

Nicholas "Nicky" Vu

From: [REDACTED]
Sent: Thursday, January 5, 2023 9:32 PM
To: Housing
Subject: housing

I am not really sure who really reads our comments and also assume you committee just trashes what you do not like to read I get it but here goes

my name is rick karr and was born in San Mateo Mills Hospital 72 yrs ago and bought my house at [REDACTED] 39 1/2 years ago

Basically I understand you committee gets marching orders from the Board of Supervisors or the Governor ,,I am hoping you do not volunteer the number of increased housing to be 7000

Again I will state the infrastructure of San Mateo cannot accomodate a great deal of more building ..The traffic is bad The sewage system is overloaded and I can go on and on You have heard all the reasons why big population growth here in the confines of San Mateo is really almost impossible

No one is going to rip up train lines or destroy freeways to provide more housing space There is not a lot of open space left and I do not expect large landowners like the BOHANNON family to just provide a lot of land to the city so that being said I provide the following solutions

HIP Housing and similar should submit a list of numbers of people who are placed each month and use those number to show that the city of SM has complied or is trying to comply,,,I have no idea The city can also publicize to home owners or similar the advantages to renting out a room for extra income,,,I realize many people may be afraid to take a stranger in the home and those apprehensions are realistic ,,However volunteers fo assist and publicize HIP and similar organizations would be great as some decent types can rent a room or similar and the homeowners will have some extra money each month,,,I suggest that the HIP contact the nursing department at CSM as these students and others are ideal for elderly types who are still living at home,,,I personally rented out my front bedroom to someone who was pals with a SM pal of mine and he works in Burlingame and has been here for five years now ,,i also now have another SM person living in my back room (tv sports room) who has been here for three months now and maybe another four as he split up with his GF,,,What I am trying to say is that the city and volunteers can assist others like HIP to find people and then those numbers can be tallied ,,

we do not have the space or ability to build say 5000 houses in the city of San Mateo. Yes there are places like FRESNO or MODESTO that have a lot of land but San Mateo does not

I highly suggest you counter this absurd high figure of say 7000 and have it reduced and also delayed The recapture of people provided housing like I mentioned above should be seriously mentioned to these GOV HACKS who dictate these absurd numbers...Those people who do build duplexes or fourplexes are helpful of course ...

I do not consider this issue to be a Republican or DEMOCRATIC party issue ,,,it is a common sense issue for us the tax payers of San Mateo and residents and unfortunately I have no trust in the ability or courage of these elected or appointed people to stand up for us

please respond to my comments You need to solicit others for great ideas and not wait for the elected types to dictate to us ..

We have a 55 foot height limit that was voted in and cannot be changed by one hack using a pen,,,that is what is done in RUSSIA or North Korea or CHINA (PRC) or CUBA

Rick Karr
[REDACTED]

Nicholas "Nicky" Vu

From: Housing
Sent: Friday, January 6, 2023 3:26 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element

Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
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Sandra Belluomini
City of San Mateo
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-----Original Message-----

From: David Eligator [REDACTED]
Sent: Friday, January 6, 2023 1:37 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Dear Mayor Lee, Councilmembers and Commissioners:

I own and live at [REDACTED] in North Central (at Delaware), a beautiful 1913 Victorian that I have been renovating myself from decades of neglect. I invite you to stop by and see it.

I took a day off and read the most recent draft Housing Element. I commend those who drafted it. My comments are specific to North Central, where you'll find me picking up litter or walking with my dog Susie.

North Central screams with unmet potential. Its location next to downtown is fantastic. It suffers from past redlining, a too-high percentage of renters, and concentrated poverty. By allowing investment, development and growth, North Central could blossom and become one of the truly great walkable neighborhoods in the San Francisco Bay Area.

The housing element acknowledges the damage done by North Central's former redlined status. The City can and should remedy by allowing significant new development in North Central to replace our obsolete housing stock and create vibrant neighborhood commercial areas. Even with the 55ft height limit there is potential to build interesting,

stylish, ornate and even iconic buildings with visual architectural appeal, which provide both public and private benefit and serve far more than mundane utilitarian function. Architectural beauty is key. Let's build while at the same time keeping North Central free of huge, streetlife-deadening projects and bland five-over-one boxes (which the 55-foot limit unfortunately encourages). Let's harness the market to encourage investment in North Central and allow people to build! We want more neighborhood commercial areas, taquerias, cafes, art galleries, music venues, corner stores and commercial gathering places. Please empower mom-and-pop builders and emphasize small scale developments, many small footprint projects, which create a charming, diverse, varied and interesting urban fabric. And more gardens and trees throughout North Central, please!

The housing element rightly focuses attention on AFFH and social issues affecting low-income and other vulnerable residents. For North Central, the way to address this is to invite wealth and economic growth in. While the housing market remains strong, the City can use market forces to reshape North Central in a bold and transformative way so as to make it a more dynamic and truly diverse place and not an island of disenfranchisement and poverty. Look to other cities' models of desirable neighborhoods that truly work. Jane Jacobs' *Death and Life of Great American Cities* discusses what physical spaces actually work for and feel good to human beings. North Central needs well-constructed, well-designed, architecturally-pleasing housing of all types, not mere utilitarian, uninspired buildings without aspiration, style, design, craftsmanship, ornament, or redeeming aesthetic qualities. (Who would want to live in a shoebox?)

Especially for North Central, the housing element provides an exciting opportunity for bold action. Why not use principles of New Urbanism to make North Central a truly diverse, leafy, walkable and desirable neighborhood with flats, townhouses, and a high percentage of owner-occupants (which create strong communities, prevent blight and permit people and families to build equity and long-term economic strength)? North Central will greatly benefit from having more stakeholders with long-term economic self-interest.

To make an omelet one must break some eggs. Let's not think small when it comes to North Central! North Central has all the ingredients of becoming a stunning, spectacular, highly desirable neighborhood that transcends its redlined past, for the benefit of all. Let's not be timid or cling to mediocre visions from the past.

David Eligator



North Central

Sent from my iPhone

Nicholas "Nicky" Vu

From: Housing
Sent: Friday, January 6, 2023 3:26 PM
To: Nicholas "Nicky" Vu
Subject: FW: Housing Element



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
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Notice of Holiday Closures:

City Hall will be closed on Thursday and Friday, November 24-25, for the Thanksgiving Holiday.

City Hall will be closed on December 28th (in observance of Christmas) and on January 2nd (in observance of New Year's Day). Happy Holidays!

Sandra Belluomini
City of San Mateo
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f- 650-522-7221

From: Skye Nygaard [REDACTED]
Sent: Friday, January 6, 2023 1:59 PM
To: Housing <housing@cityofsanmateo.org>
Subject: Housing Element

Hello,

After reading through the new draft housing element, I am overall quite happy with the changes and how they address the needs of the community.

However, I have some points of concern.

On page H-31, there is reference to "physical constraints" limiting the development of smaller lots. Rather, it is zoning regulations, such as setbacks, that are the constraining factor. I would hardly call a law "physical". I would prefer the wording to reflect that it is a result of current policy rather than some universal rule that you can't develop as much on smaller sites.

I appreciate the inclusion of SROs in the latest update. However, it is not a big change. Simply being more specific about where SROs *can* be built does not get them built. SROs tend to have unit sizes in the range of 100-200 sq ft. 1 acre = 43560 sq ft. At just 1 story, you could fit upwards of 200 SRO units. When we have a limit of 50 units per acre, no SROs are going to be built. It is a subpar use of limited unit counts. I would like some mention of this constraint to be included in the housing element, to reflect the reason SROs are not being built.

I appreciated the mention of putting adjustments to measure Y on the ballot, on page H-41. However, I would like it mentioned where measure Y conflicts with state law. Density bonus and state law supersede measure Y already in several conditions, and there was no mention of this in the housing element (at least that I found).

The phrase "a variety of housing" was mentioned on page H-23 and several other locations. On H-23, it was then listed the breakdown of single-family vs 2-4 unit multifamily, vs > 4-unit multifamily. This leads to the implication that the variety of housing merely comes down to single-family vs multi-family, as well as the price point. However, I think there are other very large variety factors. These include the number of lots, rather than units, and the location of those lots. While single-family homes are spread throughout the city, multi-family dwellings are concentrated in just a few locations. As a renter, there are many places in the city where I cannot find a rental available. Therefore, the diversity of locations for multi-family is severely limited, due to the much smaller number of lots available with this zoning. I would like this location diversity to be explicitly mentioned, as it is something I have personally dealt with.

