

## APPENDIX G

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# PUBLIC REVIEW PERIOD





## APPENDIX G | PUBLIC REVIEW PERIOD

### Public Review Period

- 1st Public Review Period Comments Received – April 6, 2022 to May 6, 2022
- 2nd Public Review Period Comments Received – December 30, 2022 to January 9, 2023
- Comments Received Post 2nd Public Review Period - January 10, 2023 to present

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Housing Element Draft Plan. (HEDP)  
**Date:** Wednesday, April 6, 2022 3:59:49 PM  
**Attachments:** [image574731.png](#)

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Ms Sandhir:

I have reviewed the email of the HEDP and have several questions and areas of concern. Firstly, why has the issue of current substantial vacancy rate in existing housing not being discussed or publicized. I have asked numerous officials including your office and the responses all seem to be “ I’m not aware of the current figure.” Nice evasion. Is there even any discussion or concerns relating to our declining population and technological changes allowing remote work and population shifts.

Secondly of the five items you wish to address, four relate to subsidized housing in one form or another and the fifth is “education “ of housing issues. There is not one mention of how these changes will affect the quality of life in our city and how the impacted neighborhoods may change. There are many thousands of families whose primary net worth is represented by the value of their home. They have saved for a lifetime to enjoy the amenities of life in San Mateo. To the extent that these changes will affect many of these families, are their concerns not even worth some consideration and discussion?

Many of us hear anecdotally of significant vacancy factors in market rate housing. For rent signs are ubiquitous throughout San Mateo. I believe that an honest discussion of how much housing and affordable housing is truly needed before we blatantly accept an arbitrary mandate from the state . The first obligation of the city council should be to address the legitimate needs and concerns of the residents of San Mateo with the equal fervor that it devotes to implementing the state housing creation mandate.

John Monfredini

[REDACTED]

Sent from my iPad

**John Monfredini**

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

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**From:** Susan Shankle [REDACTED]  
**Sent:** Wednesday, April 13, 2022 3:08 PM  
**To:** Housing  
**Subject:** Housing Element

Hello,

The plan as written looks good, lots of good suggestions and goals. A few comments:

- What are we doing about water supply? Every new house and apartment is going to have sink taps, showers, dishwashers, toilets, and some with garden hoses. We are in a severe drought, and climate change suggests that might only get worse.
- How can we turn all those empty office buildings into housing? We know about the liabilities and zoning issues. But it's silly to talk about building more buildings when we have so many already in place, some practically new or even unfinished. They all are fitted with plumbing and electricity, and many have full cafeteria facilities. Put your imaginations to work and envision these spaces as potential housing for homeless and low-income San Mateans.
- Re: the homeless, are you working with existing entities that are already expert and experienced in these issues? Such as LifeMoves? <https://www.lifemoves.org/>
- What about rising sea levels? Is it wise to embark on a huge housing plan on sea-level land next to the Bay? Do we want to look like Hong Kong? It's a fabulous city but do we really want to duplicate that?
- Along with all these plans has to be education. We are lucky to have a diverse population of citizens from all over the world. People need to be educated about how to live in a crowded Bayside region: water use, recycling, transportation, parking, conservation, wildlands protection, environmental stewardship, the list goes on. If I was moving to an unfamiliar state or country, I would need to find out what my responsibilities would be, and how I could participate, support and respect the existing environment and animal life. Volunteers would be good for this, and cheap!
- A lot is said about how hard it is to build and do business here because of all the regulations, especially environmental. They exist for a reason. We have clean air and water and a high quality of life, compared to many parts of the world. We want to keep it that way. Don't back down or weaken those protections.

Thank you,  
Susan Shankle  
30-year San Mateo Resident  
Lifetime Bay Area Resident

**From:** noreply@civicplus.com  
**Sent:** Wednesday, April 6, 2022 11:02 PM  
**To:** Housing  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

First Name	Bob
Last Name	Stine
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	What consideration has been given to the additional needs for water that would accrue with the planned additional building of residential units?

