

## Manira Sandhir

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**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](mailto:anugent@cityofsanmateo.org)

# **Commissioner Input Draft 2023-2031 Housing Element**

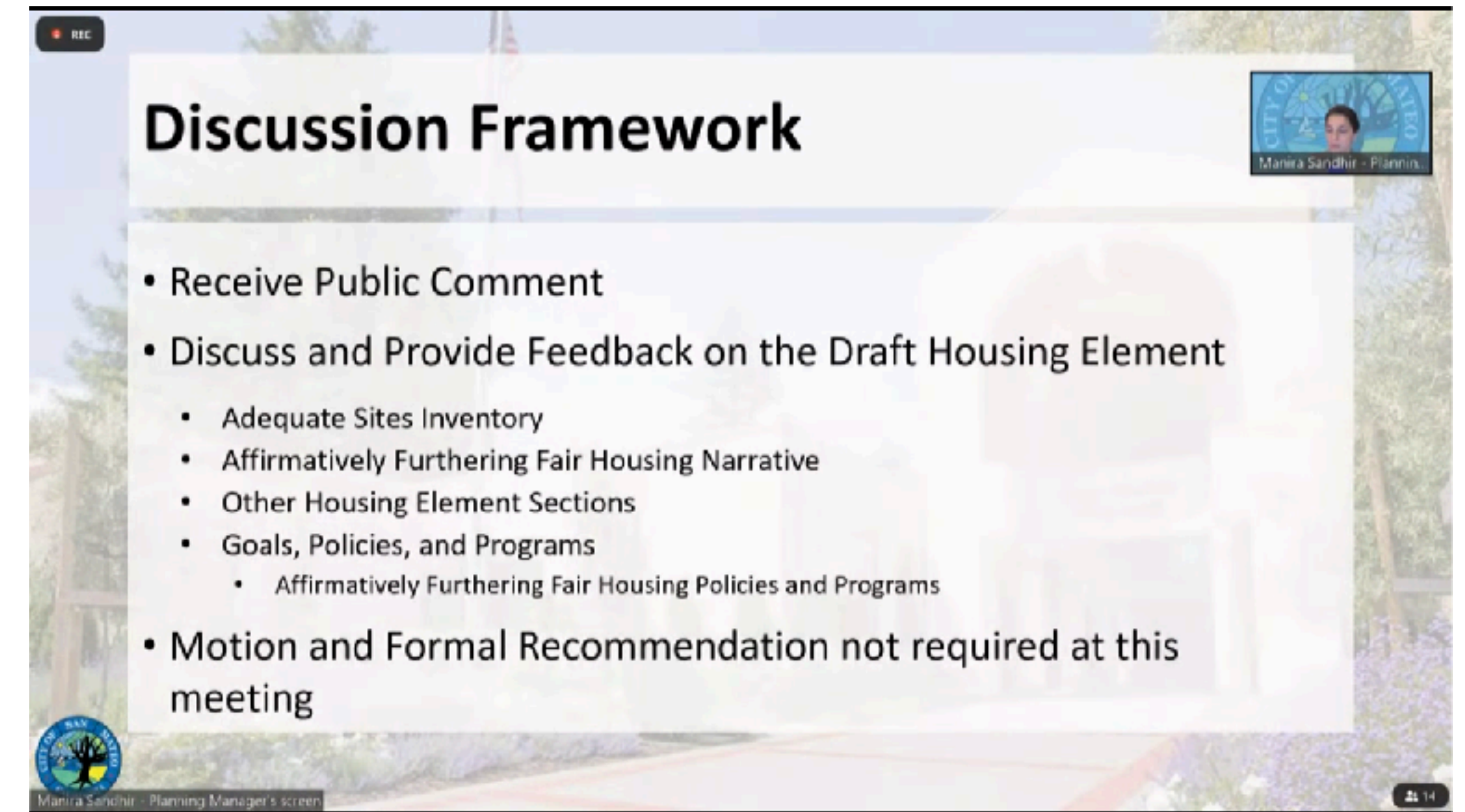
**Draft for Public Review: Housing Element of the General Plan  
2023-2031, April 6, 2022**

**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.**”



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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.<sup>6</sup>

**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

<sup>6</sup> 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

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- **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)
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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

<sup>6</sup> 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.<sup>6</sup>

**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."<sup>33</sup> 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, subd. (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.<sup>34</sup>

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

<sup>33</sup> Gov. Code, §§ 12900-12996.

<sup>34</sup> Gov. Code, § 3090.50, subds. (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.<sup>36</sup>

**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 opportunities<sup>95</sup>
- 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.<sup>96</sup>
- 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

<sup>95</sup> 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 12955.1, 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.

<sup>96</sup> See Community Land Trusts and Stable Affordable Housing, available at <https://www.huduser.gov/portal/poreedge/pdr.edge.feetd/article-1-0412.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**