Best,
Skye Nygaard, a San Mateo Resident

Nicholas "Nicky" Vu

From: Mayhew, Tom (22) x4948 [REDACTED]
Sent: Saturday, January 7, 2023 4:39 PM
To: Housing
Cc: Planning Commission; City Council (San Mateo); Higley, CJ (25) x4942
Subject: Housing Element - Comments of Housing Action Coalition
Attachments: 2023-01-07 Housing Action Coalition - Second Round Comments on San Mateo Draft Housing Element(15225917.pdf; Housing Element

Please see two attachments:

1. The January 7, 2023 letter on behalf of Housing Action Coalition, commenting on the draft December 2022 Housing Element.
2. An earlier email and attachments sent on behalf of Housing Action Coalition on December 16, 2022. This email and its attachments are being re-sent because it was not included in Appendix F (Public Participation) and we wanted to make sure that you have it.

Please include our comments in the packet for the Planning Commission meeting for January 10, 2023 and City Council meeting (date TBD) concerning the adoption of the Housing Element.

Thank you,
Tom Mayhew
CJ Higley

Thomas B. Mayhew
Partner



San Francisco, CA 94104
www.fbm.com

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>



January 7, 2023

Via E-Mail

Housing Manager
City of San Mateo
Planning Division
330 W. 20th Avenue
San Mateo, California 94403

E-Mail: housing@cityofsanmateo.org

Re: Draft Housing Element for City of San Mateo 2023-2031
Comments of Housing Action Coalition

Dear Housing Manager, Planning Commission, and City Council:

On behalf of the Housing Action Coalition,¹ we write to further comment on the draft 2023-2031 Housing Element for the City of San Mateo, including changes in the December 2022 draft. The draft Housing Element still does not meet the City's obligation to plan and provide for affordable housing. Absent substantial revisions, it may be found in violation of state law.

Below, we identify two significant issues to be addressed as San Mateo continues to work on formulating an acceptable Housing Element. First, San Mateo has included a number of sites that do not have a realistic likelihood of becoming housing during the next eight years, as required to meet the need for new housing. The inventory includes a major shopping center and a regional mall and claims that these are housing sites that will redevelop in the next eight years, despite busy stores, new long-term leases, and even multimillion dollar improvements that conclusively demonstrate that the current retail uses will continue. Second, San Mateo's methodology for identifying how much of the regional need will be met by the sites on the inventory appears both unprincipled and inconsistently applied. In order to properly evaluate whether the site inventory will meet the needs of San Mateo's anticipated population growth, San Mateo needs to formulate a proper methodology and then apply it consistently, and explain how it evaluates site-specific information, other potential uses of the property, and market evidence on what is likely to actually be built.

¹ The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

A. The City Includes Sites That Are Not “Suitable And Available” Because They Do Not Have A “Realistic And Demonstrated Potential” For Redevelopment During The Planning Period To Meet The Need For Housing.

One of the most concrete aspects of any housing element is the inventory of land “suitable and available” for residential development to meet the city’s regional housing need by income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p. 1 (https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf). The list is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels.

Where nonvacant sites are listed on the sites inventory, there must be a “realistic and demonstrated potential for redevelopment” during the next eight years. Government Code § 65583(a)(3). To address past abuses – including where cities list unrealistic sites in order to avoid required rezoning – the California Legislature created a high standard for listing sites that are currently being used for something other than housing. Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development “based on substantial evidence that the use is likely to be discontinued” during the planning period. Government Code § 65583.2(g)(2) (final sentence). The City must analyze the evidence: existing leases, market demand for the existing uses, and anything else that would indicate whether existing uses will continue. Government Code § 65583.2(g)(1).

As explained below, the current draft prepared by San Mateo identifies a number of non-vacant sites that are not realistic, suitable and available for redevelopment. The City relies heavily on the speculative and unlikely assumption that existing uses will cease during the next eight years in favor of affordable housing.

1. The Bridgepointe Shopping Center
(APN 035-466-070, -080, -090, -100, -110)

The City’s draft fails to address whether the existing uses will cease during the next eight years. Absent substantial evidence that existing uses will “likely” discontinue, San Mateo cannot count the Bridgepointe Shopping Center parking lot and stores as addressing the need for sites available, realistic, and suitable for 233 units of lower income housing.

As our prior letter explained, the parcels that make up the Bridgepointe Shopping Center have existing uses, with long-term leases and likely rights to the parking lot, that preclude residential development during the period covered by the next Housing Element. While the City has now dropped the ice rink parcel, which had been unoccupied but is now back in operation as

an ice rink, the City fails to mention, much less evaluate, evidence concerning existing leases from major national tenants in place at this power center, with existing leases extending for almost the entire period covered by the Housing Element:

- APN 035-466-070 includes current retail uses by Ross Dress for Less, Marshall's and Total Wine & More. Total Wine & More has a lease through 2027. *See* Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 4. Ross opened here in 2021. It is unlikely that Ross moved in with a short-term lease. The City does not appear to have analyzed leases to determine their effect on whether sites are available for housing, as required.
- APN 035-466-080 is occupied by Hobby Lobby, with a lease through 2029. *See* Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 1.
- APN 035-466-090 is occupied by a number of national retailers, including Verizon, Petco, Ulta Beauty, and Cost Plus World Market. Ulta Beauty is known to have a lease through 2032. *See* Housing Action Coalition Comment Letter Dec. 16, 2022 and Appendix Tab 2.
- APN 035-466-110 is the loading dock access for all of the stores on parcels APN 035-466-070, -080, and -090, and too narrow to feasibly develop for housing.
- APN 035-466-100 is the parking lot, and is likely subject to the leases of each of the retailers. It is also likely subject to lease rights from the non-listed restaurant parcels on the periphery, and the ice rink.² While it is theoretically possible the lease agreements for the shopping center are compatible with residential development on the parking areas that serve the shopping center, the burden is on the City to demonstrate that such development is likely during the planning period. The City has failed to analyze lease rights that may impede housing uses, as required by the statute.

Particularly given the existing uses, and the publicly known information about existing long-term leases with major national retailers that preclude building housing within the next eight years, the City cannot credibly claim that it is "likely" that these existing uses will

² The parking lot is also larger than 10 acres, and so is subject to the additional analysis of Government Code section 65583.2(c)(2)(B) ("A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing."). No site of this size was developed for 147 units of lower (very low, low) income housing; the closest comparable size, Station Park Green, was a market rate project with only 60 units of lower income housing in a project of 599 units.

discontinue. While the City explains that it has had “a variety of discussions with the shopping center’s ownership representatives who expressed interest in mixed-use redevelopment,” (December 2022 draft at H-36), it fails to address *when* redevelopment might occur. The City asserts that the General Plan Update is exploring policies to “guide redevelopment of the shopping center,” and refers to a “draft land use plan designat[ing] Bridgepoint as Mixed-Use High, which could allow up to 200 units per acre.” *Id.* But given that City voters have twice approved a cap of 50 units per acre (Measure P, extended to 2030 by Measure Y), the City’s optimism provides no realistic assurance that affordable housing will be built here before Measure Y, and the 2023-2031 draft Housing Element, expire. Finally, the City’s broad reference at page H-C-14 to a “market trend” of developers that “bought out long term businesses to allow redevelopment into housing” refers only to “underutilized” properties; the Bridgepointe Center is not underutilized. The City’s argument does not meet the substantial evidence standard for the likelihood of development of this specific site, with its specific constraints and existing uses, during the relevant planning period.

Don’t get us wrong: Housing Action Coalition also hopes that Bridgepointe will begin redevelopment within the planning period, and it hopes that the City is successful in rolling back the restrictions of Measure Y through its General Plan revision efforts so that Bridgepointe can be developed with high-density housing. But without a showing, based on substantial evidence, that it is *likely* that Bridgepointe will redevelop “within the planning period,” the City should add sites to the inventory that are available to meet the need for affordable housing.