Email not displaying correctly? [View it in your browser.](#)

**From:** Housing <housing@cityofsanmateo.org> on behalf of Housing

**Sent on:** Wednesday, April 6, 2022 10:45:22 PM

**To:** [REDACTED]

**Subject:** FW: Housing Element

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**From:** [REDACTED]

**Sent:** Wednesday, April 6, 2022 3:39 PM

**To:** Housing <housing@cityofsanmateo.org>

**Subject:** Housing Element

I realize that there is some type of state mandate that requires counties to establish more housing in each of our CA counties. What I do not understand is the lack of obvious concern that California has experienced an alarming drought for years. The seriousness of this water shortage has an effect on our water usage. Considering the amount of new homes, this represents a huge increase in the use of water in a myriad amount of ways. Additionally, there seems to be a rational neglect for the demands of food and home supplies, quality schools, and teachers to staff those schools. There are significant shortages now in these areas, and yet, home building continues. I believe this is both irrational and irresponsible.

Without being caustic, I think the myopic vision of these home planners will result in insurmountable, adverse challenges in our future. Surely, someone on your committees realizes this.

Maureen Zane  
76 year old resident of San Mateo

Subject: San Mateo's Draft Sixth Cycle Housing Element

From: [REDACTED]

To: [REDACTED]

cc: [REDACTED]

April 20, 2022

To whom it may concern:

The Campaign for Fair Housing Elements is a coalition dedicated to ensuring that every city in California produces a Housing Element which complies with the California Department of Housing and Community Development's requirements. We have reviewed San Mateo's Draft Housing Element as of April 10<sup>1</sup>. We previously sent in a letter reviewing San Mateo's Housing Element process and Draft Adequate Sites List as of January 14; this letter is posted at the City's website<sup>2</sup>.

It is discouraging that the city has failed to address the issues previously raised. Furthermore, the city's draft policies do not address the city's constraints, and do not meet HCD's requirements<sup>3</sup> that programs include specific action steps, specific timeframes, and specific, measurable outcomes. Lastly, there is evidence that some sites on the inventory list will not be developed.

## Previously Identified Issues Still Outstanding

The following issues identified in our previous letter have not been addressed.

- On page H-6 of the draft, the ADU numbers are still overestimated. Pages H-33 through H-34 justify this by stating that "The State now allows jurisdictions to count projected development of accessory dwelling units (ADUs) based on prior years' production averages". However, the state specifically recommends counting trends since 2018, when ADU laws were liberalized.<sup>4</sup> The city does not provide sufficient explanation to justify exceeding the safe harbor estimates. 480 are estimated; past production justifies an estimate of 344.
- On the same page, the nominal capacity of about 10.9k remains unrealistic. As shown in our February letter, previous production trends indicate a realistic capacity of only 908 units, far short of the realistic capacity needed to achieve the City's RHNA floor of 7,015 units.

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<sup>1</sup> <https://www.cityofsanmateo.org/DocumentCenter/View/87532/San-Mateo-2023-2031-Housing-Element--DRAFT>

<sup>2</sup> <https://www.cityofsanmateo.org/DocumentCenter/View/87035/Additional-Correspondence-as-of-2-11-22>, pages 1-10.

<sup>3</sup> <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>

<sup>4</sup> Housing Element Site Inventory Guidebook, [https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf), page 31.

- On page H-28, the city continues to incorrectly average residential project densities *by project*, failing to account for differences in project acreage. The expected density should be 43 du/ac, not 60 du/ac.
- On pages H-28 through H-31, the city uses the same incorrect averaging method for mixed-use developments, on a variety of levels. The expected density of mixed-use projects should be 29 du/ac, not 48 du/ac. (Excluding projects already on the Adequate Sites List, expected density is an alarmingly low 1.7 du/ac!)
- On pages H-40 through H-41, the city makes no mention of surveying property owners to determine whether or not they plan to redevelop their properties. Participating in county-wide listening sessions with builders does not solve this problem.
- In Appendix C<sup>5</sup>, the details of the site inventory are still incorrect. Spot-checking APN 035-466-010, the city is still using *maximum* capacity, rather than *realistic* capacity, to figure site capacity, at least for some sites. Spot-checking APN 032-292-080, the city is still using sites under a half-acre for lower-income RHNA without justification, in violation of HCD's guidelines.
- Also in Appendix C, the site inventory lists 131, 139, and 149 Kingston as "Pending project", despite the relevant project having been withdrawn in August of 2021.<sup>6</sup> This is not an exhaustive inventory of incorrectly listed sites.

