San Mateo Nov 16 2023.pdf

From: Dashiell Leeds [REDACTED]
Sent: Thursday, November 16, 2023 2:05 PM
To: itycouncil@cityofsanmateo.org; Planning Commission <PlanningCommission@cityofsanmateo.org>; Housing <housing@cityofsanmateo.org>
Cc: James Eggers [REDACTED]; Mike Ferreira [REDACTED]; Gladwyn D'Souza [REDACTED]; Gita Dev [REDACTED]
Subject: SCLP Comments on San Mateo Updated Housing Element

Dear Mayor Lee and Members of the San Mateo City Council, Planning Commission, and City Staff,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the November 9, 2023 Updated Housing Element. Please read the attached letter for our full comments.

Respectfully Submitted,
Gita Dev
Co-Chair, Sustainable Land Use Committee
Sierra Club Loma Prieta Chapter

email sent from account of:
Dashiell Leeds
Conservation Coordinator
Sierra Club Loma Prieta Chapter



SIERRA CLUB

LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

November 16, 2023
City of San Mateo
330W 20th Ave
San Mateo, CA 94403

Subject: Comments on San Mateo Updated Housing Element

Dear Mayor Lee and Members of the San Mateo City Council, Planning Commission, and City Staff,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the November 9, 2023 Updated Housing Element (HE).

The updated HE has some important improvements (Fair housing on p. H-68 to H -75, clarification on p. H-93 of Action d on Policy H1-20). But some final adjustments will further strengthen this important HE with regards to encouraging more affordable housing and allowing for more greening of the city.

The HE assumes that the Land Use Designation High II is not going to be used ¹. We have maintained that High II should be included in the HE, though only in limited areas and only near transit. Its higher density and height are good tools to increase affordable housing, as a required community benefit, and to do it in an environmentally positive way by requiring green open space on the site.

The need to add more housing, particularly affordable housing, is important to addressing environmental issues. As essential workers (e.g. teachers, nurses, service workers, etc.) on the Peninsula cannot afford to live here, they must commute from long distances to housing they can afford.

A key to addressing this problem is increasing housing density, particularly near transit, while requiring inclusionary affordable housing as a community benefit. Allowing higher density is one way the HE can provide a financial incentive for more inclusionary affordable housing (e.g. as high as 20-33% of a project, if financially feasible), as noted in prior studies for San Mateo ².

¹ See pages H-31 and H-41. They state a maximum density of 130 du/ac (which is the High I maximum). The High II maximum is 200 du/ac.

² <https://sanmateo.primegov.com/Portal/viewer?id=715&type=0>

More green open space: The ability to allow higher buildings in the High II Land Use Designations, when combined with restricting lot coverage, is also an important tool for freeing up land area for greening the city.

The greening of the city has major environmental benefits as well as improving the quality of life for residents. Being allowed to go to higher building heights, when coupled with restricting lot coverage, is a way to create more open space, parks, bike paths, pedestrian walkways and green streets.

A good example of this was demonstrated in the recent scenarios put forward as part of the “Re-imagine Hillsdale” presentation of March 8, 2023³. The scenario that stayed with the current 5-story limit produced a design with very little open space and with the area facing the neighborhood on Edison Street being high and dense. However, the scenario that allowed heights up to 10 to 12 stories for buildings near the railroad and along El Camino Real (ECR) produced a design with a large amount of open space, parks, and a more compatible neighborhood design, with lower heights, along Edison Street. The higher height allowed, adjacent to the railroad and ECR, made it possible to lower heights near the existing neighborhood on Edison Street and to provide much more parks and open space for the entire community to enjoy.

We ask that you consider this information as you finalize the HE.

Respectfully submitted,

Gita Dev

Co-Chair, Sustainable Land Use Committee

Sierra Club Loma Prieta Chapter

³ <https://vimeo.com/806539434/5bbfc4a1a9>