2. Hillsdale Mall

(APN 042-121-040, -060, -080; 039-490-050, -170; 039-353-010, -020, -030, -040)

As discussed in Housing Action Coalition’s prior comment letter, the question about Hillsdale Mall is not about whether the owner is interested in some mixed use housing for the site. The issue is when and how much housing will be built, and on which parcels or portions of parcels. Here, the City lacks evidence to justify the projections on the site inventory, or to claim that the existing uses are likely to discontinue soon enough for housing to be built during the required timeframe.

Retail uses of Hillsdale Mall are almost certain to continue through the next eight years. With the owner just having spent \$240+ million on the Hillsdale North project on 12.5 acres of APN 039-490-170, including a new food court on the portion spanning 31st Avenue to connect to the even larger portion of the mall that includes Macy’s and Nordstrom, the City Council cannot credibly make findings that all existing uses of that parcel will likely discontinue in the next eight years. Government Code § 65583.2(g)(2). Similarly, the substantial improvements and

new long-term leases at Hillsdale South show that redevelopment of that portion of APN 039-490-170 is also unlikely to take place during the period covered by the draft Housing Element.³

The City makes much of the owner's expressed desire to build housing, including showing images of the owner's proposals to modify the City's general plan to allow housing of 100-200 units/acre on portions of the site. Current San Mateo law does not permit these plans to go forward. As with Bridgepointe, the reality is that the City's voters have constrained housing production by adopting Measure P, then Measure Y, which prohibit such density until 2030. Without knowing the outcome of a hypothetical ballot initiative in 2024 that might permit such density (*see* December 2022 Draft at H-B-56), the City cannot reliably predict that the owner will attempt to build before Measure Y, and the current Housing Element, expire.

3. The Atrium: 1900 South Norfolk Street (APN 035-391-090)

As stated in Housing Action Coalition's earlier comment letter: The executive office building located at 1900 South Norfolk Street is currently used by a large number of office tenants. The draft Housing Element does not perform any analysis of the current use, including whether existing leases would create obstacles to residential development of the site during the next eight years. Publicly available information indicates that a number of leases continue to be signed or renewed for this three-story office building, with at least one such lease publicly reported to extend until 2030. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 9. The City should perform the required analysis under Government Code section 65583.2(g)(1), and evaluate whether it has substantial evidence to make the finding that existing uses are "likely to discontinue" during the next eight years, as required by section 65583.2(g)(2). If not, the City should not claim that this site meets the need for 99 lower income affordable housing units, even if the owner has expressed a long-term interest in redevelopment.

The site is currently zoned "executive office," with no residential overlay to make residential housing a permitted use (except by discretionary application for a special use permit). The City does not include a plan to rezone the site to make residential use a permitted use, as required by Government Code sections 65583.2(a)(4) and 65583(c). The owner of the property has indicated an interest in building housing *if* the site is rezoned; nothing suggests that the owner has an interest in going through an expensive two year gauntlet to apply for discretionary

³ Parcel 039-490-170 is also subject to the same problem as the Bridgepointe parking lot site: the City lacks any evidence that a site this large can be developed for 485 units of affordable housing. Government Code § 65583.2(c)(2)(B). The City has never seen a development include that much affordable housing; none of its cited examples come anywhere close. Under the City's inclusionary housing ordinance, even if all 28.91 acres of the parcel were developed and resulted in 1,199 units, only 15% of them would be required to be affordable for lower income households: 179 units, not 485. Meanwhile, the City's citation to projects that were predominantly market-rate, with only limited numbers of lower income units, fails to meet the statutory requirement.

permission to see if the City is willing to let residential housing be built here. The City needs substantial evidence that the existing use will discontinue, paired with a rezoning of the site, in order to take credit on the site inventory towards meeting the Regional Housing Needs Allocation (RHNA).

4. Borel Shopping Center (71-77 Bovet; 1750 El Camino Real)
(Consolidated Site AH: APN 039-011-450, -460, -470, -480, -500, -510)

As stated in Housing Action Coalition's earlier comment letter: This site is a busy shopping center anchored by a CVS Pharmacy, a 24 Hour Fitness,⁴ a branch of Patelco Credit Union, a UPS store, and a separate restaurant building for Jack's Restaurant and Bar. There is publicly available information showing that the lease for Jack's extends well into the planning period. Housing Action Coalition Comment Letter Dec. 16, 2022, Appendix Tab 11 (indicating Jack's lease extends from 2013-2029). The City should perform the required section 65583.2(g)(1) analysis of the existing leases, and current market demand for the retail uses at the location. The City currently lacks substantial evidence that the site's existing use is "likely to be discontinued" during the next eight years. It should not count towards 85 units of housing affordable to lower income households.

5. The Elks and The Shriners – 229 W. 20th Street and 150 W. 20th Street
(APN 037-052-350 and APN 039-030-220)

The Benevolent and Protective Order of Elks, Lodge 1112 ("San Mateo Elks Lodge"), has been located at 229 W. 20th Street since 1954. The San Mateo Elks Lodge has a membership of over 1,100 as of earlier this year. The Elks use their lodge to operate a popular swimming center for kids and families, hold crab feeds and other events in the meeting hall, and engage in fun activities and philanthropic works.

The only suggestion that the San Mateo Elks are not likely to continue their existing use of the Elks Lodge at 229 W. 20th Street is the statement on the site inventory that "Preliminary conversations with the owner to convert to residential have occurred." That kind of statement might sometimes go unnoticed and unquestioned by the City Council, HCD, or a court. But here, no one should take it as an adequate answer to the question of whether the San Mateo Elks will stop using their lodge in the next eight years. The reason is that the 2015 Housing Element, when listing the same site, said the same thing, word-for-word: "Existing private member club. Preliminary conversations with the owner to convert to residential have occurred."⁵ Nothing has

⁴ In 2008, the 24 Hour Fitness substantially modified the building it occupies when it moved into a space formerly occupied by Albertson's. It added locker rooms, a swimming pool, basketball courts, showers, and other tenant improvements at a cost exceeding \$2.2 million. BD-2007-230493; BD-2007-230029; BD-2008-230692.

⁵ In order to rely on conversations purporting to express intent, the public needs to know much more. Who had the conversation cited by the City, and with whom did they have it? Has

happened in the last eight years to suggest that “preliminary conversations” are substantial evidence on which to predict a likely discontinuation of the existing use, even if the more recent note is based on more recent preliminary conversations, instead of the “preliminary conversations” that took place eight years ago. This site should not be counted towards accommodating the need for 77 units of housing affordable to lower income households. Government Code § 65583.2(g)(2).

A second private club is located just down the street at 150 W. 20th Street: the Shriners. The Shriners are likewise a longtime institution in San Mateo, and are likewise committed to philanthropy and social activities. The Shriners’ building is used in part for a day care center. The site inventory provides insufficient detail to evaluate whether they plan to move out in the next eight years, saying only “Owners have considered mixed use with residential.” Without more, this is insufficient to justify concluding that the Shriners actually plan to leave or redevelop in the short or mid-term, or to treat their property as accommodating the need for 32 units of lower income housing.

The same analysis applies to other sites. *See, e.g.*, 1500 Fashion Island Blvd. (APN 035-550-040) (“Developer interest in redevelopment.”); Consolidated Site B (APN 032-312-250, -270, -150, -100, -070) (“General interest in redevelopment”). Vague expressions of interest do not constitute substantial evidence that the existing use will likely cease during the next eight years. Sections 65583.2(g)(1) and (g)(2) require more analysis, more evidence, and more likelihood.

6. Mollie Stone’s – Olympic Shopping Center

(Consolidated Site AD:

APN 042-242-050, -060, -070, -160, -180;

042-243-020, 042-244-040, -050;

042-245-040, -050, -060, -070, -080, -090, -100, -110, -120, -130;

042-263-010, 042-264-010)

This site, consisting of twenty parcels, is claimed to accommodate 161 units of housing affordable to those with lower incomes. The only basis for including it appears to be the claim that there is “ownership interest in specific plan redevelopment,” which does not indicate that all of the parcels would be redeveloped as housing at the maximum density, or indicate who said what to whom, and when.⁶

the Lodge taken any affirmative steps toward redevelopment beyond this conversation? Without more, the vague reference to “preliminary conversations” between unidentified speakers on an unidentified date does not constitute “substantial evidence.”