## Inadequate "Missing Middle" Program

HCD's "Building Blocks" website states:

Each jurisdiction must identify specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives. Programs must include specific action steps the locality will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the jurisdiction's specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

Section 5.3 (page H-47) of the draft says that one of the programs is:

Support the production of more missing middle housing. (*Policies H1.4, H1.11 and H1.13*)

Policy H1.4 (page H-59) concerns ADU development, policy H1.11 (page H-60) is to adopt an SB 9 ordinance (which would merely adhere to state law), and policy H1.13's targets (same page) read:

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<sup>5</sup> <https://www.cityofsanmateo.org/DocumentCenter/View/87528/APPENDIX-C---Housing-Resources>

<sup>6</sup> <https://www.cityofsanmateo.org/4004/Monte-Diablo-North-Kingston-SPAR>

Evaluate sites that have potential for Missing Middle development. Research and evaluate policies and code amendments to allow for Missing Middle housing under SB 10 and schedule for City Council consideration.

The research and evaluation of policies to allow for Missing Middle housing should be done now, not later. [missingmiddlehousing.org](http://missingmiddlehousing.org) provides useful specifications for missing-middle housing.

For example, consider a front-loaded side-by-side duplex<sup>7</sup>. It's illegal to build in San Mateo's R-2 zone<sup>8</sup> because of insufficient off-street parking; the design provides two stalls, but San Mateo requires four. (Municipal code §27.64.160.)

Next, consider a front-loaded stacked duplex<sup>9</sup>. It's illegal to build in San Mateo's R-2 zone because of insufficient off-street parking; the design provides two stalls, but San Mateo requires four. (Municipal code §27.64.160.) It's also too narrow; the lot is forty-five feet wide, but San Mateo requires fifty feet. (Municipal code §27.18.040.)

Then consider an alley-loaded townhouse<sup>10</sup>. It's illegal to build in San Mateo's R-3 zone (the lowest-density zone which is supposed to support townhouses) because the front setback is insufficient; the design has ten feet, but needs fifteen. (Municipal code §27.22.070.) It's also too small; the parcel size is 2750 square feet, but it needs four or five thousand, depending on which area of the city it's in. (Municipal code §27.22.040.)

Identifying the portions of the city's code which prohibit missing-middle housing—parking mandates and minimum lot sizes—does not require a years-long research process. These are constraints, and the city's programs should focus on removing them.

## Affirmatively Furthering Fair Housing

### Site Locations

As noted in our previous letter, no sites in the city's inventory fall into the "Highest Resource" TCAC Opportunity Area designation, and it appears that the sites predominantly fall into areas where three or four racial groups mix.

### Air Quality Issues

The California Air Resources Board has published an Air Quality and Land Use Handbook<sup>11</sup> that considers the risks of poor air quality on sensitive receptors such as homes, daycares, etc, and

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<sup>7</sup> <https://missingmiddlehousing.com/types/duplex-side-by-side#idealized>

<sup>8</sup> [https://sanmateo.ca.us.open.law/us/ca/cities/san-mateo/code/27.20](https://sanmateo.ca.us/open.law/us/ca/cities/san-mateo/code/27.20) (All zoning laws evaluated as of April 10, 2022.)

<sup>9</sup> <https://missingmiddlehousing.com/types/duplex-stacked#idealized>

<sup>10</sup> <https://missingmiddlehousing.com/types/townhouse#idealized>

<sup>11</sup> <https://ww3.arb.ca.gov/ch/handbook.pdf>

recommends against locating these uses within five hundred feet of a roadway that averages in excess of 100,000 vehicles/day. This standard was cited by the City at least once, as background<sup>12</sup> for a General Plan update in 2009. As far back as 2001, the City identified<sup>13</sup> Highway 92 (east of Delaware) and Highway 101, as routes exceeding this threshold. Current Caltrans data<sup>14</sup> shows that Highway 92 east of El Camino exceeds 100,000 vehicles per day. Specifically, the Caltrans data shows that Highway 101 daily vehicle counts range from 253,100 to 264,600<sup>15</sup>, as it moves through San Mateo city limits. AB 686 and related legislation would discourage locating housing - certainly affordable housing - in areas subject to high air pollution, which is a burden disproportionately borne by disadvantaged communities. A number of sites are within five hundred feet of Highway 101 and Highway 92 east of El Camino, totalling 2,396 units (21.9% of total) and 925 affordable units. Compliance with AB686 suggests the following sites should not be included in the inventory:

