

# REUBEN, JUNIUS & ROSE LLP

Thomas Tunny  
ttunny@reubenlaw.com

November 20, 2025

Simin Zakavand, AICP  
Associate Planner  
330 West 20th Avenue  
San Mateo, CA 94403

**Re: PA-2025-006 – 230 S. El Camino Real  
Our File No: 13215.02**

Dear Ms. Zakavand:

As you know, we are working with the owner of 230 S. El Camino Real, 230 El Camino, LLC, and architect ARC TEC, Inc. concerning the proposed mixed-use residential project (the “Project”) at 230 S. El Camino Real (“PA-2025-006”). We have submitted two letters previously, dated July 23, 2025 and April 24, 2025, seeking waivers pursuant to the State Density Bonus Law (Gov. Code § 65915(e)) and San Mateo Zoning Code Section 27.15.050(a). This letter consolidates our requested waivers from those letters (no new waivers are requested) and provides additional background concerning the controlling law and the justification for the waivers.

## **The Project and Its Affordable Housing**

The Project site is 11,646 sq. ft. in size and is vacant. The Project will construct a new 34,150-square-foot, 5-story residential building. The Project includes a 1,572-square-foot commercial space at the ground floor, which will contribute to the activation of the streetscape and enhancing neighborhood amenities.

The Project proposes a total of (28) ownership dwelling units at the upper floors and includes (4) below market rate (BMR) units (15%) for very low-income households, providing unusually affordable homeownership opportunities within the community. The BMR units are provided in accordance with the City’s BMR Housing requirement program.

## **Density Bonus Rules**

The State Density Bonus Law (“SDBL”) provides that when a project includes a certain percentage of affordable housing, it is eligible for a density bonus, a limited number of concessions from otherwise applicable development standards that would result in cost reductions for the project, and unlimited waivers from development standards that would physically preclude the construction of the project as proposed. While concessions are based on identifiable cost reductions, a city can only reject an applicant’s requested waivers if it finds that granting the waiver

San Francisco Office  
One Bush Street, Suite 600  
San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office  
456 8th Street  
Oakland, CA 94607

San Jose Office  
300 S. 1st Street, Suite 238  
San Jose, CA 95113

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would have a specific, adverse impact on health and safety. (Gov. Code § 65915(e).) Accordingly, we are requesting waivers from design standards as described below.

If a project provides affordable housing as required by the SDBL, then a city cannot apply any development standard that would physically preclude construction of the project as proposed, as confirmed by recent caselaw. (*See Wollmer v. City of Berkeley*, 193 Cal. App. 4th 1329 (2011); *Bankers Hill 150 v. City of San Diego*, 74 Cal. App. 5th 755 (2022).)

The viability of the Project, and the construction of the affordable units in particular, depend on generating enough revenue from the market rate units to subsidize the affordable units. This Project aims to attract potential buyers with a particular aesthetic and unit layouts. The aesthetic seeks to accomplish a certain visual interest and human scale. To increase the marketability of the units the Project has different dwelling unit layouts, room sizes and internal functions. This allows some units to have balconies while others do not. Accordingly, we are requesting waivers from several design standards as described below.

The Project proposes to utilize the State Density Bonus Law (“SDBL”) to increase the residential density permitted on the site in furtherance of the City’s Housing Element and RHNA goals, while also being sensitive to the scale of development in the area.

### **Waivers Requested from Objective Design Standards**

#### *Site Planning*

##### **3.2.3 Parking Entrances and Curb Cuts**

For developments that front more than one (1) street, driveways and entrances to parking facilities (surface parking or parking structures) shall be located on the secondary street frontage, side street, or alley unless access is only provided from the primary street frontage, or if the City traffic engineer requires access to occur from a primary street for traffic flow purposes. In circumstances in which a development site fronts two (2) primary streets, the developer may select the street to be used for the parking entrance. Due to site configuration and access limitations, the Project’s proposed driveway is located along the primary street frontage to ensure safe and functional circulation.

##### **3.2.4 Parking Structures**

A. Given the inability to meet the 50% frontage parking rule limitation due to the small lot size and the Third Avenue parking garage access, it follows that the parking facing Arroyo Ct. will necessarily exceed 50% of the building frontage. This is a direct consequence of the site’s constraints and the need to accommodate residential parking.