⁶ Here too, the concern about specificity is not idle. There are five separate owners. Carstens Realty owns most of the parcels, but CLC Investments, Sadigh Sassan, Shamco E LLC, and San Mateo Investment Co. each own one. The City does not discuss or address whether the

Meanwhile, and as discussed further in section B below, the draft Housing Element does not adequately analyze or demonstrate the realistic capacity of the site. Under section 65583.2(g)(1), for a nonvacant site like this, the city must “specify the additional development potential for each site within the planning period.” The required analysis is currently missing. A realistic assessment of the current uses and market conditions would preclude listing the entire site at maximum density. Mollie Stone’s is the only full-service grocery store in the surrounding area. For households in the southwestern portion of town (for example, everyone near Laurel Elementary School and south to the Belmont border), closing Mollie Stone’s would more than double their travel times to the nearest grocery, and extend them well beyond the one-mile used to define a “food desert” – a condition no one expects to develop in this well-resourced city.⁷ Currently San Mateo’s land use pattern follows the predictable pattern: few, if any, households are more than one mile from a grocery. There is no reason to believe that the market need for grocery stores will make the need for Mollie Stone’s, or another grocery store, superfluous in this part of town. Particularly as San Mateo’s population grows, the need for grocery stores will increase, not diminish.

This means that any redevelopment or specific plan of the Olympic Shopping Center will almost certainly include a substantial retail component, at least on the ground floor. Mixed use may be a responsible way to increase density, but it precludes listing the site at maximum density, particularly given the constraints of Measure Y. The City must conduct further analysis, including an analysis of existing leases, common ownership, and market conditions, before claiming that this site will meet the needs for construction of 161 units of housing affordable to lower income households. And, given the substantial demand for the existing use, the City may not be able to make the required finding under section 65583.2(g)(2).

7. Site AN (4100 and 4142 El Camino Real)
(APN 042-242-170 and -080)

On the draft Housing Element site inventory, consolidated Site AN consists of a City-owned vacant site and a neighboring parcel. In a recent staff report for the November 7, 2022 meeting, the chart responding to HCD comments indicated that the City had two City-owned sites: the “Talbot’s” site (APN 034-179-050 and -060), and APN 042-242-170, which it referred

five are willing or interested in a joint project, though it lists each of them as having expressed interest in a specific plan. Without evidence of what makes consolidation likely, the smaller sites are deemed insufficient to accommodate the need for lower income housing. *See* Government Code § 65583.2(c)(2)(A).

⁷ If Mollie Stone’s closed, and no grocery store was rebuilt in its place, it would create the unlikely situation where an affluent, urban community became a “food desert.” The United States Department of Agriculture has defined a “food desert” as an area where at least 500 people, or 33% of the tract population, reside more than one mile from a full-service supermarket. https://www.ers.usda.gov/webdocs/publications/45014/30940_err140.pdf.

to as the “Ravioli” site. The chart indicated that staff recommended adding to the narrative about the Talbot’s site, but recommended removing the Ravioli site from discussion.

The draft Housing Element had shown the two sites APN 042-242-170 and APN -042-242-080 as having a potential for consolidation, but if the City does not plan to sell APN 042-242-170, and instead plans to take it off of the site inventory, it should also remove APN 042-242-080 as unsuitably small for affordable housing.

However, the staff report is confusing on this point. It refers to APN 042-242-170 as the “Ravioli” site, and lists a street address of 505 South B Street. This is not the location of APN 042-242-170. APN 042-242-170 is located at 4140 El Camino Real. If it is indeed City-owned, we encourage the City to make plans to develop it, preferably by issuing a Request for Proposals to transfer it to a non-profit housing developer who could build a 100% affordable project on the site. If the site can be consolidated with the neighboring parcels – which have one-story commercial or professional uses, and a relatively large percentage of surface parking – the opportunity would be even more meaningful in terms of providing for the need for housing affordable to those with lower incomes. Even still, the City would need to engage in the process of determining that it is likely the existing uses on the neighboring parcels are likely to be discontinued during the planning period such that consolidation of the sites is feasible and realistic.

B. The Analysis Supporting The Government Code Section 65583.2(c) Calculation Is Insufficient.

In order to determine that the City has a sufficient number of sites to meet the need without rezoning, a key calculation is the projected number of units at each level of affordability. If the City overestimates how many units will be built on the sites it includes, it will incorrectly conclude that it does not need to identify any more. Unfortunately, the City’s current draft makes just this error.

The estimate of units on each site is governed by Government Code section 65583.2(c), which provides:

The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) . . . If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic

development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

The draft Housing Element fails to demonstrate that the site inventory numbers reflect the realistic development capacity for each site. For sites with the potential for mixed or non-residential use, the Housing Element calculates a discounted probability of residential development, but fails to apply it. For sites zoned entirely residential, the site inventory cherry-picks the data in an effort to claim that every site is likely to be developed at the maximum density permitted by San Mateo zoning laws.

1. Mixed Use/Non-Residential Zoning.

In the site inventory guidebook, HCD explains that where a city uses sites that are zoned for nonresidential uses, the city must evaluate the capacity analysis by taking into account that some or all of the site may be developed – as city law allows – for such nonresidential uses, such as commercial or office uses.

The City discusses this issue at pages H-31 to H-34 of the draft Housing Element, using the data in table 5. It states that 80% of sites developed during 2017-2022 were developed with at least some residential housing.⁸ It states that to account for this, “For those sites that assume mixed-use with residential components in the site inventory, potential density is assumed more conservatively at 30 to 35 du/ac.” December 2022 draft at H-31.

Unfortunately, the City does not consistently apply the results of this analysis. Instead of applying the mixed-use density number uniformly, it picks and chooses which sites the City “assume[s]” will be mixed-use, and then ignores the prospect that others may also have mixed-use or no residential use at all. The following sites are zoned for non-residential uses per the site inventory with a reported maximum density of 50, but the City nonetheless lists them at densities higher than what it claims is the “conservative” 30-35 du/ac:

⁸ Note that here the City counts projects, instead of evaluating by acreage. Larger sites are more likely to be developed for commercial or office uses. Table 5 shows that while 20 of 25 sites contained at least some residential component, only 19.99 of the 80.88 acres (75%) did. A realistic calculation of the likelihood of residential development should apply the proportion developed by acreage before multiplying it times the allowable units per acre, rather than using the percentage of sites with entirely non-residential uses.

Mixed Zoning Sites With Max Of 50, Not Properly Adjusted For Mixed Zoning:

Site	Zoning ⁹	Capacity per Inventory	Capacity at 30-35 du/ac because of mixed or non-residential potential (before accounting for site-specific factors)
G: 77 N. San Mateo	E2-0.5/R5	25 [39.682 du/ac]	19-22
N: 487 S. El Camino/ 62 E. 4 th /E 5 th and San Mateo Dr.	CBD/R	157	94-110
1500 Fashion Island	E1-0.62/R	273 [45 du/ac]	182-213
2118 El Camino: Catrina Hotel	C3-1/R4	56 [76.71 du/ac, despite a City-wide maximum of 50]	22-26
2955 El Camino	TOD	114 [50 du/ac]	69-80
039-360-140	TOD	67 [50 du/ac]	40-47
AC: Parkside Plaza	C1-0.5/R4	332 [50 du/ac]	200-233
220 W. 20 th	E1-1/R4	77 [50 du/ac]	46-54
150 W. 20 th	E1-1/R4	79 [40 du/ac]	59-69
2900 El Camino	C3-1/R4	54 [50 du/ac]	32-38
2838 El Camino	C3-1/R4	59 [50 du/ac]	35-41
4060 El Camino	C3-1/R4	51 [50 du/ac]	31-36

⁹ E1 = Executive [Office] Park.
E2 = Executive Offices
C1 = Neighborhood Commercial
C3 = Regional/Community Commercial
TOD = Transit Oriented Development (mixed use)
/R = Residential Overlay (residential as permitted, rather than special, use)

2028 El Camino	C3-1/R4	19 [50 du/ac]	11-13
2030 S. Delaware	TOD	52 [50 du/ac]	31-36
AL: Ah Sam	C3-2	105 [46 du/ac]	69-80
AM: 1670 Amphlett Blvd.	E2-1	289 [50 du/ac]	173-202
AM: 1700 Amphlett Blvd.	E2-1	203 [50 du/ac]	122-142
AM: 1720 Amphlett Blvd.	E2-1	230 [50 du/ac]	138-161
AN: 4100/4142 El Camino	C1-1.5/R4	28 [39 du/ac]	22-25
	Totals:	2,270	1,395-1,628
	Overestimate:	642-875 units	