Address	APN	Total Units	Affordable Units
1900 S. Norfolk St	035-391-090	245	99
2000 Winward Dr	035-610-030	160	24
1820 Gateway Drive	035-443-030	177	72
1800 Gateway Drive	035-430-060		
1850 NORFOLK ST	035-381-020	332	134
1826 NORFOLK ST	035-381-030		
19 KINGSTON ST	033-191-040	59	24
25 KINGSTON ST	033-191-060		
3 KINGSTON ST	033-191-070		
1017 3RD AVE	033-134-100	32	13
1015 3RD AVE	033-134-110		
245 HUMBOLDT ST	033-134-240		
1900 FASHION ISLAND	035-466-060	461	186
2260 BRIDGEPOINTE PKWY	035-466-070	97	39
2270 BRIDGEPOINTE PKWY	035-466-080	42	17

<sup>12</sup> <https://www.cityofsanmateo.org/DocumentCenter/View/5229/Appendix-C-Air-Quality-Analysis>

<sup>13</sup> <https://www.cityofsanmateo.org/DocumentCenter/View/5126/7-Mobility-and-Access>

<sup>14</sup> <https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-92-98>

<sup>15</sup> <https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-101>

3012 BRIDGEPOINTE PKWY	035-466-090	82	33
[NO ADDRESS]	035-466-110	89	36
1863 NORFOLK ST	035-383-200	105	53
1670 AMPHLETT BLVD	035-241-240	173	71
1700 AMPHLETT BLVD	035-241-250	122	49
1720 AMPHLETT BLVD	035-241-260	138	56
145 Kingston	033-171-040	35	0
139 Kingston	033-171-050		
131 Kingston	033-171-060		
1218 Monte Diablo	033-171-180		
480 N Bayshore Blvd	033-081-280	47	19

## Evidence On Specific Sites

### Hillsdale Mall

Hillsdale Mall (41 Hillsdale Boulevard) is identified in the Site Inventory as a 39.91 acre parcel with potential for a total 1,995 units, 808 of which are affordable (40.5%). HCD's Housing Element Sites Inventory Guidebook states that sites larger than 10 acres cannot be considered feasible for affordable housing without one of the following factors<sup>16</sup>:

- a) an analysis demonstrating that sites of equivalent size were successfully developed during the prior planning period with an equivalent number of lower income housing units as projected for the site, or
- b) evidence that the site is adequate to accommodate lower income housing such as developer interest, proposed specific-plan development, potential for subdivision, the jurisdiction's role or track record in facilitating lot splits, or other information that can demonstrate feasibility of the site for development. The housing element should include programs promoting, incentivizing, and supporting lot splits and/or large lot development, or
- c) a development affordable to lower income households has been proposed and approved for development on the site.

San Mateo's Housing Element states on page H-31 that "The City has a demonstrated track record of large site development, typically completed in phases, that includes affordable

<sup>16</sup> Housing Element Site Inventory Guidebook, page 17.

residential development. Station Park Green (12 acres), Concar Passage (14.5 acres), and Bay Meadows (175 acres) are examples of approved large development projects that include substantial numbers of affordable units." Of these sites, Concar Passage was not completed during the previous planning period; in fact, no site work has even begun. For the two projects that were completed during the prior planning period, each one contains substantially less affordable housing: 97 units for Station Park Green and 98 for Bay Meadows (the portion of the master plan that was actually completed during the last cycle)<sup>17</sup>. Furthermore, the City's report contains no information about the availability of the Hillsdale Mall site, and contains no information about a specific development affordable to lower income households that has been approved for the site. As such, the City has not demonstrated that this site should be considered for affordable housing, and certainly not to the tune of 808 units, or 40% of the total. The estimated affordability of the project is not justified by the analysis provided.

If the City were to reasonably extrapolate from their track record of large site development, they would note that their percentage of affordable units delivered is much lower than 40% - closer to 10%. This would suggest that Hillsdale Mall could more reasonably expect 202 affordable units. They would also note that Station Park Green took 15 years to move from planning to completion, and Bay Meadows took 30 years. Hillsdale could reasonably be expected to land somewhere in between these two durations and so only about a third of the units would reasonably be delivered in the 6th cycle - 67 units.

