

From: CNA San Mateo < >

Sent: Monday, June 15, 2020 9:21 AM

To: City Council (San Mateo) <CityCouncil@cityofsanmateo.org>

Cc: Patrice Olds <polds@cityofsanmateo.org>; Drew Corbett <dcorbett@cityofsanmateo.org>

Subject: CNA City Council Letter and attachment - 6/15/2020 Item #26 - Amendment to AB 1763

Members of the City Council - Attached please find Central Neighborhood Association's board response to the 6/15/2020 agenda item #26 regarding Amending the Municipal Code in response to AB 1763. Also attached is the letter of opposition to AB 1763 from the League of California Cities veto request, which was disregarded by Governor Newsome. We think it makes some excellent points.

Thank you - Michael Weinbauer, Central Neighborhood Association



Central Neighborhood Association

June 15, 2020

Item # 26 - AB 1763

To: Honorable Mayor Goethals and Members of the City Council

Subject: City of San Mateo's ordinance to amend Assembly Bill 1763

Dear City Council Members:

AB 1763 - Amends the State Density Bonus law for 100% affordable housing projects within ½-mile distance from major transit stops. The League of Cities submitted the attached letter requesting a veto from the governor. Nonetheless the assembly bill was signed by Governor Newsom in September 2019 along with other housing bills and became law on January 1, 2020. Fast-forward to March of 2020 and the City of San Mateo decided to take this assembly bill to another level.

According to the AB 1763 language, the local jurisdictions have the authority to allow additional concessions if the developer can justify they will meet 4 key criteria. San Mateo introduced a new ordinance that adds 6 additional concessions to the 4 entitlements granted to developers by AB 1763, for a total of 10 bonuses.

We disagree that we should create an ordinance that opens the gates for unmitigated impacts from future developments to the surrounding neighborhoods at this time. Based on staff's responses to the Planning Commission on May 26, 2020, it appears that there are numerous housing bills currently going through the State legislative process that have the potential to enhance and bolster AB 1763, and would be effective in 5-1/2 months on January 1, 2021.

We understood that the City Council would prefer not to pre-empt the General Plan process, especially during the Covid-19 shelter in place, and we agree. We were therefore surprised that the City would want go through the process of an amendment that would undermine the General Plan process, and that

may also duplicate statewide efforts for high density developments, when according to staff there are several bills that could have the same or similar objectives as this ordinance.

The alternative path that we would like the City Council to consider, that is already being used other Cities is to negotiate a Special Use District (SUD) Agreement for such concessions or an Overlay whereby the City and the developer collaborate on the project details and it ensures the development meets or exceeds the housing goals.

This proposed ordinance eliminates the City's ability to achieve desired modifications on a development to adapt to the neighborhood in which it will be located and to make sure that the highest quality of materials and building standards are used to minimize the cost of long-term maintenance.

Finally, we would like to highlight that "not all concessions/incentives" are created equal. Some will have a bigger impact to the quality of life to the surrounding neighborhoods for all 3 transit stations, and the intersection of 2 or more major bus routes. These 10 concessions favor the developer, and leave the neighborhoods at risk of permanent impacts which are not in the spirit of the General Plan. We understand AB 1763 is the law, however, almost tripling the number of incentives, does not guarantee a better project. *We understand the whole point of a general plan is for cities to make thoughtful land use decisions and to have a vision about how a community will grow, reflecting our community's values and priorities while shaping the future.*

We support the need to allow the three (3) additional concessions (see below), as recommended by the Planning Commissioner Margaret Williams for the good of all in our community and supported by Vice Chair Ellen Mallory. 4 concessions come with State Density Bonus and 3 more concessions makes 7 concessions. 10 concessions are too many and not needed. However, the others clearly increase the bulkiness of the building and impact the quality of life of the its residents and surrounding neighborhoods. Projects need to blend in with the community.

Concession 1: Disagree - Eliminate street wall plane, impacts aesthetics and does not benefit the residents.

Concession 2: Disagree - Reducing private open space by 50% goes against the current and future physical and mental health recommendations.

Concession 3: Disagree - Rather than allowing 65% compact parking, consider that many residents may have large trucks and may take up 100% of space making next space unusable.

Concession 4: Disagree - Exceed Floor Area Ratio - projects become more massive, bulky and heavy - looking.

Concession 5: Disagree - Transfer parking to another site; housing could be 3 blocks away and the residential parking will overflow to the neighborhoods.
Concession 6: Disagree - Maximizing bulk - is not good for residents
Concession 7: Consent - Setbacks are useful for emergency access and reducing shadows.

Questions:

1. It is not clearly defined in the Ordinance who is the decision-making body with the authority to act on the Covered Project, and shall be subject to the 5 findings.
2. We need to ensure there are objective and not subjective standards for determining the 5 findings on each concession.
3. Can Staff provide a list of possible San Mateo Zoning Code incentives, concessions, waivers and reductions that an applicant could select from?

In conclusion, based on the information provided, **we respectfully ask that you do not pass this ordinance without properly vetting it through the General Plan process.**

The rush to move forward on an overly broad ordinance, that grants several concessions to developers in addition to those required by State Law, is not consistent with the extremely deliberative General Plan process; reduces the ability of the City to ensure future developments meeting these criteria are carefully reviewed, and exposes the City to substantial legal and operational risk as one of the first cities in the State to take such an approach. As suggested by staff, this ordinance could be pre-empted by several State assembly bills going to the Governor as early as September 2020.

Sincerely,

Michael Weinbauer
Laurie Watanuki
Maurine Killough
Ben Portusach
Central Neighborhood Association Board Members



2018-2019

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September 17, 2019

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

**RE: AB 1763 (Chiu) Density Bonuses: Affordable Housing.
Request for Veto**

Dear Governor Newsom:

The League of California Cities must respectfully **request your Veto on AB 1763 (Chiu)**, which would greatly expand existing Density Bonus Law (DBL) to require a city to award a developer significantly more density, additional concessions and incentives, and greater allowable height if 100% of the units are restricted to lower income households.

We agree with the fundamental problem—there are not enough homes, especially homes affordable to low-income households, being built in California. Unfortunately, AB 1763 is not the appropriate answer. Specifically, we object to the following:

- **Transit agencies would play a role in determining land use** near “major transit stops.” AB 1763 would alter existing land use policies based on transit service that is not under the authority or local jurisdictions.
- **Unlimited density and up to three additional stories** for developments within one-half mile of a “major transit stop.” While the existing 35% density bonus allowance may need to be adjusted for projects near major transit stops that contain 100% affordable units, granting a developer an unlimited density bonus and three additional stories is too extreme in many communities. It is almost assured that such an expansion of DBL will undermine a city’s state certified housing element and community-based housing plans.

For the above reasons, the League of California Cities urges your **Veto on AB 1763 (Chiu)**. If you have any questions, please feel free to contact me at (916) 658-8264.

Sincerely,

Jason Rhine
Assistant Legislative Director

cc. The Honorable David Chiu



Ronda Paschal, Deputy Legislative Secretary, Office of Governor
Newsom