The sites in the following chart are zoned for non-residential uses per the site inventory with a reported maximum of 30 or 35 units/acre, but the City does not discount them to take into account the possibility of non-residential development. Applying the City's data showing that mixed zoning sites develop at less than 80% of the maximum zoning, these sites should be estimated at no more than 24-28 units/acre:

Mixed Zoning Sites With Max Of 30-35, Not Properly Adjusted For Mixed Zoning:

Site	Zoning	Capacity per Inventory	Capacity at 80% of maximum zoning (before accounting for site-specific factors)
1885 S. Norfolk St. (Fish Market)	C1-1 Neighborhood Comm'l	105 [30 du/ac; zoning max is 35]	98
AB: 210 S. San Mateo	CBD "Central Business Dist."	35 [50.7 du/ac; zoning max is 30]	17
AE: The Great Entertainer	R3/C2-1 Regional Comm'l/Medium Density	44 [29.72 du/ac; zoning max is 35]	41

AF: 350 N. San Mateo/220 E. Poplar	C2-1, C2-2 Regional Comm'l	19 [30 du/ac; zoning max is 35]	18
AH: 71-77 Bovet	C1-2 Neighborhood Comm'l	209 [35 du/ac; zoning max is 35]	186
1900 S. Norfolk	E1-0.5 Exec. Office Park [no resid. overlay]	245 [30 du/ac; zoning max stated as 35]	229
	Totals:	657	589
	Overestimate:	68 units	

The City also takes an inconsistent approach to “pre-application” projects. Some are estimated based on similar experience throughout the City (e.g., Fishmarket, estimated at 35 du/ac despite the owner’s proposal of 260 units).¹⁰ But for others, the City takes credit based on the projected number of units out of a “pre-application” or pending application, even though the application itself has not yet been approved or, in most cases, even submitted. While some of these sites may ultimately develop for the proposed density, using the un-approved density from a pre-application is not a realistic assessment of their likely capacity. Until entitlements issue and the projects move forward, the realistic estimate of the site’s capacity should be based on the typical capacity based on the mixed-use sites that have been approved or built, i.e., 30-35 units/acre:

“Pre-Application”/Pending, Not Properly Adjusted for Mixed Zoning:

Site	Zoning	Capacity per Inventory	Capacity at 80% of maximum zoning (before accounting for site-specific factors)
Site AO: Block 20	CBD/S Central Business District Support	84 [72.4 du/ac]	35-41
Site Y: Hillsdale Inn (477 E. Hillsdale Blvd.)	C2-0.5 Regional/Comm. Comm'l	230 [75.4 du/ac]	92-107
1495 El Camino	E2-1/R4 Executive Office/High	35	20-24

¹⁰ At 260 units on 3.5 acres (75 du/ac), the owner’s proposal would appear to exceed Measure Y, and so is indeed unrealistic, at least for purposes of calculating a site inventory capacity. This also assumes that all 3.5 acres is developable, despite Bay Conservation District jurisdiction over this shoreline parcel.

	Density Residential	[51.47 du/ac] ¹¹	
R: 4 th /Railroad “Bespoke” ¹²	CBD/R Central Business District	60 [52 du/ac]	35-41
Site AG: Nazareth Vista	C1-3/R5 Neighborhood Commercial with Residential Overlay	48 [75 du/ac]	19-22
477 9 th Ave.	E2-2 [Executive Office, No Residential Overlay]	120 [75 du/ac]	48-56
	Totals:	577	291
	Potential Overestimate:	249-291	

By failing to follow through on the HCD required analysis – that properties zoned for non-residential uses will sometimes not become housing at all – the draft overestimates the capacity of its inventory. Based on the City’s own analysis, that sites where mixed or non-residential use is permitted should be estimated at 30-35 units/acre, the City overestimated the capacity by 710-943 units, over 10% of the RHNA totals. And if the “pre-application” sites are adjusted to reflect average capacities for mixed use zoning, instead of accepting pre-application numbers at face value, the overestimate is as high as 1,234 units, constituting 17.5% of the RHNA totals. Before adopting the Housing Element, the City should adjust the site inventory capacity calculations to comply with the state law requirement of realistic, demonstrated capacities, and then identify additional sites to make up for the shortfall.

2. Residential Zoning.

For the limited number of sites on the inventory that are zoned residential without the potential for non-residential uses, the City’s analysis is also flawed. As discussed in the Housing Action Coalition’s prior comment letter, the draft “cherry-picks” data to argue that capacities should be calculated based on the maximum permitted under the City’s zoning laws. At pages H-30 through H-31, and in table 4, the City separates prior residential developments into two categories: “in-fill” and “outliers.” The so-called “outliers” represent over 20% of the units, and 46% of the residentially zoned land: it is unreasonable to disregard them when computing the

¹¹ Note that this pre-application appears to have been submitted in 2017, suggesting that it might be a particularly poor basis for an estimate made in 2023.

¹² Note: Only two of the six parcels described at page H-C-33 (narrative description of the “Bespoke” project) are listed on the site inventory.

average. The average density for residential projects, combining both parts of table 4, is approximately 40 units/acre.

Notably, the draft applies the “outlier” density of 18.2 units/acre to only three sites, all adjacent to one another at 717-801 Woodside Road. The sites are in a residential neighborhood surrounded by other apartment buildings.

Meanwhile, the City does not apply the “outlier” density to sites that would appear to have far more in common with those on the list. The “outlier” project on Waters Park Drive was zoned “executive office”; it borders Borel Creek as it flows into Seal Slough. Less than 100 feet away, on the opposite side of Borel Creek as it flows into Seal Slough, is 1900 S. Norfolk Street, zoned “executive office.” Yet while the Waters Park Drive project developed at a density of just 17 units/acre, the City projects a capacity for 1900 S. Norfolk of 245 units on 8.18 acres: 30 units per acre. If indeed the Waters Park Drive project resulted in low density because of site-specific conditions (adjacency to the busy Highway 101-Highway 92 interchange; located in a flood zone; no residential zoning overlay), then consistency would demand similar treatment for 1900 S. Norfolk. For that matter, Parkside Plaza and Fishmarket are similarly adjacent to Seal Slough and right next to the interchange; they should also be projected at the “outlier” density.

3. Site-Specific Adjustments.

State housing law requires that site-specific conditions also be taken into account. In the narrative discussion of specific sites in draft Appendix C at pp. H-C-35 through H-C-49, the City identifies site-specific issues that should further reduce the realistic, demonstrated capacity. At the Fish Market and 1900 S. Norfolk sites, for example, there are required setbacks from Borel Creek and Seal Slough. 1900 S. Norfolk is also next to a freeway interchange, and so has restrictions on height relating to the height of the freeway railing; the site also has a long tail that winds around a PG&E substation, none of which could be developed and which should therefore be ignored in calculating realistic capacity. *See* December 2022 Draft Appendix C at p. H-C-39. Meanwhile, the City seems not to have considered the potential effect of San Mateo Zoning Code section 27.44.065 to this site (currently zoned E1): at least 35% of the parcel area must be open-space, preventing over 1/3 of the land from being developed for housing. Other sites also have odd shapes or watercourse adjacencies. Still others are subject to other rules governing setbacks or required ground-floor uses. *See, e.g.,* San Mateo Zoning Code § 27.29.118 (prohibiting residential uses on first floor in mixed use projects in downtown), § 27.30.027 (prohibiting ground floor residential uses in the first 30 feet facing El Camino Real or 25th Avenue), § 27.39.100 (required retail frontage in downtown), 27.42.010 (“Street Wall” regulations requiring upper floor setbacks in the downtown). Meanwhile, the City mentions, but never really analyzes, how Measure Y can prevent housing from being built at the densities projected, unless state density bonuses are used to override this constraint.

Similarly, given that the \$240+ million construction of Hillsdale North Block precludes use of the 12.5 acres there, and that the pedestrian bridge shows an intention to continue use of significant portions of the main mall building, the City needs to analyze which portions of the

Hillsdale site might realistically be developed as residential housing during the next eight years, then reduce the calculation to take these site constraints into account. The existing leases at Bridgepointe mean that the proper calculation for that site's potential is to determine how large a parking structure would need to be built on the current surface lot to meet the requirements of the existing retail center, ice rink, and restaurants, and then determine the development potential of the fraction of the parking lot that would be available for housing. Applying a 30-35 unit average to these two sites seriously overstates the development capacity for all levels of affordability.