The Hillsdale Mall site also includes, among the 40 total acres, approximately 11 acres that were recently redeveloped and re-opened in late 2019. Records show the owner obtained a \$240 million dollar construction loan for this work<sup>18</sup>. It is not reasonable to assume that this investment would be demolished to make way for housing. HCD's guidance states<sup>19</sup> that for non-vacant sites, existing uses must be considered:

For example, an analysis might describe an identified site as being developed with a 1960's strip commercial center with few tenants and expiring leases and, therefore, a good candidate for redevelopment, versus a site containing a newly opened retail center, an active Home Depot, the only grocery store in the city, etc. that is unlikely to be available for residential development within the planning period.

Therefore, this 11-acre portion should be excluded from the site inventory. When the overall site is thus reduced by 27%, the affordable unit count would proportionally drop - from a realistic 67 units delivered in the next cycle down to 49.

### 1900 S. Norfolk St

The City's inventory describes this as a 1983 Class-B office building, and assigns it 245 units over 8.18 acres at 30 units per acre (including 99 affordable units). However, a cursory review

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<sup>17</sup> Compiled City data through 2020, RHNA annual reporting

<sup>18</sup> <https://pe-insights.com/news/2022/01/05/northwood-investors-paid-257m-to-purchase-an-interest-in-ma-ll-asset/>

<sup>19</sup> Site Inventory Guidebook, page 25.

of the assessor's map reveals that the site is a "U" shape, wrapping around a PG&E substation with another corner carved off. This unconventional shape will reduce its effective density. Moreover, it contains an easement in PG&E's favor running across the site that further encumbers its development. As mentioned above, it is also within 500' of the intersection of Highway 101 and SR-92. These constraints, taken together, make this site unlikely to be developed.

#### 2208 Bridgepoint Parkway

The City's inventory describes this as a vacant restaurant site, and assigns it 5 units over 0.37 acres at 13.5 units per acre. As a small site there are no affordable units. However, this site is not vacant; a restaurant, Lazy Dog Restaurant & Bar, is under construction and is slated to open in early May<sup>20</sup>. It is unlikely this brand new use will be discontinued in the next 8 years.

#### 2210 Bridgepoint Parkway

The City's inventory describes this as a Hallmark retail store, and assigns it 5 units over 0.33 acres at 15.2 units per acre. As a small site there are no affordable units. This site is currently under construction and will open as a restaurant, California Fish Grill<sup>21</sup>. It is unlikely this brand new use will be discontinued in the next 8 years.

#### 1900 Fashion Island Blvd

This site is owned by Target and it has come to our attention that James Tucker, Senior Director for Real Estate, has submitted a letter indicating that Target has no plans to change the use of their store in San Mateo. They also explained that the owners of the individual sites that comprise Bridgepoint Shopping Center are under an agreement governing the use of the sites. They did not share details, but explained that generally agreements of this type for shopping center do provide owners with site controls as to site design and uses.

#### 71-77 Bovet Road

This site is currently developed as the "Borel Square" shopping center. It is our understanding that the owner is interested in developing but that the tenants do not wish to leave. The owner has offered "buyouts" to the tenants to break their leases but to date they have all refused. We understand the CVS and 24 Hour Fitness have long term (30 year) leases and at least one other tenant has 7 years remaining on their lease with an option to extend for another 10 years at market rate. Given the tenant opposition to discontinuing their uses, it seems unlikely this site will be developed within the next 8 years.

Please address the issues raised our original letter in order to identify enough sites and commit to an appropriate program of rezoning and constraint removal in a manner that is consistent with

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<sup>20</sup> [https://www.smdailyjournal.com/news/local/lazy-dog-restaurant-opening-in-san-mateo/article\\_7a53bf46-9b7a-11ec-9577-33f27fd5aefd.html](https://www.smdailyjournal.com/news/local/lazy-dog-restaurant-opening-in-san-mateo/article_7a53bf46-9b7a-11ec-9577-33f27fd5aefd.html)

<sup>21</sup> <https://www.cafishgrill.com/pages/san-mateo>

your duty to affirmatively further fair housing and such that the actual capacity of the Sites Inventory over the next eight years meets or exceeds your RHNA.

