

**Laurie Hietter**  
**223 Irving Street San Mateo, CA 94402**  
**lauriehietter@gmail.com**

February 1, 2022

Mr. Eric Rodriguez  
City Council Member  
City of San Mateo  
30 West 20<sup>th</sup> Avenue  
San Mateo, CA 94403

Dear Council Member Rodriguez:

San Mateo is known for its charming neighborhoods with classic-architecture homes built in the 1920s and 1930s. These neighborhoods attract residents and visitors alike, but are in danger due to the piecemeal demolition of these homes without adequate environmental review and public notice under the California Environmental Quality Act (CEQA).

Baywood residents have recently mobilized to express their opposition to demolishing these historic homes and their desire for the City to preserve and protect the historic homes and protect the historic integrity of the neighborhood.

### **Purpose of this Letter**

This letter outlines the need for the City of San Mateo to take further action under CEQA prior to authorizing Special Use Permits (SUPs) for home demolition in the Baywood neighborhood. My key points are:

1. CEQA requires consideration of historic resources (including districts) whether or not they are formally designated.
2. There is substantial evidence the Baywood, Aragon, and San Mateo Park neighborhoods qualify as historic districts.
3. House demolition with construction in San Mateo is a discretionary project and subject to CEQA review.
4. Categorical Exemptions (from further review under CEQA) may not be used for single-family homes when there is a potential for a significant cumulative effect or a significant adverse effect on a historic resource or district.
5. The City should conduct more extensive CEQA and historic review to determine whether the demolition of a house represents a significant impact to a historic resource or district, or a significant cumulative effect on a district.
6. San Mateo planning policies should recognize Baywood, Aragon, and San Mateo Park as historic districts because they meet the criteria for listing on the California Register of Historical Resources.

I have lived in San Mateo since 1980 (Baywood since 1994) and I am alarmed at the ongoing erosion of our historic neighborhoods through house demolitions, new houses, and renovations that are out of character with the neighborhoods.

My entire career has been spent as an environmental consulting professional. I understand CEQA and historic preservation laws and I am concerned about San Mateo's process that allows demolition of what appear to be important homes with limited public review and CEQA analysis.

**1. CEQA requires consideration of historic resources (including districts) whether or not they are formally designated.**

CEQA specifies that historic resources, including districts, can be identified whether formally designated or not:

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

**2. There is substantial evidence the Baywood, Aragon, and San Mateo Park neighborhoods qualify as historic districts.**

1. The 1989 *Downtown Historic Building Survey Final Report*<sup>1</sup> identifies historic neighborhoods Baywood, Baywood Knolls, Aragon, and San Mateo Park as historic districts:

"After consulting with staff members of the Office of Historic Preservation, we determined that the most sensible approach to documenting the neighborhoods in planning areas "Baywood," "Baywood Knolls," "Aragon," and "San Mateo Park" would be as potential historic districts. Since these neighborhoods contain a large number of older buildings that relate historically and have a high degree of architectural consistency, the district approach makes more sense. This is a simpler process than documenting individual properties, yet still requires much work. We took our concerns to the City's Planning staff, who agreed that future survey projects might address the issue of documenting potential districts in the western neighborhoods of San Mateo."

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<sup>1</sup> San Mateo Historical Association, 1989. *City of San Mateo Historical Building Survey Final Report*, Linda Wickert, survey coordinator, September 1989.

2. In 1990, the California State Office of Historic Preservation<sup>2</sup> (OHP) characterized neighborhoods west of El Camino as:

“two huge (500+ resources) Register-eligible residential districts”.

The 1990 letter is attached.

3. Two architectural historians I have spoken with indicated verbally that Baywood would likely qualify as a historic district eligible for listing on the Historical Register.

### **3. House demolition with construction in San Mateo is a discretionary project and subject to CEQA review.**

Single-family house demolition and construction is normally considered a ministerial project and not subject to CEQA. The City has determined that demolition is a discretionary action and requires a Special Use Permit (SUP). 14 CCR § 15268 Ministerial Projects states:

(d) Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

### **4. Categorical Exemptions (from further review under CEQA) may not be used for single-family homes when there is a potential for a significant cumulative effect or a significant adverse effect on a historic resource or district.**

Single-family home demolition and construction are included in the list of types of projects that have been determined by the state not to have a significant effect on the environment and are therefore exempt from CEQA. Demolition and construction of single-family homes are generally subject to Categorical Exemptions; however, exemptions cannot be used if there is significant cumulative impact or the project would have a significant adverse effect on a historic resource (14 CCR § 15300.2 § 15300.2. Exceptions):

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

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<sup>2</sup> Letter from Kathryn Gualtieri, State Historic Preservation Officer, to San Mateo Mayor Thomas Mack, January 22, 1990, p.4.