State law requires that the City develop and justify a cogent, realistic methodology to support its anticipated production calculations, and requires that it apply that methodology consistently and thoughtfully to the site inventory to yield realistic results. Unfortunately, the City's draft fails to meet the required standard.

C. Additional Comments On Zoning Status.

As noted above, a number of sites included in the City's inventory are zoned commercial or office without a residential overlay. We request that San Mateo rezone these sites to add a residential overlay, so that developers are assured that residential uses will be permitted, rather than hope the desired inclusion of residential uses will be permitted on a site-by-site basis as part of project-specific approvals. Uncertainty regarding the ultimate success of a rezoning effort discourages residential development in the City. December 2022 Draft at Appendix B, p. H-B-26. The entire point of the housing inventory is to determine if there are sufficient sites that are either (1) vacant and zoned residential, (2) vacant and zoned for nonresidential use "that allows residential development," (3) residentially zoned sites capable of being developed at a higher density, or (4) "sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element contains a program to rezone the site, as necessary, to permit residential use." Government Code § 65583.2(a)(1)-(4). The sites zoned for commercial or office use, without a residential overlay, do not fall within section 65583.2(a)(3), because they are not zoned residential. They should therefore be included in a program to rezone to affirmatively permit residential use. Having the City retain discretion to refuse or condition residential development on these properties does not make them available as required by state housing law.¹³ This issue would appear to apply to the following sites¹⁴:

¹³ We note, for example, that the Waters Park Road project, zoned E1, sought a rezoning because it was not zoned residential, as part of its attempt to seek permission to redevelop the site. Sites listed on the inventory should not have to go through this step.

¹⁴ Under San Mateo Zoning Code section 27.44.020, permitted uses in the E1 district include "Residential units, only on parcels designated with a residential overlay district classification . . ." *Id.* § 27.44.020(g). For parcels "without a residential overlay district classification," residential units are permitted only "subject to approval of a special use permit." *Id.* § 27.44.030(g). The same rules apply to E2. *See id.* §§ 27.48.020(b) and 27.48.030. The same rules apply to the C1 and C2 districts, absent a residential overlay. *Id.* § 27.30.010(a)

Sites Where Residential Units Are Not A Permitted Use:

Site	Zoning	Claimed Capacity
A: 117-121 N. San Mateo	E2	15
T: 1600-1620 El Camino Real, and 1535-1541 Jasmine	E2-2	44
901 El Camino Real	E2-1	17
1650 Borel Place	E1-2	74
1900 S. Norfolk	E1-0.5	245
477 9 th Ave.	E2-2	120
Portion of AI: 723 N. San Mateo Dr.	E2-1.5	34
AM: 1670 Amphlett Blvd.	E2-1	289
AM: 1700 Amphlett Blvd.	E2-1	203
AM: 1720 Amphlett Blvd.	E2-1	230
1863-1885 S. Norfolk (Fish Market)	C1-1	105
Y: Hillsdale Inn, car wash	C2-0.5	207
AF: 350 N. San Mateo/220 E. Poplar	C2-1, C2-2	19
AH: 71-77 Bovet, 93 Bovet	C1-2	243
2000 Winward Way (Residence Inn)	C2-0.62	160
Portions of AI: 727 and 733 N. San Mateo	C3-2	[counted above]
AL: Ah Sam Florist	C3-2	105
190 W. 25 th Ave.	C1-2	2
Total Capacity Not Zoned For Residential As A Permitted (Not Special) Use:		2,112

In determining how to rezone to add a residential overlay, the City should also consider whether the overlay after rezoning will enable the sites to realistically achieve the density claimed on the site inventory. *See* San Mateo Zoning Code § 27.29.110 (imposing maximum floor area ratios).

The City should also consider the impact of Government Code section 65583.2(h). Section 65583.2(h) provides that at least 50% of the need for very-low and low-income housing must be accommodated on sites designated for residential use where non-residential uses are not permitted. San Mateo's site inventory does not appear to satisfy this rule, because at least 50% of the need is proposed to be met using sites that allow exclusively commercial uses. (For

(permitting "residential units only on parcels designated with a residential overlay" for C1 district); § 27.32.010(n) (same for C2); 27.30.020 (requiring special use permit for "residential units on parcels without a residential overlay district classification" in C1); § 27.32.020(g) (same for C2). It does not appear that residential uses are permitted in the C3 district at all; consistent with the intention "to create and maintain major commercial centers accommodating a broad range of office, retail, and service uses of community-wide or regional significance," residential uses are not listed as a permitted use in § 27.34.010, though they arguably could be permitted as a special use because they are special uses permitted in C1 and C2. *Id.* § 27.34.020(a).

example, the Bridgepointe and Hillsdale shopping centers, zoned for commercial uses, *see, e.g.*, City of San Mateo Zoning Code § 27.34). Meanwhile, the statutory alternative of accommodating 100% of the very low and low income need on sites designated for mixed uses, “if those sites allow 100 percent residential use,” would appear not to apply to certain City zoning designations. *See, e.g.*, City of San Mateo Zoning Code § 27.38.110. The City should evaluate how to address the impact of this statutory provision as part of the final drafting of the Housing Element.

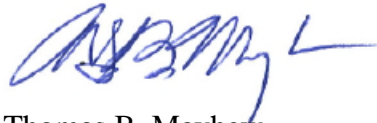
* * *

Based on the analysis above, San Mateo’s draft Housing Element does not comply with state law, because it proposes to meet more than 50% of the need for affordable housing with sites that are not vacant, and does so without substantial evidence that they are likely to be redeveloped. The City’s current analysis, which fails to analyze or account for leases, whether parcels proposed to be consolidated are under common ownership, recent remodeling or construction indicating that existing uses will continue, and other obstacles to development in the next eight years, is insufficient to meet its responsibility under state housing law. In particular, the City lacks substantial evidence showing that the Bridgepointe and Hillsdale shopping center sites have existing uses that are “likely to discontinue” during the next eight years, but as the other examples we cite above illustrate, the required analysis under Government Code section 65583.2(g)(1)-(2) must be done for each site separately in order to have a valid Housing Element.

Meanwhile, the City has also overestimated the capacity of the sites listed on the inventory. Correctly calculating the realistic capacity – even by using the high end of the City’s range of 30-35 units for mixed zoning sites with a maximum of 50, and 80% of the zoned capacity for sites zoned for 30 or 35 units/acre – reduces the City’s claimed buffer for all categories, and leads to a shortfall for the “very low” and “moderate” categories, even if all sites satisfied section 65583.2(g)(2). Further site-specific analysis leads to an even greater gap. The City should address these shortfalls by planning to rezone more sites. The City should also rezone the inventory sites in districts where residential is not a permitted use without a special use permit; the City itself recognizes that this is a substantial constraint on housing production, and the current zoning prevents the sites from falling into any of the categories of section 65583.2(a)(1)-(4) without rezoning under section 65583(c).

Given these flaws, San Mateo is not yet ready to adopt its Housing Element. Additional sites will need to be identified and potentially rezoned to ensure compliance with state housing law. A more substantial inventory will avoid the possibility that the Housing Element will be invalidated in the event that HCD or a court agrees with the legal issues identified above.

Respectfully submitted,



Thomas B. Mayhew



Charles J. Higley

Nicholas "Nicky" Vu

From: Housing
Sent: Monday, January 9, 2023 3:01 PM
To: Nicholas "Nicky" Vu; Eloiza Murillo-Garcia
Subject: FW: Sierra Club Loma Prieta Chapter comment letter re: the San Mateo 2023-2031 Housing Element – Updated Draft
Attachments: Comments on Updated Draft San Mateo Housing Element January 9, 2023 .pdf



Sandra Belluomini
Administrative Technician Housing Dept
330 W 20th Avenue, San Mateo, Ca 94403
650-522-7239
belluomini@cityofsanmateo.org

Notice of Holiday Closures

City Hall will be closed on Thursday and Friday, November 24-25, for the Thanksgiving Holiday.