*Building Design and Architecture*

#### **4.1.4 Massing Breaks – Generally**

Due to the proposed development's overall size and the restricted nature of the lot, it is not feasible to divide the building mass into at least three primary masses. Attempting to do so within these constraints would lead to an over-articulated and overly complex design, resulting in a fragmented and aesthetically disjointed building composition rather than achieving the desired visual interest and human scale.

#### **4.1.6 Massing Breaks - Mid-rise Buildings**

##### **A. Building Composition**

The Project meets the body and top composition requirements. The base requirement cannot be fully achieved due to site and design constraints.

#### **4.6.1 Window and Door Alignment**

##### **B. Horizontal Alignment**

##### **C. Window and Door Size**

The proposed development's 5<sup>th</sup> floor windows do not achieve horizontal alignment primarily because of the varied dwelling unit sizes and ratios on that floor. To maximize the efficiency and marketability of the overall development, some units have been designed without balconies, while others incorporate them. This condition inherently leads to different façade requirements and, consequently, breaks the horizontal alignment of windows that would typically be present if all units were uniform and included balconies.

#### **4.6.3 Windows – Reflectivity, Transparency and Details**

##### **E. Matching lite size and proportions**

Different dwelling unit layouts, room size and internal functions lead to varying window dimensions.

#### **4.6.5 Entries, Doors, and Stairways**

##### **E. Utility Room Entries**

The ODS acknowledge that these standards won't be imposed if they conflict with PG&E rules and regulations. In this case, the Project is not able to provide an alternate screening method for the transformer beyond a dense landscape planting area, as required clearances must be maintained per PG&E guidelines. Due to its close proximity to 3rd Avenue and the overall site constraints, there are no feasible alternate locations for relocation or additional architectural screening (staff has rejected the proposed fence). Accordingly, we are requesting a waiver to allow the transformer to remain as currently proposed, with landscape screening only.

*Landscaping, Open Space, and Exterior Lighting*

**5.1.1 B Private Open Space for Individual Units**

The balcony enclosure at the fifth-floor unit type B1.0 do not feature glass guardrail but is rather integrated into the building solid massing provided by the visual continuity of the building façade and in order to maintain a consistent and unified material expression across the building's façade.

*Downtown Plan Area*

**Section 7.1.2(A) Required Architectural Elements**

2. Low-pitched (below and including a 3:12 pitch) gabled or hipped roofs, sloped parapets, or flat surface with an eave overhang of not more than six (6) inches
3. Red tile roofs and tiles parapets; simulated materials are acceptable

**Section 7.1.2(B) Required Architectural Elements**

3. Arches that are pointed, rounded, or with a slight peak (Islamic arches); triple arched; or parabolic arches
4. Ornamental details derived from Spanish, Byzantine, Gothic, Italian, and Spanish historic architectural sources
5. Spiral columns
6. Multi-pane windows (to follow the general standards listed in Section 4.6)
7. Window grilles of wood, aluminum clad wood, or wrought iron. (Where used throughout the project, metal, iron and/or wrought iron shall be painted black or bronze)
8. Elaborate chimney tops consistent with the style, as illustrated below (page 59)
9. Round or square towers
10. Decorative tiles consistent with the architectural style, as illustrated below (page 59)
11. Vernacular Spanish Colonial Revival decorative ironwork
12. Ornamental treatments around doorways, stairs, surrounds, and/or windows consistent with the architectural style, as illustrated below
13. Deep recessed windows and doors at a minimum of twelve (12) inches

**Waiver Requested from Open Space Requirements (San Mateo Zoning Code § 27.28.032)**

The Project seeks a waiver of Zoning Code Section 27.38.130 regarding the required open space for residential development. The Code requires residential development to include private usable open space equal to at least 80 square feet per dwelling unit or common usable open space equal to at least 150 percent of the private usable open space requirements, or a combination of both. Private usable open space used to fulfill this requirement must have a usable area of not less than 75 square feet and shall not be less than six feet in any dimension. The Project is requesting a waiver to allow private usable open space equal to at least 50 square feet per dwelling unit. The reduced open space allows for the construction of the additional residential units since there is limited space allocation as part of the building. Without this reduction, the Project would not

feasibly be able to provide open space for all the units thus precluding the development of the Project at the proposed density.

Thank you for your attention to this matter and your ongoing work with the project team. Please let me know if we can provide any additional information.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in blue ink, appearing to read "T. Tunny".

Thomas Tunny

cc: 230 El Camino, LLC  
Fabian Behague, ARC TEC, Inc.