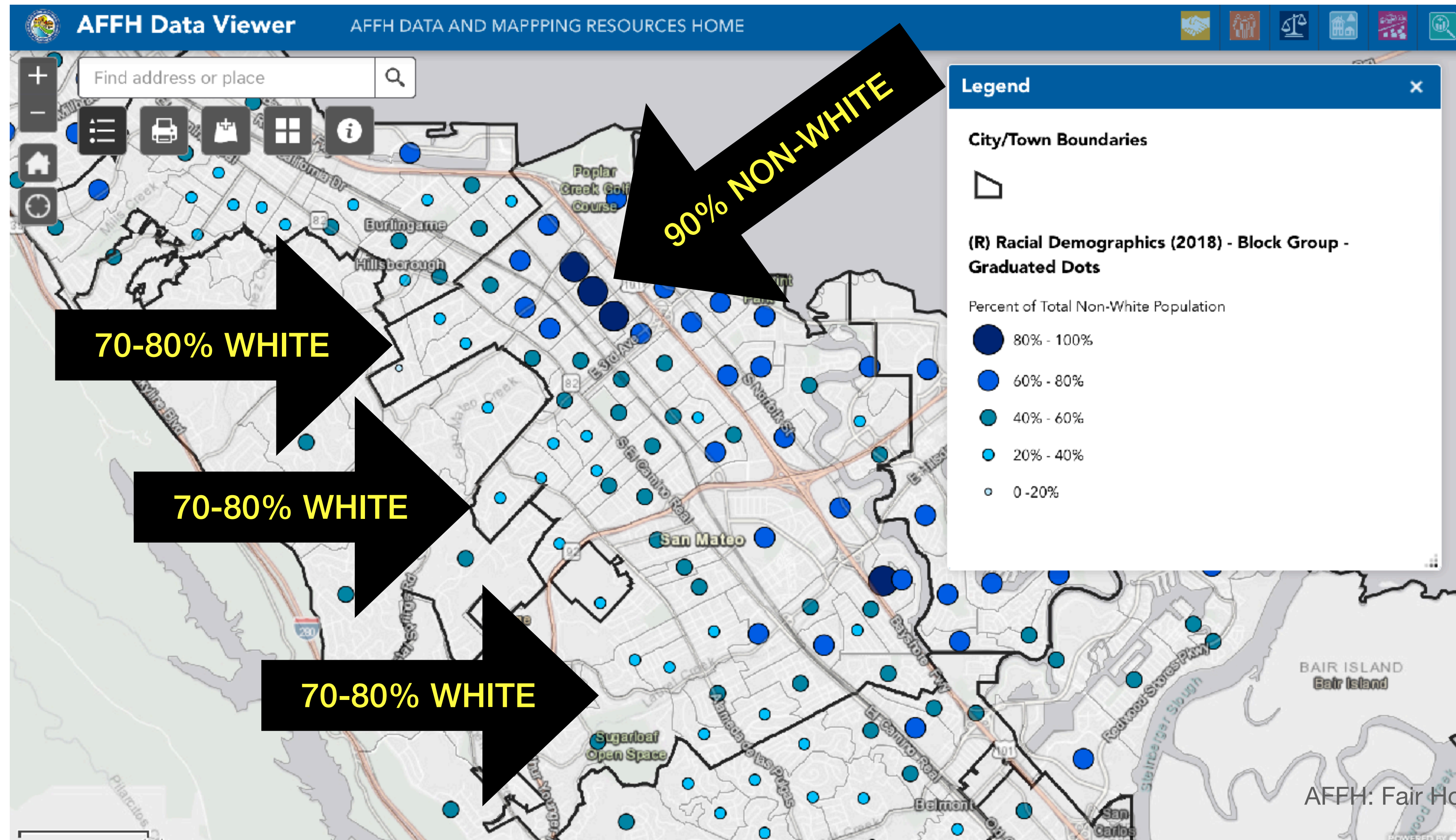


# Fair Housing Assessment

## 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

# 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%

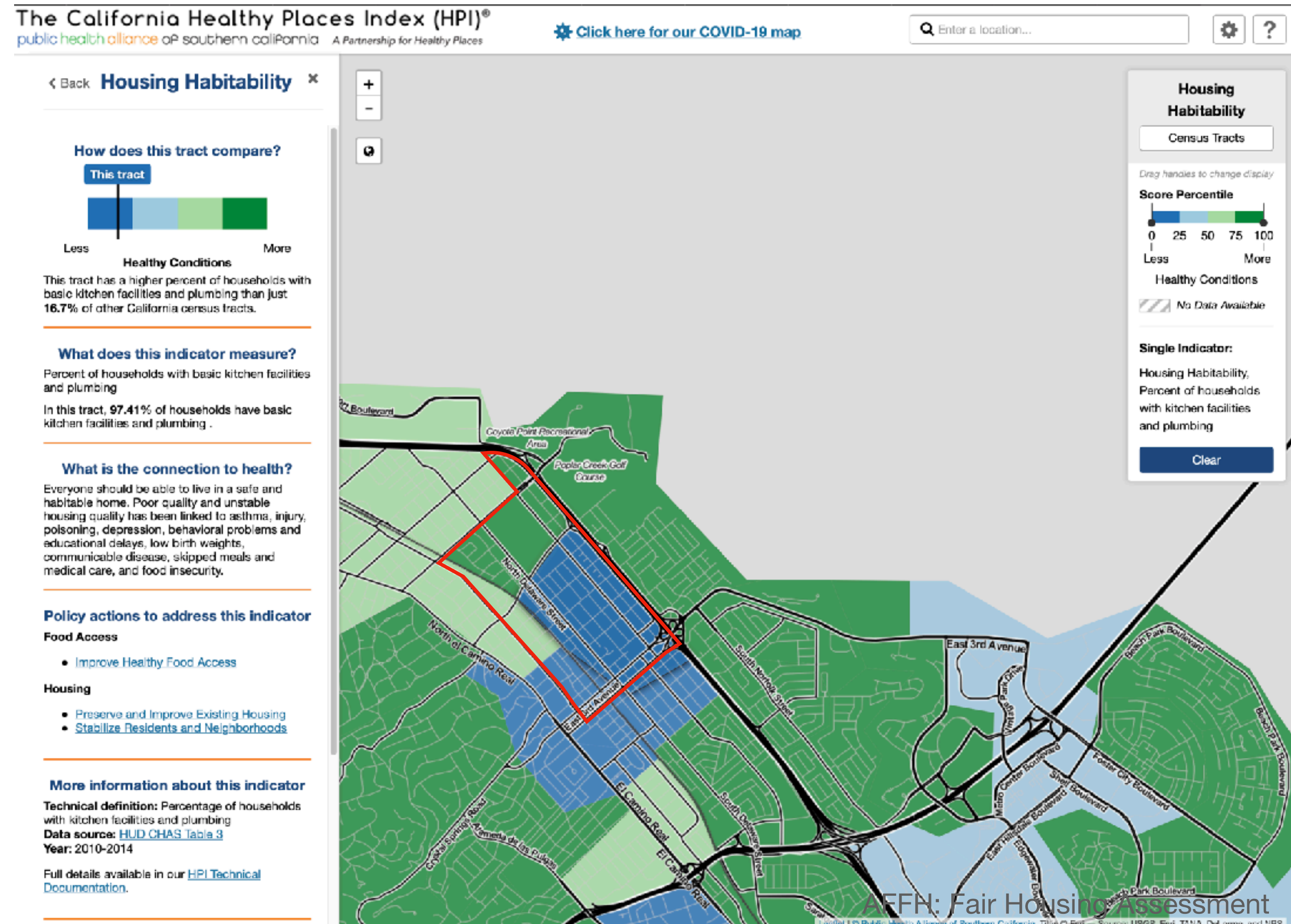


# Assessment's Miss: Geographic Differences

## 