



**Feb 20, 2024**

**City of San Mateo**  
330 W 20th Ave  
San Mateo, CA 94403

**By Email:** [citycouncil@cityofsanmateo.org](mailto:citycouncil@cityofsanmateo.org), [ldiaznash@cityofsanmateo.org](mailto:ldiaznash@cityofsanmateo.org),  
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[lly@cityofsanmateo.org](mailto:lly@cityofsanmateo.org)

**Re:** Resolution to deny the appeal and uphold the Planning Commission's decision to approve a new five-story mixed-use building at 477 9th Avenue

Dear City Council,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment on agenda item 13 at tonight's Council meeting, a Resolution to deny the appeal and uphold the Planning Commission's decision to approve the project on 477 9th Street, a 5-story, mixed-use project with 120 units, including 12 below market rate units. The Housing Accountability Act (Gov. Code, § 65589.5) requires approval of zoning and general plan compliant projects unless findings can be made regarding specific, objective, written health and safety hazards.

These findings must be "supported by a preponderance of the evidence on the record." (*Id.* at subd. (j)(1).) Increased density, concessions, and waivers that a project is entitled to under the Density Bonus Law (the "DBL") (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan for purposes of the HAA. As staff notes, as a mixed-use development project with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and, except for concessions under the DBL, it complies with the local zoning code and the City's general plan. Thus, the Council must deny the appeal and approve the project unless it makes written health and safety findings, as described above – which it cannot do, since the preponderance of the evidence in the record does not support such a finding. The Council must pass the resolution to



California Wildlife Foundation/California Oaks, 201 University Avenue, H-43 Berkeley, CA 94710, (510) 763-0282

February 15, 2024

Linda Ly, Associate Planner  
City of San Mateo Planning Department  
330 W. 20th Avenue  
San Mateo, CA 94403

Transmitted via e-mail: [lly@cityofsanmateo.org](mailto:lly@cityofsanmateo.org)

Re: 477 9th Avenue Mixed-Use proposed development

Dear Mrs. Ly:

The [California Oaks](#) program of the [California Wildlife Foundation](#) works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing plant and wildlife habitat, and sustaining cultural values. California Wildlife Foundation/California Oaks (CWF/CO) received an inquiry from a City of San Mateo resident who is concerned about the arboreal impacts of the proposed 477 9th Avenue Mixed-Use development and the city's inadequate tree protections. CWF/CO reviewed the City of San Mateo's protected tree replacement policies, the November 6, 2023 memorandum prepared by David J. Powers & Associates, Inc. on the project's categorical exemption qualification from California Environmental Quality Act (CEQA), the Greenhouse Gas (GHG) Emissions Assessment for the project (Appendix B), and the Project Plan. This letter focuses on inadequacies of the city's native oak protections and tree replacement requirements, deficiencies of the proposed project's GHG Emissions Assessment, and potential impacts of the proposed project on native oak trees that are meant to be left standing for the development, as detailed below.

**The City of San Mateo's native oak tree protection and replacement policies are inadequate.** The City of San Mateo Tree Work Application form describes protected trees as "living landmarks and an important component of the quality of life in San Mateo." It inaccurately states that the ordinance ensures that "trees will be preserved during construction." It enumerates benefits of trees associated with wind and sun protection, privacy, habitat for song birds, stress reduction, and an estimated \$1.4 million in net benefits to the city, which was calculated by an analysis conducted in 2011. CWF/CO suggests that the City of San Mateo conduct a current net benefit analysis to understand how weak protections and inadequate mitigation for tree removals has eroded the city's mature tree canopy and thereby the city's livability.

The Heritage Tree Replacement Requirements detailed in the Tree Work Application form of either one new planting or a \$740 in-lieu fee for a tree with a diameter of 10 to 30-inches, and



**Trees that are being retained may not survive during construction.** The 55th page of the Project Plan includes the Preliminary Arborist Report. Page 6 of that report notes:

...Trees #11 and #17 are large oaks with construction planned within 10 feet of their trunk. The planter that contains valley oak #11 is proposed to be expanded enlarging the growth space at the base. Construction work performed near the valley oak could result in significant root loss depending on the exact location of the sidewalk. The canopy of the tree may also need to be reduced to accommodate a scaffolding during building construction. These actions have the potential to have a significant impact on the health of the valley oak. Coast live oak #17 may also experience significant negative impacts, the sidewalk will be moved closer to the trunk of the tree on one side, and a brick patio area will be installed within ten feet of the trunk on the other side. These impacts could be significant.