The housing crisis is a regional problem, and our cities must work together to solve it. Thank you for your time and consideration,

[REDACTED]

Campaign for Fair Housing Elements

[REDACTED]

Peninsula for Everyone

[REDACTED]

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**From:** Housing  
**Sent:** Friday, April 22, 2022 9:02 AM  
**To:** [REDACTED]  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Thursday, April 21, 2022 9:25 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

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First Name	David
Last Name	Karp
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	Typical developer slop.

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[REDACTED]

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**From:** Housing  
**Sent:** Monday, April 25, 2022 2:55 PM  
**To:** [REDACTED]  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Sunday, April 24, 2022 9:57 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

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First Name	Kailun
Last Name	Wu
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	<p>Hello San Mateo city planners,</p> <p>A little bit about myself: I first moved here in 2015 and then bought a house in Hillsdale in 2019. I'm married and work full time. I do not speak on behalf of any political organization or government.</p> <p>To me San Mateo is unique. It's connected to SF and South Bay, ocean and redwood forests. Perfect weather all year. Diverse population. The downtown is a rare walkable gem. Strong economy. Most cities in the world would dream of these resources.</p> <p>And yet I know how impossible it is for younger generations to buy a home. I feel it. Everyone in an open house knows it. There's simply not much available within budget on Redfin. I'm deeply worried that the city is becoming too exclusive and rich so I started following the city planning meetings. The new</p>

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general plan is very encouraging and I hope we all work together to keep the momentum.

My thoughts on the housing elements:

1. Re-zone for medium density or missing middle wherever possible. We should model after Germany and Netherlands. 4-6 stories will be both dense and not too towering.
2. Re-zone for mixed use blocks. Make homes close to offices and groceries and restaurants and vice versa so that residents don't have to drive (because of the distance). Otherwise people will again reach for cars and cause congestion, making it even harder to up-zone.
3. Encourage the city to connect to the majority of people who aren't in the public hearings. Most people aren't aware of city planning and are too tired from work, from school, from parenting. Yet they are the silent majority who will be impacted.

Every idea is flawed and implementation is flawed too. But stagnation will only make our city more exclusive and unsustainable. Thank you so much for your hard work. San Mateo with more new homes will only match and strengthen our values. The current and future generations will live in what we choose to zone build.

Regards,  
Kai

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# SIERRA CLUB

## LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

April 26, 2022

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

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

Dear Mayor Bonilla 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 Draft San Mateo 2023-2031 Housing Element.

The overall draft Housing Element (HE) is a good start, 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 major 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 year<sup>1</sup>. 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-55 to H-74) 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 decades<sup>2</sup>. 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 must commute long distances by car, emitting 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

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<sup>1</sup> **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.

<sup>2</sup> **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.

in the Bay Area. Listed below are the most important goals, policies and programs in the draft HE that need to be retained and strengthened in the final HE.

1. The HE aims for a 56% buffer above the RHNA. This is a minimum, but perhaps a higher number should be considered 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 the “buffers” for affordable housing levels are only 14%, 55% and 37%, while the buffer for market rate housing is 87%. 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 fit<sup>3</sup> in the Peninsula can best be addressed with a focus on more affordable housing. As noted in the HE draft<sup>4</sup>, the lack of affordable housing was one of the major concerns expressed by the public.
3. 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 for groups like African Americans. 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 Below Market Rate Unit Production through Density Bonus/Community Benefits Programs
  - c. H 1.18 – Fee Schedule Review
  - d. H 3.3 - Evaluate Housing Revenue Sources
  - 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 disproportionate housing needs
  - f. H 5.1.2 - Participate in a regional down payment assistance program with affirmative marketing to households with disproportionate housing needs including persons with disabilities, single parents, and Hispanic households
  - 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
4. 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:

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<sup>3</sup> **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.

<sup>4</sup> **Page H-43**

- 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

5. Almost the entire city, including R1 areas, will need to contribute to the increased housing through such mechanisms as expanded Missing Middle Units (duplex, triplex and fourplex) and ADUs and, possibly, new mechanisms enabling multi-unit housing on properties with a Residential Neighborhood General Plan land use designation, which generally covers single-family neighborhoods. Increased density should be focused within half mile of transit to align with Climate Action Plan goals for greenhouse gas reductions.

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

The “15-minute Neighborhood”<sup>5 6</sup> 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
- b. H1 11 Consider how Opportunity Housing can be useful to create new housing in R1 neighborhoods within 1/2 mile of the transit corridors
- c. H1-13- Encourage Development of Missing Middle Housing especially 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<sup>7</sup> 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.