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

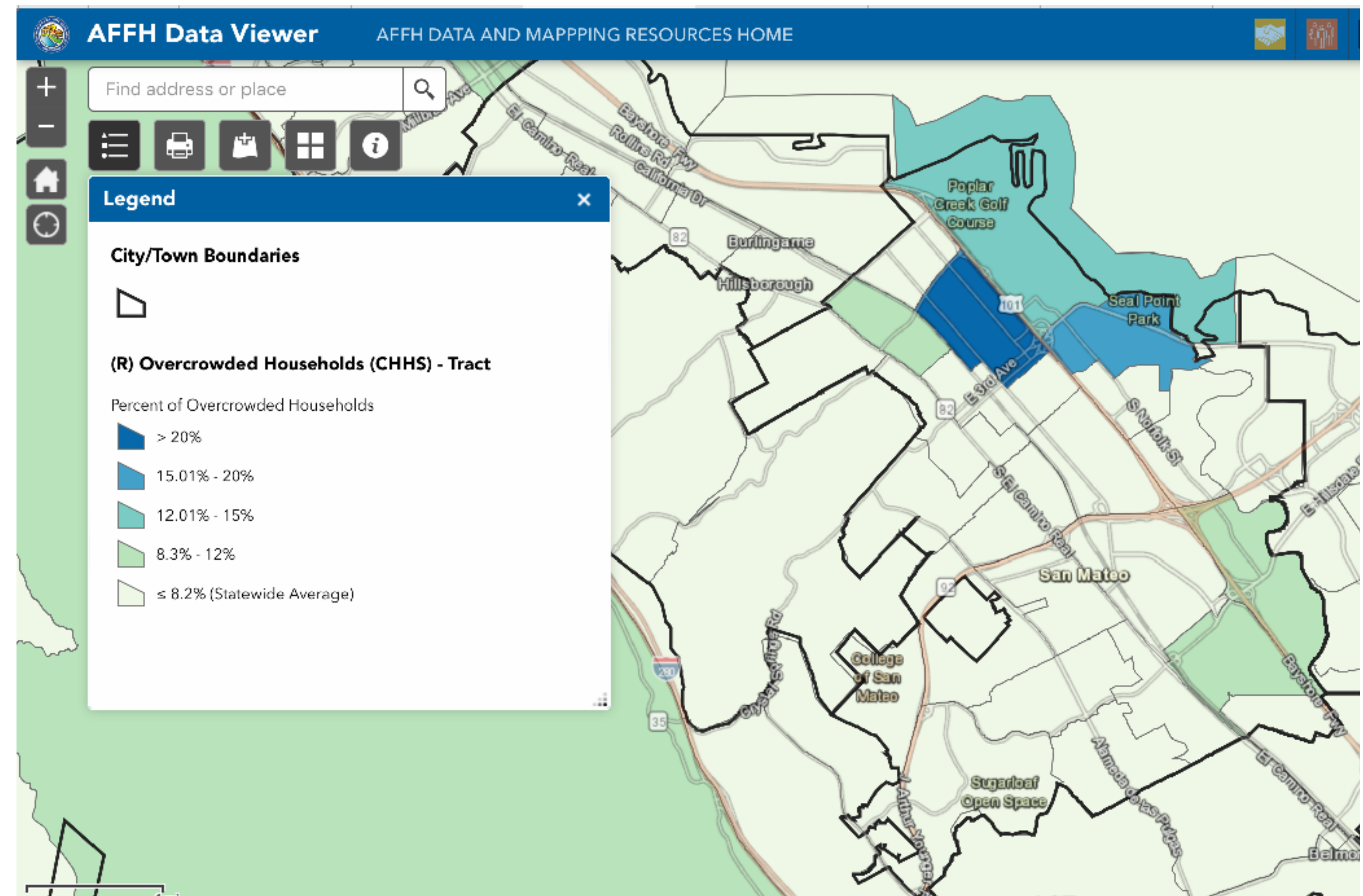




# Assessment's Miss: Geographic Differences

## 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

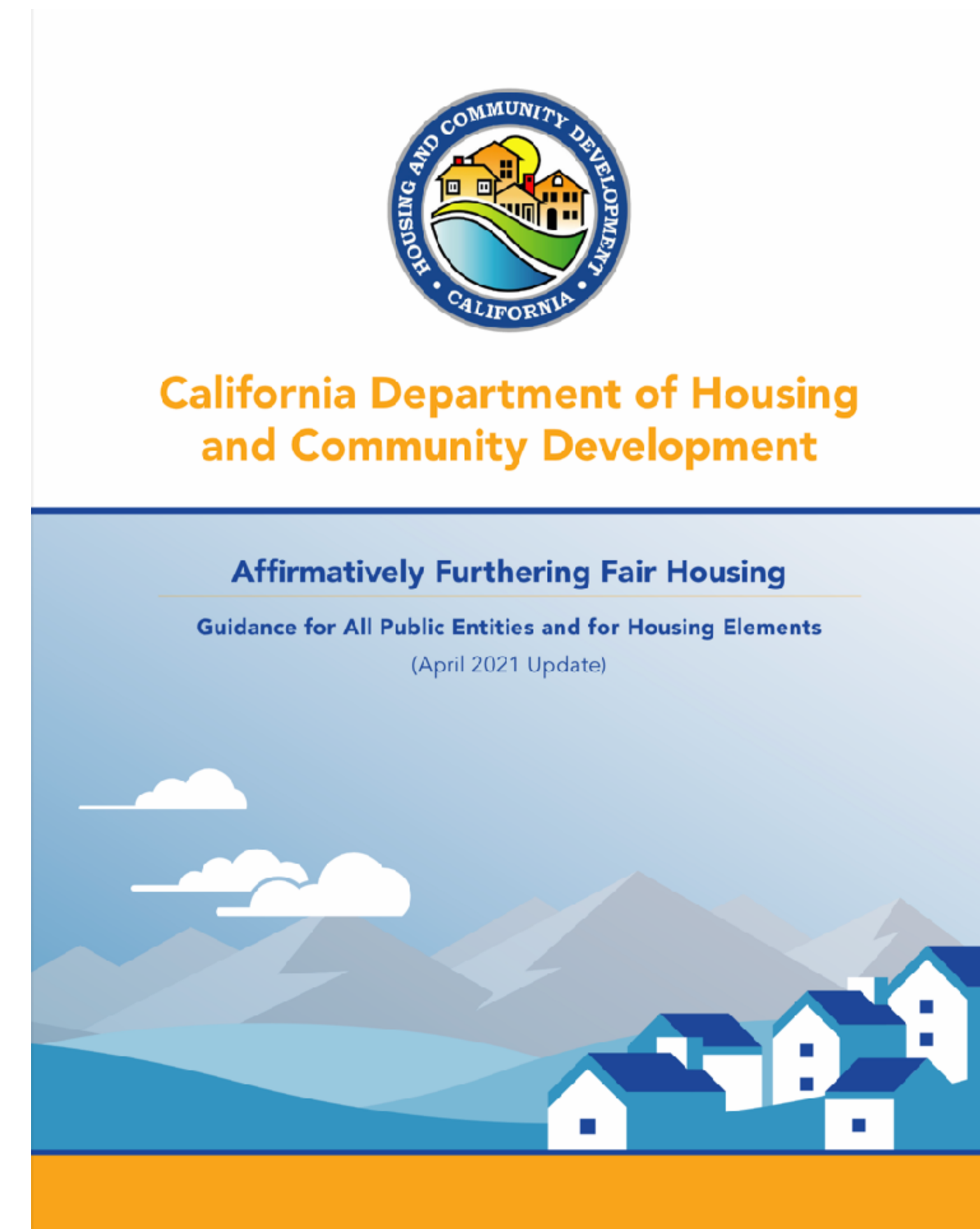
## What is a fair housing contributing factor?