The root protection area, which is half again as large as the area from the trunk to the dripline of an oak, is critical to oak tree health. [\*Care of California's Native Oaks\*](#) provides additional information.

Additionally, proposed landscaping for the site will further imperil the native California oak trees that are meant to stay standing at the site. An illustration on the 44th page of the Project Plan shows plantings under an oak tree and Planting Design Notes on the 48th page indicates "all planted areas are to be watered with an approved underground irrigation system. Very few of the listed "plant palette" species are appropriate for planting under oaks and lawn irrigation is detrimental to oak root health as detailed in [\*Care of California's Native Oaks\*](#).

Thank you for your consideration of our comments.

Sincerely,



Janet Cobb  
Executive Officer, California Wildlife Foundation  
[jcobb@californiawildlifeoundation.org](mailto:jcobb@californiawildlifeoundation.org)



Angela Moskow  
California Oaks Program Director  
[amoskow@californiaoaks.org](mailto:amoskow@californiaoaks.org)

cc: Michelle Maccara, [mmaccarra2@gmail.com](mailto:mmaccarra2@gmail.com)

## Patrice Olds

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**From:** Chris MacIntosh [REDACTED]  
**Sent:** Tuesday, February 20, 2024 11:44 AM  
**To:** City Council (San Mateo)  
**Cc:** Linda Ly  
**Subject:** Comment re 477 9th Ave., San Mateo  
**Attachments:** 2024-02-19 SAS letter to SM city council re 477 9th.pdf

P.O. Box 620292  
Woodside  
CA 94062

February 19, 2024

San Mateo City Council  
Via email to: [citycouncil@cityofsanmateo.org](mailto:citycouncil@cityofsanmateo.org)

Dear San Mateo City Councilmembers,

Sequoia Audubon Society's mission is to protect native birds and other wildlife and their ecosystems in San Mateo County.

We are therefore very concerned about the proposed development at 477 9<sup>th</sup> Avenue, San Mateo. Our concerns include these:

- We request you to keep more of the native oak trees and to require the developer to reduce the number removed. These established trees provide the best habitat and food sources for our native birds and pollinators than do non-native species, however pleasing to human eyes those non-native trees may be. Even multiple young trees will take a very long time to replace the carbon capture, and habitat, lost by removal of established oaks.
- Page 44 of the plans shows an oak with the annotation "planting under existing oak". Perhaps the developer is unaware that our native oaks should not have underplantings. Once established, they require no watering other than what rain falls on them during the rainy season. Some developed areas feature river rocks under their oaks, out to the dripline: an attractive solution. Additionally, during construction the areas of their root systems must be identified and protected from damage. Please ensure that these native oaks are treated in such a way as to ensure their survival, during and after construction.
- Page 45 has a glassed-in room on the roof deck. What plans are there to ensure that bird-safe glass and bird-safe lighting are used, in order to avoid birds colliding with the glass walls? We urge you to follow Dark Sky International guidelines for lighting (<https://darksky.org/resources/guides-and-how-tos/lighting-principles/>).

Thank you,

Sincerely,



P.O. Box 620292  
Woodside  
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February 19, 2024

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Thank you,

Sincerely,

Chris MacIntosh

Conservation Committee, Sequoia Audubon Society  
[conservation@sequoia-audubon.org](mailto:conservation@sequoia-audubon.org)

Cc: Linda Ly, Associate Planner, [avllly@cityofsanmateo.org](mailto:avllly@cityofsanmateo.org)



## Patrice Olds

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**From:** Emily Morris [REDACTED]  
**Sent:** Sunday, February 18, 2024 1:07 PM  
**To:** Clerk  
**Subject:** Public comment on Agenda item 13

Dear San Mateo City Council,

I am writing as a San Mateo resident in support of a proposal by The Martin Group for 120 (12 affordable) homes.