The City process has been to categorically exempt demolition projects proposed under SUPs in Baywood and elsewhere<sup>3</sup>. The City previously approved demolition of several houses in Baywood, and is currently considering applications for five additional house demolitions in Baywood:

- 415 Fairfax Avenue
- 564 Edinburgh Street
- 539 Fairfax Avenue
- 542 Fairfax Avenue
- 445 Virginia Avenue

The entire neighborhood is concerned about these projects, yet only people within 500 feet are notified.

**5. The City should conduct more extensive CEQA and historic review to determine whether the demolition represents a significant impact to a historic resource, district, or a significant cumulative effect on a district.**

There is substantial evidence that Baywood is a historic district (see 2. above). Two of the homes proposed to be demolished (415 Fairfax and 564 Edinburgh):

- Appear to be intact,
- Were built within the historic time frame (1920s and 1930s),
- Exemplify the Spanish revival architecture characteristic of the district,
- Appear to contribute to the integrity of the district, and
- Would likely be contributors to the historic district.

The City's historic consultant indicated in the historic report prepared for 415 Fairfax that the structure is not individually eligible as historic resource but did not determine whether demolition of the structure would have an adverse effect on the historic district or represent a cumulative impact<sup>4</sup>. The report references the 1989 *Downtown Historic Building Survey Final Report* but is silent on the issue of the district.

Public Resources Code §21084.1 provides that any project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment requiring preparation of an Environmental Impact Report. Public Resources Code §5020.1(q) establishes the threshold of "substantial adverse change" as demolition,

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<sup>3</sup> January 6, 2022 meeting with San Mateo planning staff members Vinson Kwan, Rendell Busto, and Manira Sandhir.

<sup>4</sup> Architecture + History, LLC. 2021, Historical Resource Evaluation Report, 415 Fairfax Avenue San Mateo, CA, prepared for the City of San Mateo Community Development Department, June 14, 2021.

destruction, relocation, or alteration activities that would impair the significance of the historic resource. According to the CEQA and Historical Resources CEQA Technical Advice Series,

“One example might be the removal of a historic structure from a historic district, thereby affecting the cohesiveness of the district. Remodeling a historic structure in such a way that its distinctive nature is altered would be another.”

#### **6. San Mateo planning policies should recognize Baywood, Aragon, and San Mateo Park as historic districts because they meet the criteria for listing on the California Register of Historical Resources.**

The Baywood Neighborhood Association has contracted with an architectural historian to determine whether Baywood qualifies as a historic district (as described in the *Downtown Historic Building Survey Final Report* and elsewhere). This study will provide further evidence to the City that the Baywood neighborhood qualifies as a historic district.

The CEQA Guidelines (14 CCR § 15064.5. Determining the Significance of Impacts to Archaeological and Historical Resources) defines historically significant resources:

Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.

The houses are clearly very good, intact examples of period revival architecture common in the '20s and '30s. The 1989 *Downtown Historic Building Survey Final Report* states the area west of El Camino “... exhibited a fine range of historically important architectural styles. San Mateo Park, Baywood Knolls, and parts of Aragon in particular have a rich assortment of architectural styles dating from 1900 to 1939.”

#### **Summary**

I urge the City to conduct the necessary historic survey, and designate Baywood, Aragon, and San Mateo Park historic districts to ensure adequate CEQA and historic reviews before allowing any further demolition of homes built in the historic period of consequence (at least 1920-1940).

I look forward to your response and learning how the City will change the review process to ensure adequate public notice, analysis, and protection of the abundant historic resources in the City. Please contact me at (650) 269-6927 or [lauriehietter@gmail.com](mailto:lauriehietter@gmail.com). Thank you for your attention to this important topic.

Sincerely,

A handwritten signature in blue ink, reading "Laurie Hietter". The signature is written in a cursive, flowing style.

Laurie Hietter

cc: Prasanna Rasiah

Attachment: Letter from Kathryn Gualtieri, State Office of Historic Preservation