- 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

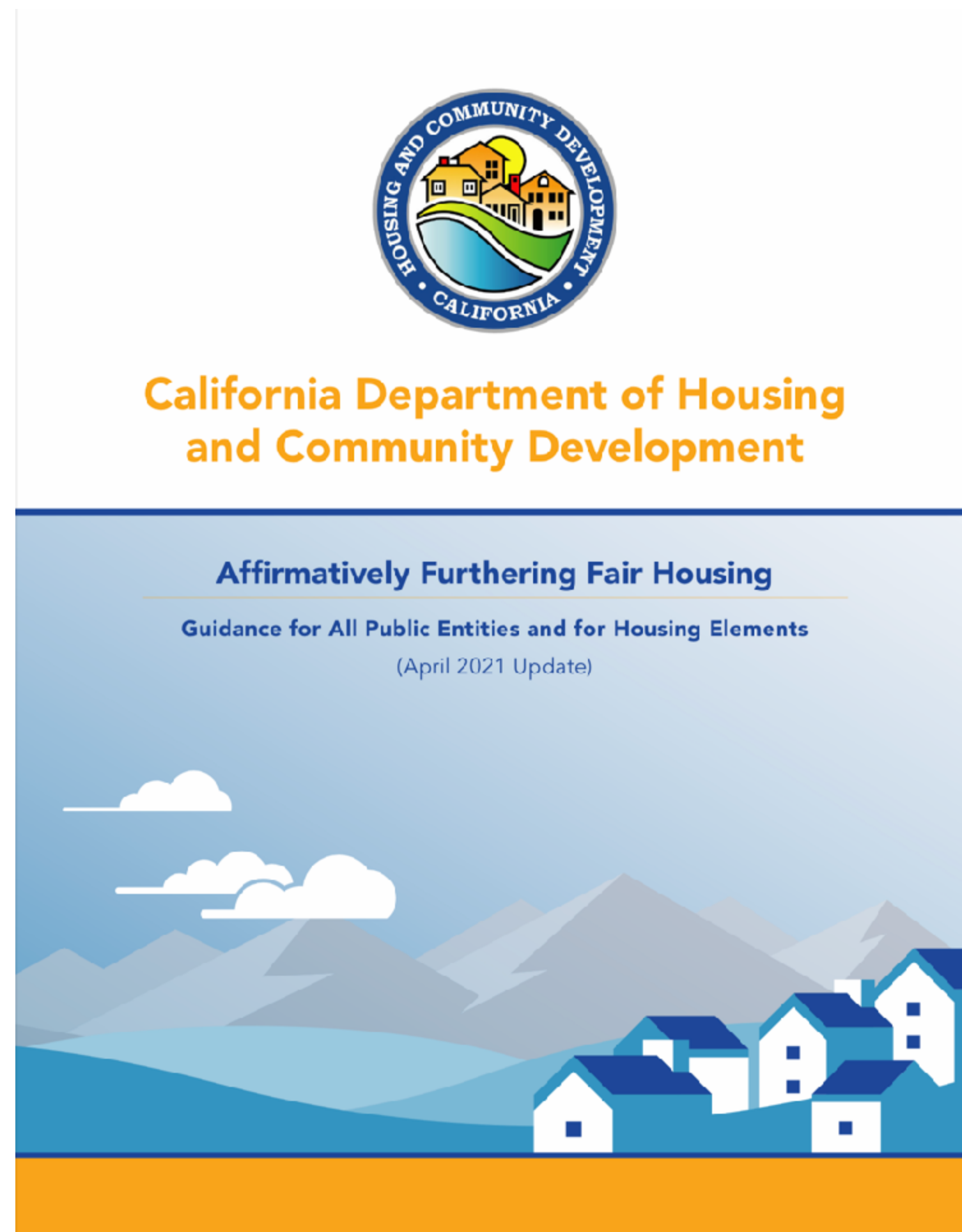
- **Segregation and Integration**
  - Community opposition
  - Lack of community revitalization strategies
  - Lack of private investments in specific neighborhoods
  - Land use and zoning laws





# 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

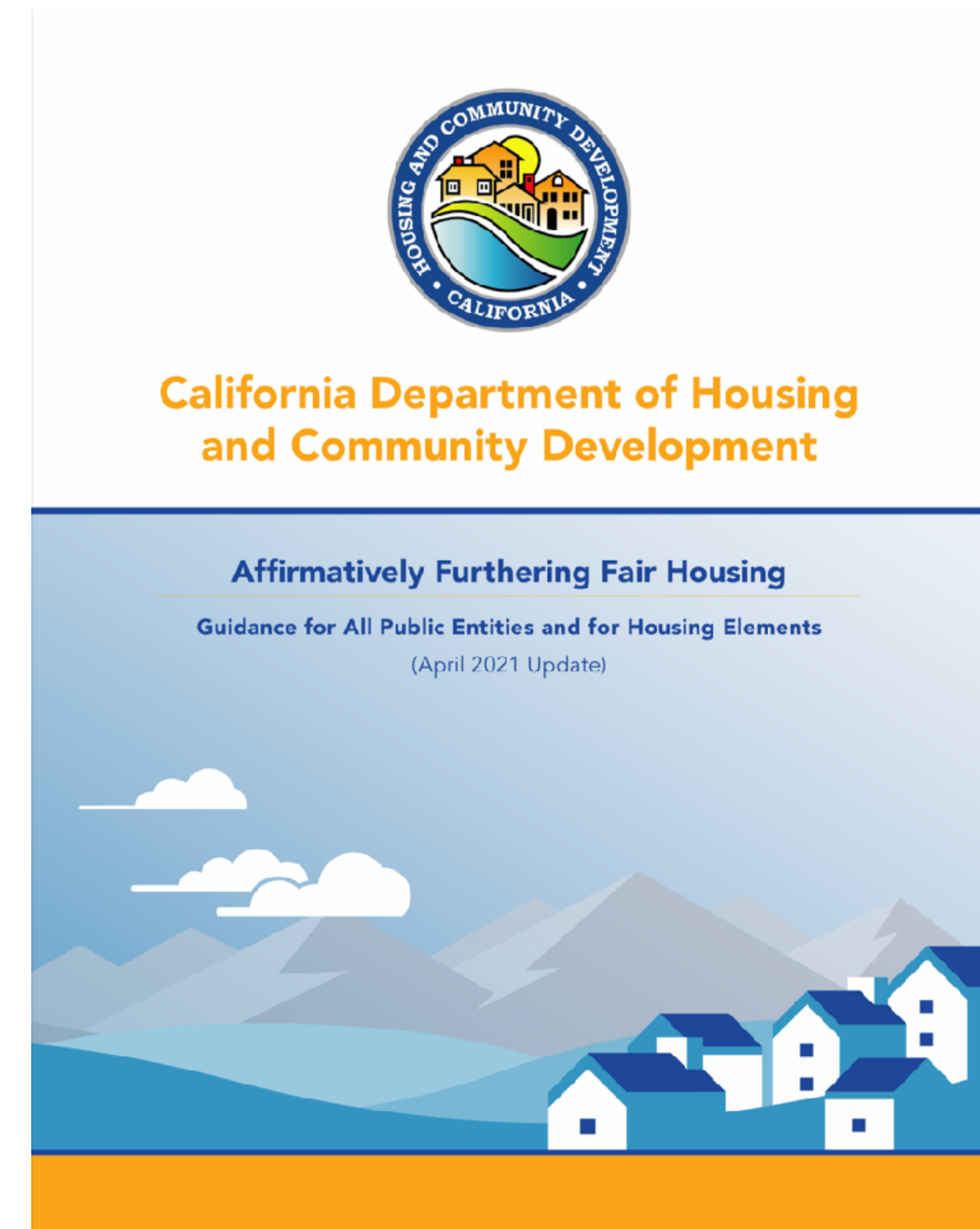


- **Racially and Ethnically Concentrated Areas of Poverty**
  - Deteriorated and abandoned properties
  - Displacement of residents due to economic pressures
  - Land use and zoning laws
  - Occupancy codes and restrictions