---

<sup>5</sup> 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> )

<sup>6</sup> 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](https://en.wikipedia.org/wiki/15-minute_city)

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

5. Climate Change is real.<sup>8</sup>No 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.<sup>9</sup> 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 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

Cc: James Eggers  
Executive Director  
Loma Prieta Chapter Sierra Club

Gladwyn d'Souza  
Conservation Committee Chair  
Loma Prieta Chapter Sierra Club

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<sup>8</sup> **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](https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf)

[REDACTED]

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**From:** Housing  
**Sent:** Wednesday, April 27, 2022 9:17 AM  
**To:** [REDACTED]  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Tuesday, April 26, 2022 11:22 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

---

First Name	Larry
Last Name	Garnick
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	I am a single family home owner at [REDACTED] and have been a resident of San Mateo for 30 years. I believe San Mateo is already too congested and the City should not pursue a plan for population or housing growth. The City's proposed growth plans are frightening.

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[REDACTED]

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**From:** Housing  
**Sent:** Wednesday, April 27, 2022 9:16 AM  
**To:** [REDACTED]  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Tuesday, April 26, 2022 1:20 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

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*Comment period for the draft document is April 6 through May 6, 2022.*

---

First Name	John
Last Name	Tastor
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	It appears thatthe 25th Avenue corridor between El Camino and Hacienda has been eliminated. The Study Zone did include the First Presbyterian church parking lot on the NW corner of 25th & Hacienda. There is strong interest in our congregation to build approximately 70 low-income Senior Apartments on this parcel as well as 190 West 25th. We would appreciate consideration of these parcels as potential sites for residential development.

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[Redacted]

**From:** Housing  
**Sent:** Thursday, April 28, 2022 11:33 AM  
**To:** [Redacted]  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form



[Redacted]  
Administrative Tech | Housing  
330 W. 20th Ave., San Mateo, CA 94403  
650-522-7239 | [Redacted]

---

**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Thursday, April 28, 2022 11:19 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

First Name	Anonymous
Last Name	Anonymous
Email Address	[Redacted]
Comment on 2023-2031 Draft Housing Element	<p>Hello,</p> <p>I want to show my support for a Housing Element that respects the single family home neighborhoods in the the City of San Mateo. As a long time resident and voter, the collected voice</p>

should be heard. We said yes to measure Y and we do not want our single family neighborhoods zoning changed. I moved to San Mateo to live in a quiet neighborhood and scrounged and saved to realize the dream of owning a home. I feel your Planning Commissioners are not listening to the voice of the community and clearly have their own agenda and are out of touch. It does not go unnoticed that your two newest commissioners are more interested in proceeding on their own agenda than do what is best for all areas of San Mateo. I think the Planning Commission need to listen to real people and stop taking their lead from developers and their own misguided agendas.

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, April 28, 2022 3:23 PM  
**To:** [REDACTED]  
**Subject:** Fwd: Planning Commission Regular Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Nicky,  
A comment for housing element to add.  
Mary

Begin forwarded message:

**From:** [REDACTED]  
**Date:** April 28, 2022 at 2:15:03 PM PDT  
**To:** [REDACTED]  
**Subject:** FW: Planning Commission Regular Meeting



[REDACTED]  
City Clerk | City of San Mateo  
330 W. 20th Ave., San Mateo, CA 94403  
650-522-7042 | [REDACTED]

**From:** Chris Conway [REDACTED]  
**Sent:** Thursday, April 28, 2022 10:54 AM  
**To:** City Council (San Mateo) <CityCouncil@cityofsanmateo.org>  
**Subject:** Planning Commission Regular Meeting

My inquiry to the San Mateo City Council is how was the selection of Diana Elrod as San Mateo's consultant in the Planning Commission Regular meeting 04.26.22 determined and who made the selection? I would like to know what this consultant to San Mateo is being paid for work and why a consultant as left leaning as this person (they/them) was selected. It seems they/them is a fellow Columbia University alumnus like one of our very own council people (gender neutral to avoid offending anyone). This person's views can easily be seen by reviewing who they/them advocate for. Also, a request went out for more feedback on Housing Element and development within our city. Why does the city council continue to ask for more feedback when they do not listen to anyone unless they share their same progressive housing policies? It is much too late to try to spin this entire process as anything less than fair, honest and transparent. It is a complete sham to those who actually follow this convoluted procedure and actually know who our council members actually are and what they support. Sad to see what the city council of San Mateo has turned into what it has done to divide our city into sections based on race and wealth. The racial undertones of comments by the city council, contributors and consultants are enough to anger many residents who have lived in and contributed much more to

this city than all of you. Stop ruining San Mateo, you had no part in creating or developing this city to what it is today.