I am part of a dual-earning household in which myself and my partner make a very decent wage, and I can barely afford to rent here in San Mateo. If I can scarcely afford to live here considering my extensive privilege, how can anyone afford it?

The truth is that this proposal is just a drop in the bucket and doesn't nearly meet the desperate need for affordable housing in San Mateo. But it would be some progress, and we very much need to make progress. I love living in San Mateo and I want to be able to stay here, and I also want to keep San Mateo a diverse, thriving community where residents can come from multiple races, classes, and cultures. We are quickly hurtling toward a gray, bleak future in which only a lucky few can afford to live here.

These homes have the potential to help the city push back against the housing imbalance we're all facing at this moment. Please support this proposal.

Thank you,  
Emily Morris

## Patrice Olds

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**From:** Robert Whitehair [REDACTED]  
**Sent:** Saturday, February 17, 2024 8:33 AM  
**To:** Clerk  
**Cc:** Ken Chan  
**Subject:** Agenda Item 13 On February 19 City Council Agenda

Dear Mayor and City Council

We ask that the City Council deny the appeal of a Planning Commission approval of a mixed use building at 477 9th Avenue.

Additional housing is desperately needed in San Mateo, as another positive response to the climate crisis.

Housing for very low income residents (\$74,600 yearly income for a family of two) is critical. A recent [report from the California Association of Realtors](#) shows that a family income of over \$518,400 is needed for the median priced San Mateo County Home.

Without the 12 affordable units in this project, the housing crisis becomes much worse

Having read the arborist's summary found in the staff report, I learned that many of the heritage trees are in poor condition and need to be replaced. As the new trees grow and provide all the benefits that the appellants are looking for, 12 families will no longer face housing problems.

Robert and Teri Whitehair



## Patrice Olds

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**From:** Carol Henton [REDACTED]  
**Sent:** Saturday, February 17, 2024 1:23 PM  
**To:** Clerk  
**Cc:** Doug Henton  
**Subject:** Agenda Item 13 for Feb. 20 Council Meeting

To members of the San Mateo City Council:

My husband and I strongly support the proposed housing project at 477 9th Avenue in San Mateo. Our city, like nearly all cities in California, need to develop more residential homes to meet the growing demand for housing for our expanding citizenry. The 120 proposed units are near public transit and downtown stores, shops and restaurants. Residents of these homes will often be able to walk or bike to where they need to go. In addition, these future residents will be near our beautiful Central Park. We urge you to approve this development so that construction can get underway.

Carol and Douglas Henton

[REDACTED]  
San Mateo 94402



**From:** [Gita Dev](#)  
**To:** [Clerk](#)  
**Cc:** [Adam Loraine](#); [Lisa Diaz Nash](#); [Amourence Lee](#); [Richard Hedges](#); [Rob Newsom](#)  
**Subject:** Public Comment for Feb 20th City Council Meeting - Please distribute to council members . Thanks!  
**Date:** Tuesday, February 20, 2024 1:42:13 PM

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February 20, 2024

**Public comment for item #13:** Appeal regarding removal of heritage trees at 447 9<sup>th</sup> Ave Mixed Use

Dear Mayor Diaz Nash and San Mateo City Council members

My name is Gita Dev and I represent the Sierra Club Loma Prieta chapter's Sustainable Land Use Committee. Our members have spoken in support of the Mixed Use housing project at 447 9th Avenue and especially the affordable housing it will provide.

However, it has been brought to our attention that unfortunately several heritage trees, including Live Oaks, that we expected could be saved are going to be removed. These are along the site edges.

**Tree Ordinance: "Heritage Trees are living landmarks and an important component to the quality of life in San Mateo."**

**1. Recreate iconic cluster of three live oaks along 19th using new boxed specimens of equal value.** Our urban biodiversity is sadly facing collapse without a careful approach to protecting every possible mature tree in our urban canopy.

**Live Oaks are a KEYSTONE species** ; they support over 100 species of mammals, birds, insects and plant life. Losing each oak in our city collapses our already endangered biodiversity even more. Saving, growing and fostering each and every mature specimen of these keystone trees is critical as it supports our health, biodiversity, climate and livability.