# Examples of Contributing Factors to Fair Housing Issues by Area

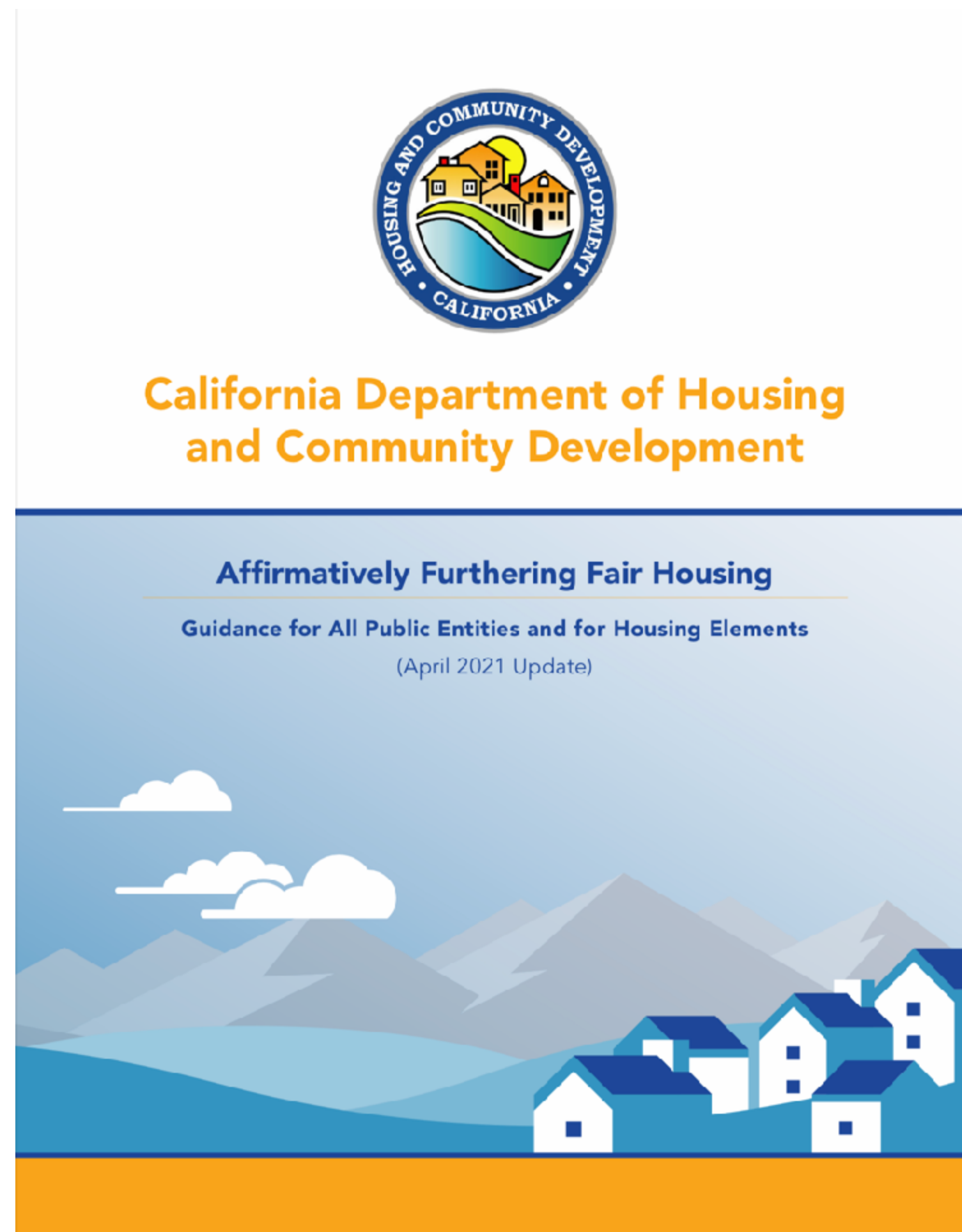
From HCD's "Affirmatively Furthering Fair Housing: Guidance to All Public Entities and for Housing Elements"  
Pages 68-70

- **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**

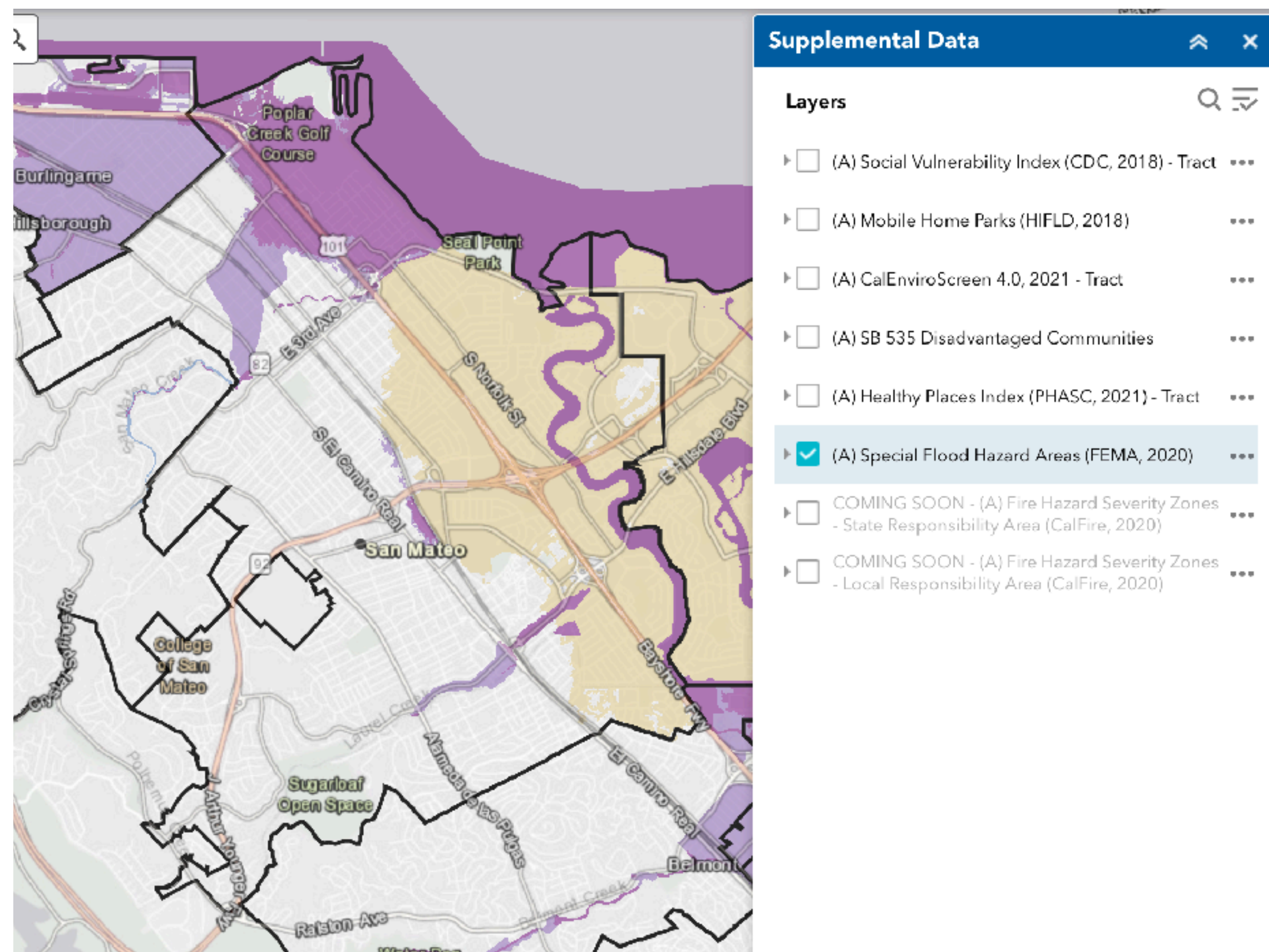
- Again, existing patterns of segregation in San Mateo are significant and persistent
- Analysis of Contributing Factors should be able to connect to Actions and Policies that are structured in a way that, economically, creates value for the city and for residents, without destroying the value of existing 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