City Hall will be closed on December 28th (in observance of Christmas) and on January 2nd (in observance of New Year's Day). Happy Holidays!

Sandra Belluomini
City of San Mateo
p-650-522-7239
f- 650-522-7221

From: Barbara Kelsey [REDACTED]
Sent: Monday, January 9, 2023 2:32 PM
To: Housing <housing@cityofsanmateo.org>; City Council (San Mateo) <CityCouncil@cityofsanmateo.org>; Planning Commission <PlanningCommission@cityofsanmateo.org>
Cc: Gita Dev [REDACTED] Gladwyn d'Souza [REDACTED] Ken A red [REDACTED]
James Eggers [REDACTED] Jennifer Hetterly [REDACTED] Mike Ferreira [REDACTED]
Subject: Sierra Club Loma Prieta Chapter comment letter re: the San Mateo 2023-2031 Housing Element – Updated Draft

January 9, 2023

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

Dear Mayor Lee and Members of the San Mateo City Council and Planning Commission,

The Sustainable Land Use Committee of the Loma Prieta Chapter of the Sierra Club (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the Updated Draft San Mateo 2023-2031 Housing Element.

The overall updated draft Housing Element (HE) is an improvement, but more focused and stronger policies and programs are needed to have a reasonable expectation of meeting the RHNA number of 7,015 new housing units, particularly for affordable units. Please find our full comment letter attached.

We ask that you consider this information as you finalize the Housing Element for submission to the State. SLU is prepared to help the City in advancing the HE as it is finalized and when it goes into effect.

Respectfully submitted,

Gita Dev

Co-Chair Sustainable Land Use Committee, Sierra Club Loma Prieta Chapter

Cc:

James Eggers
Executive Director, Sierra Club Loma Prieta Chapter
Gladwyn d'Souza
Conservation Committee Chair, Sierra Club Loma Prieta Chapter

sent by:

Barbara Kelsey

she/her/hers

Chapter Coordinator

Sierra Club, Loma Prieta Chapter

[REDACTED]

Palo Alto, CA 94303

[REDACTED]





SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

January 9, 2023

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

Via Email to: housing@cityofsanmateo.org, citycouncil@cityofsanmateo.org,
PlanningCommission@cityofsanmateo.org

Subject: **San Mateo 2023-2031 Housing Element – Updated Draft**

Dear Mayor Lee and Members of the San Mateo City Council and Planning Commission,

The Sustainable Land Use Committee of the Loma Prieta Chapter of the Sierra Club (SLU) advocates on land use issues in San Mateo and Santa Clara Counties. Thank you for providing the opportunity for SLU to provide input on the Updated Draft San Mateo 2023-2031 Housing Element.

The overall updated draft Housing Element (HE) is an improvement, but more focused and stronger policies and programs are needed to have a reasonable expectation of meeting the RHNA number of 7,015 new housing units, particularly for affordable units.

Reaching the RHNA unit goal will require changes in the speed of development in San Mateo. In order to reach the goal of 7,015 new units from 2023-2031, the city must add almost 900 new units each year. That is roughly the equivalent of building a new Concar Passage each year¹. This will be infeasible unless a major effort is made to streamline and accelerate housing development. And, of course, it is important that new development also be thoughtfully designed to accomplish all the other General Plan goals of open space, quality of neighborhoods, etc. The HE Housing Plan (p.H-67 to H-87) needs to demonstrate a significant change to current policies and programs in order to realistically be able to reach the goal. This will not be easy, as the new RHNA goals are well above the rate of new housing added over the last few decades². But it must be done if we are to adequately address the housing crisis in the region and leave the city well positioned for future generations to prosper.

The HE rightly points out that the housing problem is a regional one and that each city needs to meet or exceed its goal if the housing crisis, particularly for affordable housing, is to be solved. The lack of affordable housing on the Peninsula is a significant contributor to environmental degradation as workers

¹ **Concar Passage** is the largest housing project approved in recent years and required major time and effort for approval. Developing a project like this each year, will therefore require a major effort above the current processes.

² **The 2015-2022 RHNA** was 3,164 units and with only one year left it has 2,573 units completed. This current RHNA number is less than half the new RHNA number; thus, demonstrating the steep challenge of meeting the new RHNA number of 7,015.

must commute long distances by car, emitting greenhouse gases (GHG) as well as other pollutants. It also leads to sprawl, as more development is done in areas that were open space or agricultural land.

There are specific areas that will need to be retained or expanded to make sure the final HE contains the key actions needed to make significant progress on addressing the enormous lack of affordable housing in the Bay Area. Listed below are the most important goals, policies and programs in the HE that need to be retained and strengthened in the final HE.

1. The HE aims for a 42% buffer above the RHNA, but more buffer is needed. This number is lower than in the first HE draft (56%) which was a minimum. This is concerning, as a large buffer is needed to realistically be able to meet the RHNA, as the ability to actually build out housing has proven, over time, to be very difficult.
2. Increasing affordable housing is emphasized in the draft HE and that is good, but stronger action is needed. The “buffers” for affordable housing levels are only 7%, 34% and 12%, while the buffer for market rate housing is 76%. These are all lower than was in the first HE draft and therefore it is concerning. The percentage buffer for affordable units should be at least as high as the buffer for market units since affordable units are needed more and are harder to develop. The affordable housing should be more strongly focused on low, very low and extremely low-income housing, as these are where the largest needs are and where the lack of inventory is the largest. The very poor jobs/housing fit³ in the Peninsula can best be addressed with a focus on more affordable housing. As noted in the HE draft⁴, the lack of affordable housing was one of the major concerns expressed by the public.

The addition of H1.21 “Adopt San Mateo General Plan 2040” is important. It could possibly lead to a ballot measure in 2024 to update Measure Y so that significantly higher density (now 35 -50 units per acre but proposed to change to 100-200 units per acre) and height can be used in key areas, like near transit. This change will make meeting the RHNA numbers much more possible.

Funding that can be used to support affordable housing is a fundamental need and more must be done to obtain funding. Affordable housing has to be subsidized and a lack of funding will limit the ability to build the needed affordable housing, particularly for low and very low-income units. This could include establishing or increasing: Vacancy Tax, Commercial Linkage Fees, and Transfer Tax. It is particularly important that funding focus on repairing the legacy of discrimination in housing. The following policies and programs should be strengthened to accomplish this goal:

- a. H 1.2 - Utilize Public Funding for Low/Moderate Income Housing
- b. H 1.3 - Increase Affordable Housing Production
- c. H 1.18 - Permitting and Development Fee Schedule Review (Increase where necessary)
- d. H 3.3 – Evaluate Housing Revenue Sources (Increase)

³ **Jobs/Housing Fit:** Jobs/housing fit means that the majority of homes within the city are affordable to the majority of employees who work in the city, and conversely, the jobs in the city pay enough to cover the cost of housing in the city. Without an adequate jobs/housing fit, businesses find it difficult to hire and retain lower-income employees.

⁴ Page H-53

- e. H 5.1.1 - 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 unusually high housing needs
 - f. H 5.1.2 - Participate in a regional down payment assistance program with affirmative marketing to households with disproportionately high housing needs including persons with disabilities, single parents, and Hispanic households
 - g. H 5.1.3 - 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
3. In addition to increased funding for affordable units, the HE should prioritize policies and programs that reduce costs and streamline the processes for affordable units. The following policies and programs should be strengthened to accomplish this need:
- a. H 1.6 - Streamline Housing Application Review
 - b. H 1.8 - Adopt Objective Design Standards
 - c. H 1.9 - Create Minimum Densities for Mixed-Use Residential Projects
 - d. H 1.10 - Establish By-Right Housing Designation for Prior Housing Sites
 - e. H 1.12 - Encourage Residential Uses within Housing Overlay
4. Almost the entire city, including R1 areas, will need to contribute to the increased housing through such mechanisms ADUs and, possibly, new mechanisms such as expanded Missing Middle Units (duplex, triplex and fourplex) . However, increased density should be focused within half mile of transit to align with Climate Action Plan goals for greenhouse gas (GHG) reductions.

The Climate Action Plan requires attention to creating easy pedestrian and bicycle access to reduce GHG. Therefore, while it is important to retain this broad opportunity for more housing, since R1 zoning is a major part of the total area of the city, it is important to keep in mind that easy pedestrian and bicycle access to amenities and to transit is a critically important goal for the Climate Action Plan.