Trees 17, 18 and 19 are a cluster of three Live Oaks. the three oaks together form an iconic image and a habitat island . Only #17, in the foreground, is being saved. (Table on Drawings L-5.9, L-5.10),



Since the owner is not willing or able to save the other two oaks along the sidewalk (#18 and 19), **we request two replacement oaks, costing the same as the arborist's value,** be provided to replace them, so that the iconic trio of oaks along 9th street is preserved. This will preserve an oak habitat at the entrance and also be a long-lasting benefit to the community and a gift to the street. If more sidewalk space is required for the tree wells, The city can allow a sidewalk bulb-out, just like the one on the north-east side (Claremont street) at a large tree in the sidewalk being preserved. Since there is no street parking allowed in front of the trees anyway, approaching the railroad, the curb can be bulbed out for a wider sidewalk and improved pedestrian experience along the frontage.

- Per arborist, the value of Live Oaks being removed, #18 and #19, are \$11,050 and \$12,650 respectively.
- Speciman **72" boxed live oaks cost only around \$10,000.**
- The total **value of trees being removed is \$312,400**

**2. Save large heritage Chinese Elm Tree #3, in good condition, removed for a surface parking spot at driveway at 19th.** A mature and heritage ELM tree is the city's "Natural Capital" and worth more than a surface parking space.

Save Tree #3 (\$14,500). It is a much larger heritage Chinese ELM than tree #2 Chinese Elm (\$7,250) in the dog park which is fortunately being saved, It is being removed merely to create a parking spot. It is in good condition. Elm trees offer habitat to a range of native insects and wildlife that depend on the trees for food, reproduction, and shelter. Small mammals like squirrels, chipmunks, and opossums live in elms, as do birds like finches, chickadees and woodpeckers as well as many insect species lower on the food chain.

City Urban Canopy Master Plan: In this age of climate change as well as collapse of our biodiversity, urban canopy is a critical defense for our residents and our species as a whole. An urban tree canopy survey and tree master plan are the only way a city can track and improve the city's vital tree canopy for livability, health, climate action plan goals and for biodiversity health.

We look forward to your favorable response. THANK YOU.

--

Gita Dev

mmittee





**From:** [Susan Ketcham](#)  
**To:** [Clerk](#)  
**Subject:** I am in support of the Martin Group proposal to build new homes ( Agenda item # 13)  
**Date:** Tuesday, February 20, 2024 3:21:42 PM

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Hello City Hall folks - re the Agenda Item # 13 of today's city council meeting, I am in favor of the proposal to build 120 new homes / housing units in San Mateo.

The Martin Group has done a good job, and I think that this project will help address the imbalance between jobs and housing locally. I am also pleased to know that

some of the units will be available for our neighbors with limited means: I'm glad that some of the units will be affordable housing.

The location of the proposal is great, as it is near to transit lines.

I am a home owner in San Mateo city, and I strongly support more housing and more density in all parts of San Mateo. Thank you for reviewing this proposal, and I am in support of it.

Best regards, Susan Ketcham

Susan Ketcham  




February 20, 2024

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

**Re: Support 477 9th Avenue - Housing Leadership Council of San Mateo County**

Dear Members of the San Mateo City Council,

The Housing Leadership Council of San Mateo County (HLC) works with our communities and their leaders to produce and preserve quality affordable homes.

On behalf of HLC, I'm writing to express our support for the downtown adjacent, 477 9th Street proposal by The Martin Group - which is set to include 120 new homes, 12 of which will be affordable for your community members who are making between 30 - 50% of area median income. Given their location, these homes can play a crucial role in enhancing downtown vibrancy. They offer your residents the option to use Caltrain for their daily commute, and, most importantly, provide a secure and stable home for at least 12 of your most vulnerable community members.

Thank you for the opportunity to comment. We urge you to uphold the Planning Commission's decision and to approve the 477 9th Street proposal.

Sincerely,

A solid black rectangular box used to redact the signature of Ken Chan.

Ken Chan  
Senior Organizer