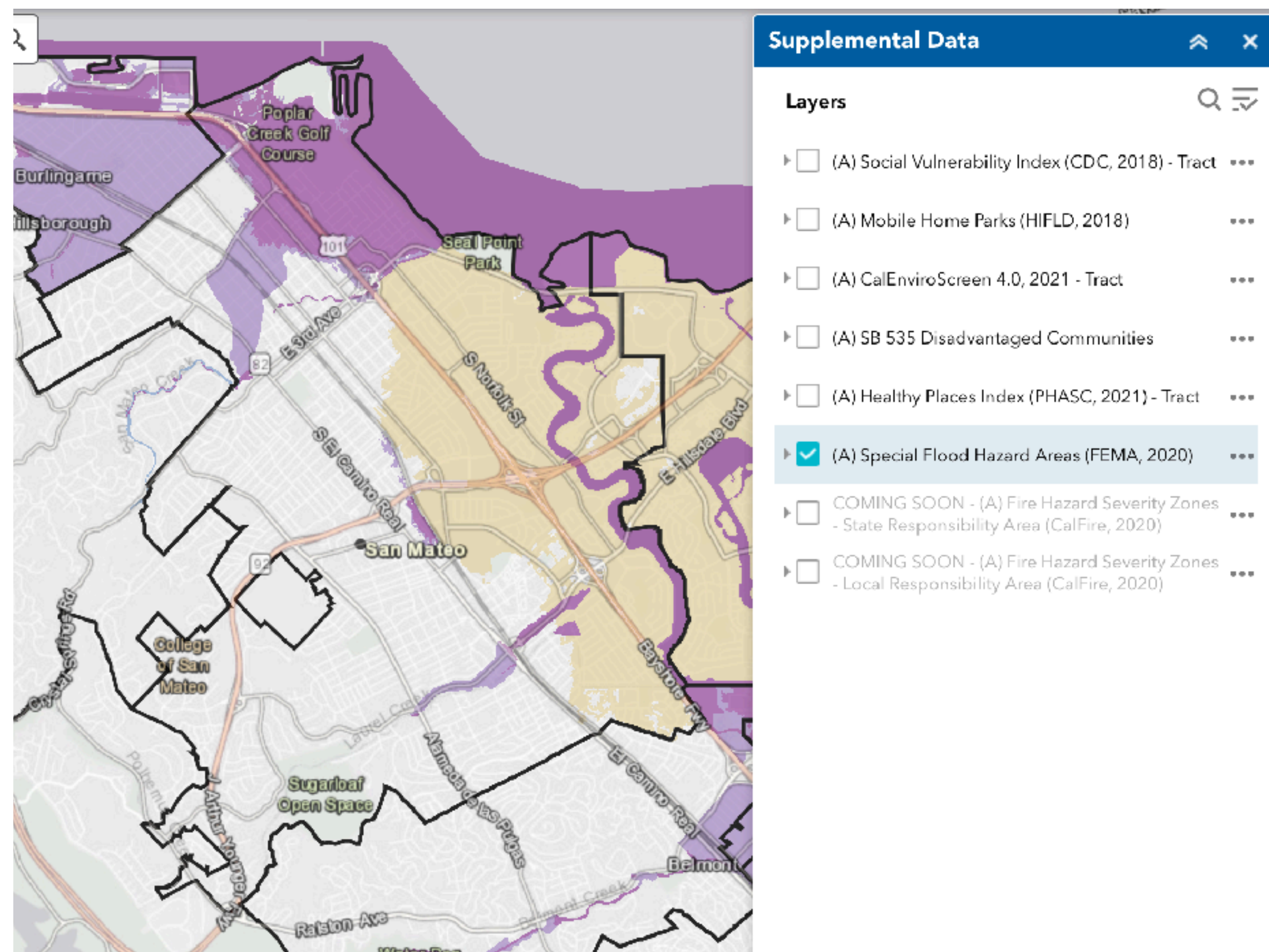
**Identify and Prioritize Contributing Factors:  
Tell the Story**



# 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

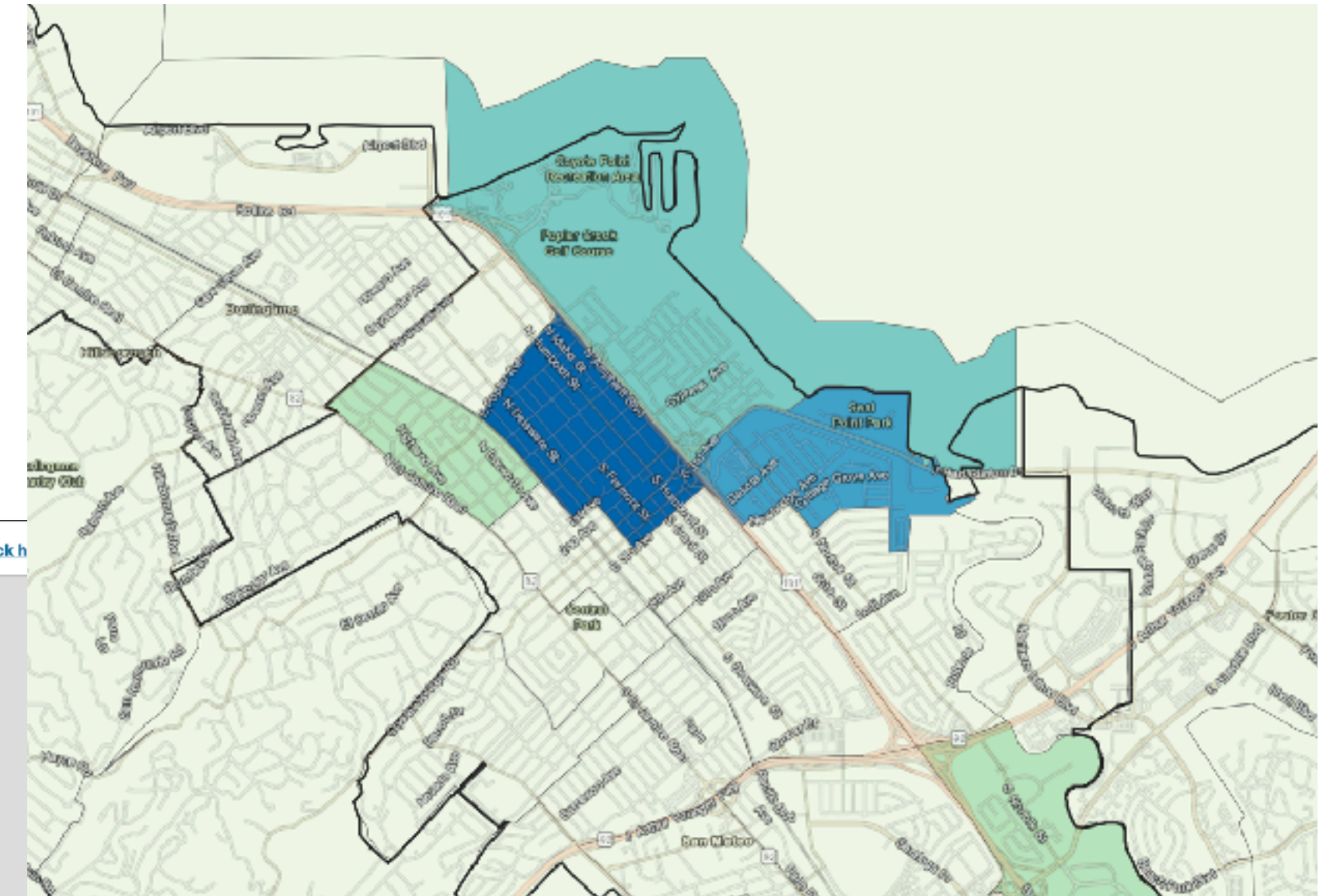


# Identify and Prioritize Contributing Factors

## 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



### The California Healthy Places Index (HPI)<sup>®</sup>

public health alliance of southern california A Partnership for Healthy Places

← Back **Housing Habitability** ×

#### How does this tract compare?



Less Healthy Conditions More  
This tract has a higher percent of households with basic kitchen facilities and plumbing than just 16.7% of other California census tracts.

