

# Holland & Knight

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September 10, 2018

Ms. Darcy Forsell  
City of San Mateo  
Department of Community Development  
330 West 20<sup>th</sup> Avenue  
San Mateo, CA 94403

**Re: Passage @ San Mateo – Updated Residential Project Density Bonus Request Letter**

Ms. Forsell:

Our firm represents California Coastal Communities LLC (“Applicant”) in its application to construct a mixed-use/multi-family residential project, consisting of approximately 961 units and 35,000 square feet retail, referred to as Passage @ San Mateo (“Project”). The Applicant proposes to make 10% (73 units) of the residential units affordable to Very Low income families, thereby qualifying the Project for certain requests pursuant to the State Density Bonus Law (“SDBL”)(Gov’t. Code Section 65915) and San Mateo Municipal Code (“SMMC”)(Section 27.16.060).

As part of the pre-application submittal, the Applicant requests the following pursuant to the SDBL and SMMC; however, the Applicant reserves the right to identify, modify and supplement its density bonus law requests as the application progresses. This letter supersedes the last version of this letter sent on March 15, 2018.

(1) Density Bonus – The Applicant proposes to make 10% (or 73 units) of the residential units affordable to Very Low income families. The provision of 10% Very Low income units entitles the Project to a 32.5% bonus. (Govt. Code §65915(f)(2)); SMMC § 27.16.060(d)(1)) The applicable General Plan designation and San Mateo Rail Corridor Transit Oriented Development Plan (“Rail Corridor Plan”) designation allow a density up to 50 units per acre, resulting in 725 units on the 14.5 acre site. (General Plan, Land Use Plan Map; General Plan Appendix B, Land Use Categories; Rail Corridor Plan, Land Use and Zoning, p. 5-11) The 32.5% bonus permitted under density bonus law would allow for an additional 236 density bonus units, resulting in a 961 unit project. The Project’s proposed residential units (both market rate and affordable units) will help the City meet its regional housing needs targets, as adopted in the 2015-2023 Housing Element.

(2) Concessions/Incentives – Density bonus law grants two concessions/incentives for the provision of 10% Very Low income units. (Govt. Code § 65915(d)(2); SMMC § 27.16.060(d)) As one concession, the Applicant requests the ability to locate all affordable units in one building, rather than throughout the development project, as provided in the City of San Mateo Below Market Rate (Inclusionary) Program Guidelines (Section VII(b)). The flexibility to locate all affordable units in one building would result in identifiable and actual cost reductions to

provide for affordable housing costs as it would improve the ability to finance the affordable housing units. (Govt. Code §65915(k)) Specifically, locating the affordable units in one building would improve the ability to qualify for tax-exempt financing and tax credits for the affordable units. A second concession is not requested at this time.

(3) Development Standard Waiver – Separate from requests for concessions/incentives, density bonus law allows a qualifying applicant to request a waiver or reduction of development standards. (Govt. Code §65915(e); SMMC § 27.16.060(e)) No development standard waiver or modification is currently requested.

(4) Reduced Parking – The SDBL states that upon the request of the developer, no city shall require a vehicular parking ratio that exceeds the parking ratios set forth in Government Code Section 65915(p)(1)(1 space for 0-1 bedroom units; 2 spaces for 2-3 bedroom units (inclusive of guest parking and handicapped parking)). The SDBL provides further reduced parking ratios for certain qualifying projects within one half mile of a major transit stop. (Govt. Code §65915(p)(2) (requiring 0.5 parking spaces per bedroom); (Govt. Code §65915(p)(3) (requiring 0.5 parking spaces per unit).

As shown in the pre-application site plans, the Applicant proposes 1,231 residential parking spaces, 109 visitor/leasing spaces and 217 retail parking spaces. The Applicant intends to ensure consistency with the Rail Corridor Plan through the submittal of, and compliance with, a customized parking plan. (See Rail Corridor Plan, Policies 7.19, 7.20, 7.21, 7.22) Nonetheless, it is noted that the Project's proposed parking is also consistent with the reduced parking ratios provided under the SDBL, specifically, those provided in Section 65915(p)(1). Specifically, the Project's proposed 1,340 residential parking spaces exceeds the requirement for 1,161 spaces<sup>1</sup> pursuant to SDBL Government Code Section 65915(p)(1).

Finally, we would appreciate the opportunity to discuss amendments to the SDBL adopted pursuant to Assembly Bill 2501 (adopted in 2016 and effective as of January 1, 2017) and any corresponding anticipated amendments to the SMMC Density Bonus Chapter 27.16.060. More generally, we look forward to collaborating on the processing of the proposed Project.

**HOLLAND & KNIGHT LLP**



**Chelsea Maclean**

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<sup>1</sup> 709 0-1 bedroom units x 1 space/unit = 709 spaces; 226 2-3 bedrooms units x 2 spaces/unit = 452 spaces

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August 10, 2020

*Sent via email*

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**Re: Passages – Supplemental Density Bonus Law Request Letter**

Mr. Bustos and Ms. Costa Sanders:

Our firm represents California Coastal Communities LLC (“Applicant”) in its application to construct the Passages mixed-use/multi-family residential project (“Project”). This letter supplements the prior letter submitted pursuant to the State Density Bonus Law (“SDBL”)(Gov’t. Code Section 65915) and San Mateo Municipal Code (“SMMC”)(Section 27.16.060) on September 10, 2018.

As identified in the September 10, 2018 letter, separate from requests for concessions/incentives, SDBL allows a qualifying applicant to request a waiver or reduction of development standards. (Govt. Code §65915(e); SMMC § 27.16.060(e)) The Applicant requests a waiver from Municipal Code Section 17.16.040 [Specifications]. It provides that “[a]ll driveways hereafter constructed or rebuilt within the City shall conform to the official specifications for sidewalks, and the official lines and grades, as the same may now exist or hereafter be adopted by the Council.” The City of San Mateo Standard Drawings - Street Improvement Detail Standard Commercial Driveway Approach (Case 3, Drawer 1, Set 148) provides for a maximum 35’ wide entry at the new 7-Eleven on Concar Avenue and on Grant Street. The applicant requests a waiver to widen the entry to a maximum of 42.5’ on Concar Avenue and a maximum of 37’ on Grant Street. These wider entries are necessary to accommodate safe delivery truck turns for the proposed store for both entering and exiting the property. The relocation of the existing 7-Eleven store (mid-block on Concar Avenue) to a new 7-Eleven store at the corner of Concar Avenue and Grant Street is necessary for the Project to accommodate the proposed Project density.

It is also noted that the Project qualifies for two concessions, as described in the September 10, 2018 letter. Only one concession has been requested to date. If the request above is not accepted as a development standard waiver, Applicant reserves the right to request it as a concession.

**HOLLAND & KNIGHT LLP**

A handwritten signature in blue ink, appearing to read 'Chelsea Maclean', is positioned below the firm name.

**Chelsea Maclean**

Cc: Brian Myers ([bmyers@nuquestventures.com](mailto:bmyers@nuquestventures.com))