

**CITY OF SAN MATEO  
RESOLUTION NO. \_\_\_\_ (2023)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, RECOMMENDING THAT  
THE CITY COUNCIL DECLINE TO ADOPT A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2022  
HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF  
2023-2031, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING AND TO COMPLY WITH STATE LAW**

WHEREAS, the legislature has found that, “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.); and

WHEREAS, the legislature has further found that, “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code Section 65589.5.); and

WHEREAS, the legislature adopted the Housing Crisis Act of 2019 (SB 330) which states, “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years;” and

WHEREAS, the State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period of 2023-2031 to accommodate the City of San Mateo’s (City’s) regional housing need allocation (RHNA) of 7,015 housing units, comprised of 1,777 very low-income units, 1,023 low-income units, 1,175 moderate-income units, and 3,040 above moderate-income units; and

WHEREAS, the City has not prepared its 2023-2031 Housing Element (“Housing Element”) in full compliance with State Housing Element Law and has not identified a sufficient number of sites to fully and completely demonstrate that they can accommodate housing units to meet the City’s RHNA plus a buffer; and

WHEREAS, as provided in Government Code Section 65350 et seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, Government Code Section 65354 requires that the Planning Commission make a written recommendation to the City Council on the adoption a General Plan Amendment; and

WHEREAS, State law and San Mateo Municipal Code Section 27.06.040(b) require the Planning Commission to review and provide a recommendation to the City Council on General Plan Amendments; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, on April 22, 2022, the City mailed a public notice to all California Native American tribes on the contact list provided by the Native American Heritage Commission and other entities listed; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the City has conducted extensive community outreach over the last two years, including 19 public and community meetings and workshops, five intercept/pop-up events, four surveys, and additional community engagement through partnership with 21 Elements (San Mateo County regional planning collaborative); and

WHEREAS, in accordance with Government Code Section 65585 (b), on April 6, 2022, the City published the Draft Housing Element and requested public comment for a 30-day review period, and on July 1, 2022, after responding to public comments, the City submitted the Draft Housing Element to the State Department of Housing and Community Development (HCD) for its first review; and

WHEREAS, on September 28, 2022, the City received a letter from HCD providing its comments regarding the Draft Housing Element; and

WHEREAS, on December 30, 2022, the City published a Revised Draft Housing Element responding to HCD's comments, and made the Revised Draft available for public review through January 9, 2023; and

WHEREAS, the Housing Element was reviewed for conformance with the California Environmental Quality Act and was found to be exempt under Section 15061(b)(3) as it can be seen with certainty that the proposed adoption of the Housing Element (which proposes no rezonings or intensification of land use) would not have a significant effect on the environment; and

WHEREAS, on January 12, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's comments, the City's response to HCD's comments, the agenda report and all attachments, and oral and written public comments.

NOW, THEREFORE BE IT RESOLVED, THAT THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, CALIFORNIA HEREBY finds and determines that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Revised Draft Housing Element does not substantially comply with statutory requirements as follows:
  - a. The Sites Inventory does not include substantial evidence to demonstrate realistic capacity and housing development feasibility for all of the identified opportunity sites;
  - b. The Fair Housing Plan does not fully address all Affirmatively Furthering Fair Housing (AFFH) requirements;
  - c. The Housing Element does not adequately address the City's constraints to housing production necessary to meet its RHNA; and
  - d. The goals, policies and programs have not been sufficiently updated to address HCD comments.

3. The Planning Commission recommends that the City Council decline to adopt the proposed 2023-2031 Housing Element, which is incorporated by this reference.