#### What does this indicator measure?

Percent of households with basic kitchen facilities and plumbing  
In this tract, 97.41% of households have basic kitchen facilities and plumbing.

#### What is the connection to health?

Everyone should be able to live in a safe and habitable home. Poor quality and unstable housing quality has been linked to asthma, injury, poisoning, depression, behavioral problems and educational delays, low birth weights, communicable disease, skipped meals and medical care, and food insecurity.

#### Policy actions to address this indicator

**Food Access**

- Improve Healthy Food Access

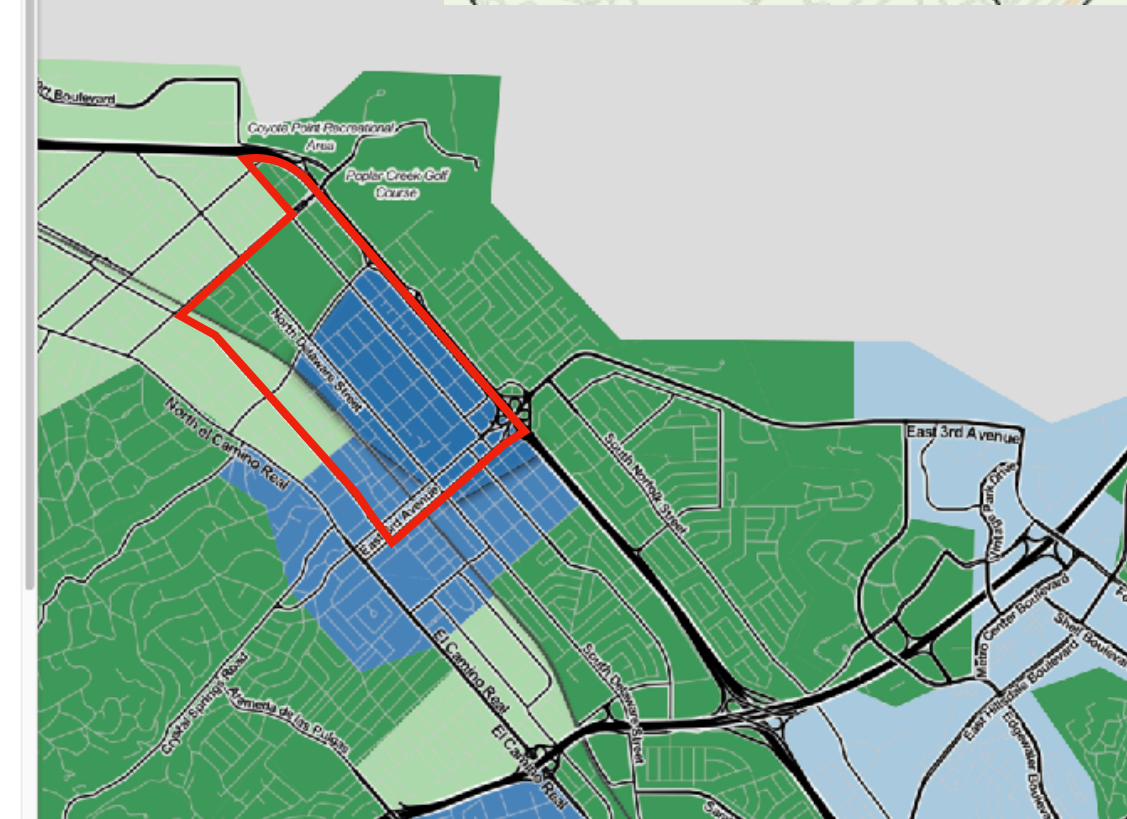
**Housing**

- Preserve and Improve Existing Housing
- Stabilize Residents and Neighborhoods

#### More information about this indicator

Technical definition: Percentage of households with kitchen facilities and plumbing  
Data source: HUD CHAS Table 3  
Year: 2010-2014

Full details available in our [HPI Technical Documentation](#).