The “15-minute Neighborhood”^{5 6} concept needs to be included in the General Plan, along with the Housing Element as it would facilitate creating more housing in R1 neighborhoods while simultaneously reducing GHG. This is a mechanism that would insert community amenities, such as small neighborhood retail nodes, into otherwise auto-dominated areas such as R1 neighborhoods.

Even more priority should be placed on these efforts. The following policies and programs should be strengthened to accomplish this need:

- a. H 1.4 - Incentivize Accessory Dwelling Units Development with streamlined approvals, development subsidies, or low or zero interest loans for construction cost

⁵ 15-minute neighborhoods are being created in many cities especially post-COVID.

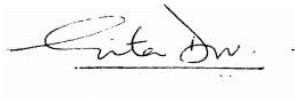
<https://www.strongtowns.org/journal/2019/9/6/7-rules-for-creating-15-minute-neighborhoods>

⁶ Embraced by Mayors around the world, Portland and several small US cities have embraced the concept to rebuild their economies while creating healthier cities. https://en.wikipedia.org/wiki/15-minute_city

- b. H1.11 Implement the Zoning Code to allow duplexes and lot splits on appropriate single- family sites consistent with SB 9.
 - c. H1.13- Encourage Development of Missing Middle Housing within a half mile of transit.
 - d. Include overlay zoning, in the General Plan, for “15-minute Neighborhoods” allowing insertion of small new neighborhood retail nodes with Green Streets network ⁷ to create walkable, bikeable neighborhoods, with the daily amenities, to reduce auto trips and create healthier walkable neighborhoods, convenient for all ages including kids and seniors.
5. Climate Change is real. ⁸No mention is made of how housing, particularly new housing, needs to be located so as to be resilient to climate change. Sea levels are predictably going to rise more swiftly in the coming decades, according to the California Ocean Protection Council. Wildfires are also predicted to become an increased threat with the continued drought and encroachment into the forested hill areas of our city. The increased risks of sea level rise (SLR) near the Bay and wildfires in the hilly areas make including sites in such vulnerable areas a problem and needs to be factored into identifying areas for higher density and more affordable housing.

We ask that you consider this information as you finalize the Housing Element for submission to the State. SLU is prepared to help the City in advancing the HE as it is finalized and when it goes into effect.

Respectfully submitted,



Gita Dev
Co-Chair Sustainable Land Use Committee, Sierra Club Loma Prieta Chapter

Cc:

James Eggers
Executive Director, Sierra Club Loma Prieta Chapter
Gladwyn d'Souza
Conservation Committee Chair, Sierra Club Loma Prieta Chapter

⁷ How to insert a Green Street network into an existing City. Sierra Club Loma Prieta
<https://www.sierraclub.org/sites/default/files/sce-authors/u4142/Green%20Streets%20Presentation%20-%201-20-21%20DC.pdf>

⁸ **Ocean Protection Council- Sea Level Rise Guidance:** The rate at which sea levels will rise can help inform the planning and implementation timelines of state and local adaptation efforts. Understanding the speed at which sea level is rising can provide context for planning decisions and establish thresholds for action...
https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

Nicholas "Nicky" Vu

From: Melania Maldonado [REDACTED]
Sent: Monday, January 9, 2023 9:30 PM
To: Housing
Subject: Housing element

City Council,

I strongly disagree with the housing approvals you are trying to pass. The city of San Mateo does not build any "affordable" housing for anyone, and nobody in our already over crowded neighborhoods want any more apartment buildings or multi unit housing in our single family neighborhoods. If we wanted to live like that, we would live in San Francisco or other big cities. We like our single family homes, and certainly CANNOT handle any more traffic on our already crowded streets. You keep coming up with all these stupid ideas for building more without any room for parking or play areas for our children. These new so called communities you are approving have inadequate parking space for these people which spill out to our neighborhoods, and then we have no parking. You keep destroying our communities, and have totally ruined our small downtown and our small businesses. So thank you city council, I hope the rest of you "older" council members get voted out next time!

Melania Penirian

Sent from my iPhone

Nicholas "Nicky" Vu

From: Mary Way
Sent: Tuesday, January 10, 2023 1:25 PM
To: Nicholas "Nicky" Vu
Cc: Housing
Subject: FW: Housing Element Update Comments

Hi Nicky,

Here is an email sent to the commissioners to add to your public comments.

Mary

From: I watanuki [REDACTED]
Sent: Tuesday, January 10, 2023 1:21 PM
To: Planning Commission <PlanningCommission@cityofsanmateo.org>
Cc: [REDACTED]
Subject: Housing Element Update Comments

Housing Element Update Comments for the Planning Commission.

1. Preservation: We would like to see our existing single family and duplex homes along 4th (south side) and north side of 5th Avenues (Delaware to Amphlett) and the west side of Delaware from 5th to 9th Avenue be preserved and not be demolished. These Italian Revival, Craftsmen, and pre-war homes represent the early part of the 20th Century architecture and contribute to the character of the east side of San Mateo and our Historic Downtown. These homes in Central are affordable homes for young families and walkable to the Downtown. The new densities and heights are too high in the General Plan and should be lowered to Measure Y standards to reduce lot accumulation and demolition. We are lacking a buffer zone for transition.
2. Protection: We would like to protect the current residents from displacement. More tall glass buildings and shadows will impact the pedestrian experience. We need to protect the 1930's character of the historic Downtown with compatible architecture with more traditional elements.
3. The reports state the inventory of vacant sites would be adequate for additional housing. The City has the capacity to develop up to 7,934 units. This development exists within the City's current zoned densities and doesn't require any rezoning to achieve. There should be sufficient number of units from 2023 to 2031. There has been a significant amount of development with the current Measure Y in the Downtown areas in Central and North Central Neighborhoods.
4. Other suitable areas for housing can include S Amphlett from 5th Avenue to Folkstone where there are a mix of industrial commercial uses, including warehouses, and auto repair businesses. This is one of the two industrial areas in the Central Neighborhood which has had difficult access for large trucks from 101 through our narrow streets. This would be a win/win situation for Central and Sunnybrae Neighborhoods which have experienced 50 years of adverse environmental impacts. We would like to see low density, owner-occupied townhouses next to our Single Family/Duplex neighborhood. Ryland Bay in Bay Meadows and Arbor Rose in Sunnybrae are both owner-occupied housing next to the 101 Freeway.

Thanks.

Laurie Watanuki

From: Francie Souza [REDACTED]
Sent: Thursday, January 12, 2023 2:27 PM
To: Planning Commission <PlanningCommission@cityofsanmateo.org>
Subject: Housing Element Comments

I am a resident of Central San Mateo and am giving my feedback regarding the Housing Plan.

1) My first question is if we have a high number of housing units we need to develop to meet state mandates, why are most of the new projects in downtown primarily office space (other than Kiku Crossing)?

2) PLEASE do not take away the single family and duplex/quadplex homes along north side of 5th Avenue, and south side of 4th Avenue between Amphlett & Delaware. 5th Avenue is a beautiful tree-lined street with pre-war homes/duplexes/quads and is one of the prime reasons we moved into the area. They are also more affordable to those entering the housing market and are close to amenities of downtown. DO NOT raise the height limit beyond what Measure Y was voted on. There needs to be consideration of a transition between the large complexes, such as the one proposed for S Delaware/5th/Claremont/4th, and the less dense housing further down 5th and Delaware.

3) Please consider other areas to develop for housing which are currently a mix of industrial uses - such as parts of Amphlett Blvd and El Camino

4) I am hopeful if new housing has to take over existing housing, such as along West side of Delaware between 5th & 9th and as mentioned above the north side of 5th Avenue, low density, owner occupied townhomes, not high-rises and large complexes which destroy the nature of the neighborhood community. Alternative 3 or Residential Low is preferred if current housing does need displacement in those areas.

This development of our neighborhoods brings great stress of decisions for current homeowners to make - are we living in a community which will maintain the character of the city we chose to move into, and if not, when should we move? Do we need to consider moving now before nearby construction begins tearing down historic homes in our neighborhood and how does this impact the value of our properties as homeowners? I believe the city planning commission can find properties to develop in order to provide adequate housing that does not require ruining the character of current neighborhoods. Please be considerate of current home-owners and tax-paying citizens.

Frances Souza