### Unhealthy Housing Conditions

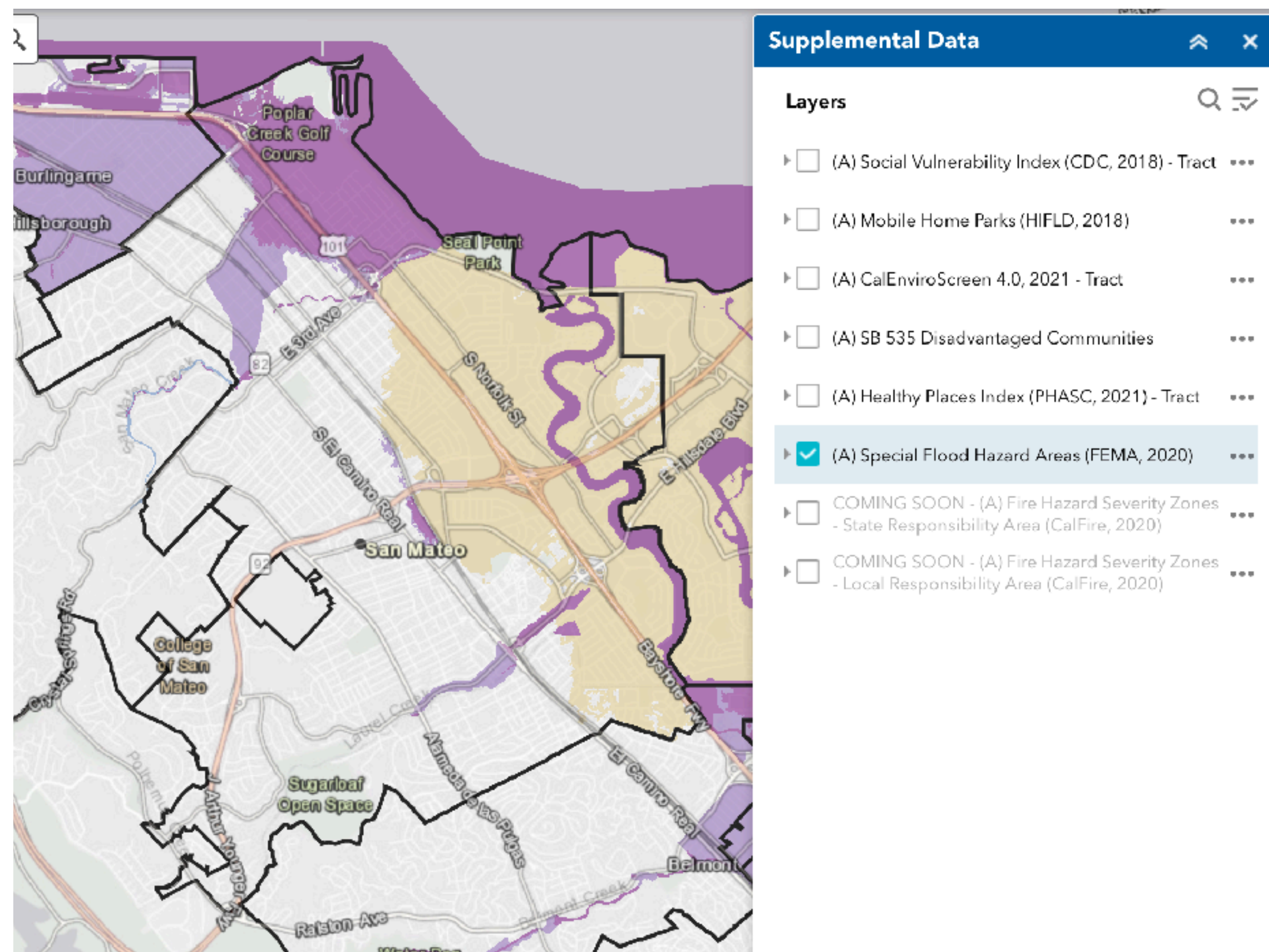
AFFH: Contributing Factors



# 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](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

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**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 3<sup>rd</sup> continuance meeting was the right call. Thank you for making it happen!

Here are my notes and consolidated input from that May 3<sup>rd</sup> 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](mailto:anugent@cityofsanmateo.org)

# **Draft Housing Element Comments**

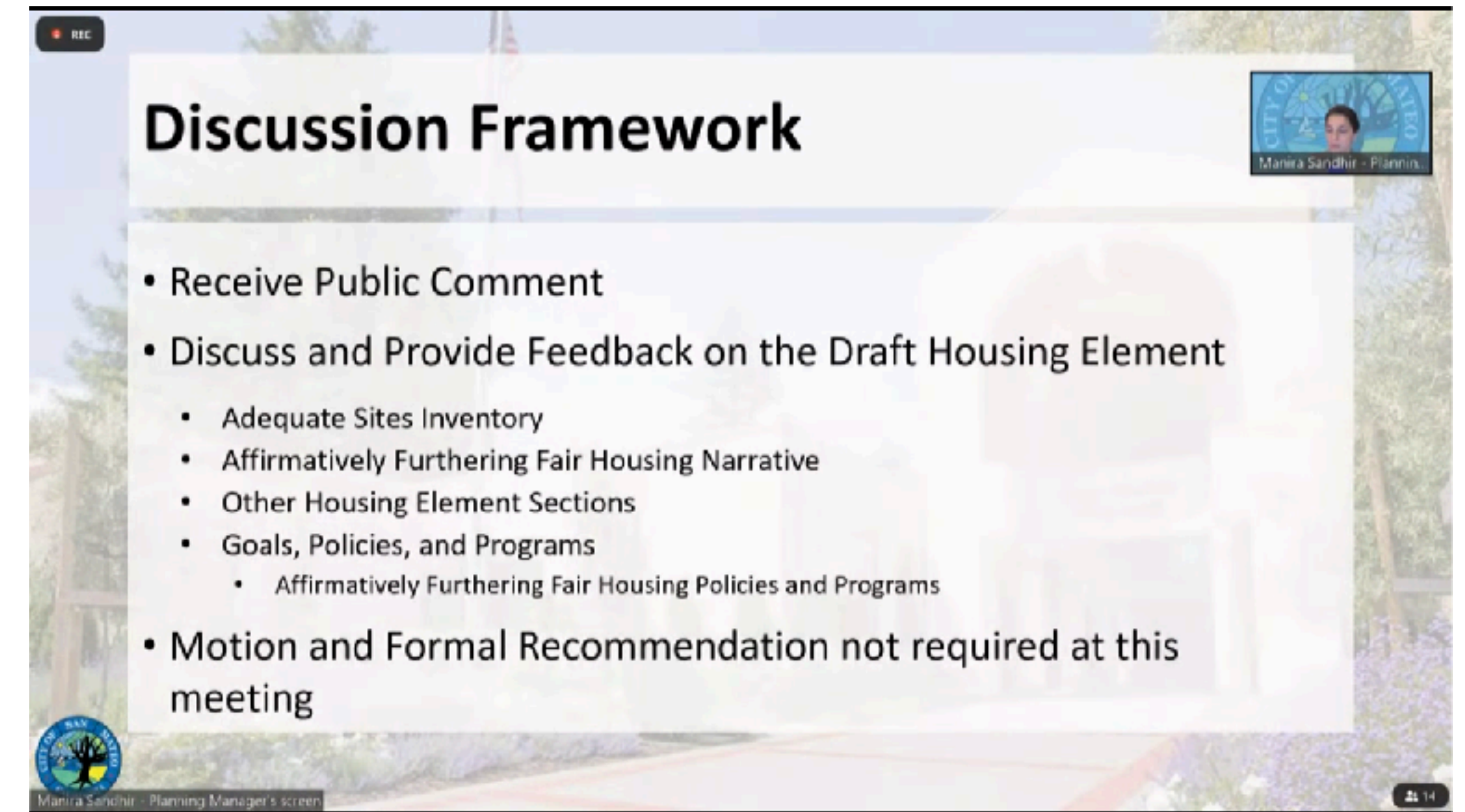
**Draft for Public Review: Housing Element of the General Plan  
2023-2031, April 6, 2022**

**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](http://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 6<sup>th</sup> 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.”

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 6<sup>th</sup> cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6<sup>th</sup> cycle. The City's 5<sup>th</sup> 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](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.<sup>36</sup>

**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<sup>65 66</sup>

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.<sup>67</sup> 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.<sup>68</sup> 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 <sup>9</sup>			
	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%

<sup>9</sup>“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
<b>Action Area 1.</b> Enhancing housing mobility strategies: consist of removing barriers to housing in areas of opportunity and strategically enhancing access.									
<b>Policy 5.1.1:</b> 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
<b>Policy 5.1.2:</b> 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
<b>Policy 5.1.3:</b> 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.
<b>Action Area 2.</b> 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
<b>Policy 5.2.1:</b> 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)
<b>Policy 5.2.2:</b> 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
<b>Policy 5.2.3:</b> 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
<b>Action Area 3.</b> 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.									
<b>Policy 5.3.1:</b> 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.

<b>Policy 5.3.1:</b> 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
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# 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.

<b>Policy 5.3.1:</b> 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
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# 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.

<b>Policy 5.3.1:</b> 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
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# 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.

<b>Policy 5.3.1:</b> 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
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# 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.<sup>36</sup>

**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.

<b>Policy 5.3.1:</b> 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
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# 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.

<b>Policy 5.3.1:</b> 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
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# 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.

<b>Policy 5.3.1:</b> 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
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Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Policy 5.3.2:</b> 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
<b>Policy 5.3.3:</b> 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
<b>Action Area 4.</b> 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
<b>Policy 5.4.1:</b> 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
<b>Policy 5.4.2:</b> 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
<b>Policy 5.4.3:</b> 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
<b>Policy 5.4.4:</b> 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](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)