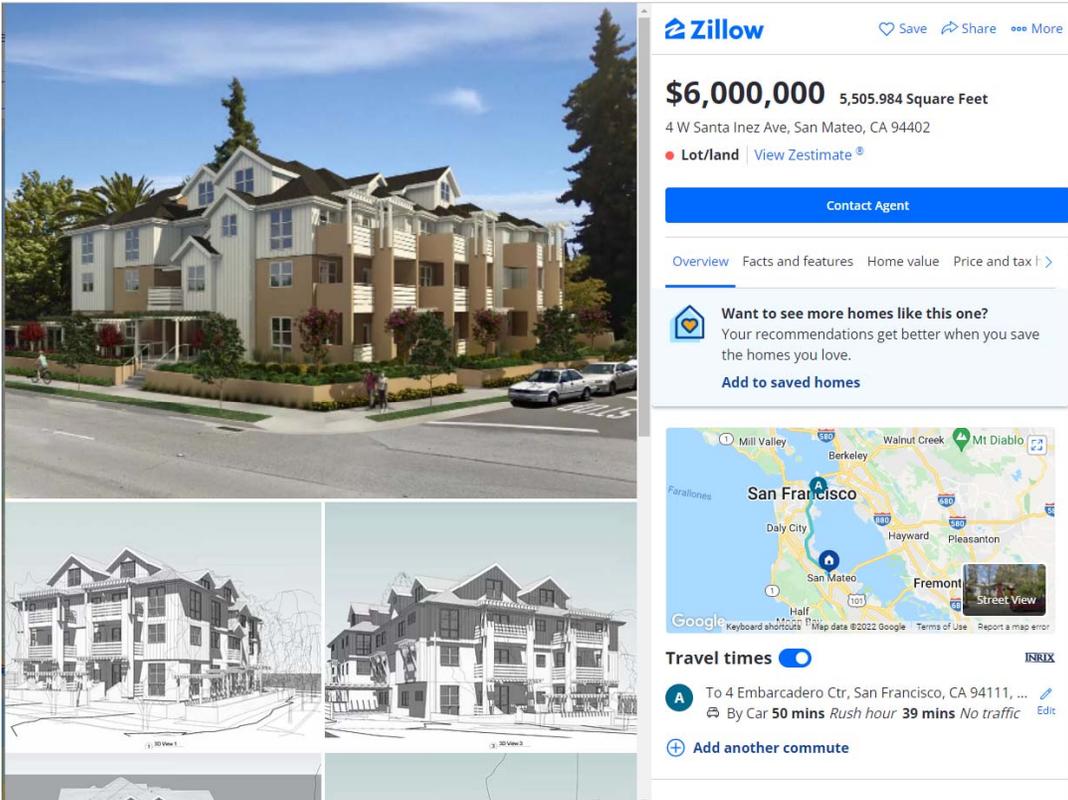
Time to set policy in front of voters instead of behind your screens. End this very undemocratic process of conducting council meetings via Zoom. Face your constituents, or are you too timid to do that.

Chris Conway  
San Mateo, Ca.

**From:** Housing  
**Sent:** Thursday, May 5, 2022 4:02 PM  
**To:** [REDACTED]  
**Subject:** FW: Housing Element Comment

**From:** Thomas Morgan II [REDACTED]  
**Sent:** Thursday, May 5, 2022 3:18 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Housing Element Comment

The screenshot below is the problem with simply upzoning and the loss of local control, it simply drives up the cost of the land, after shelling out the asking price I am not sure how the new owner will make an already tight project pencil out.



Thank you,  
Thomas Morgan

[REDACTED]

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**From:** Housing  
**Sent:** Thursday, May 5, 2022 4:03 PM  
**To:** [REDACTED]  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Thursday, May 5, 2022 3:15 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

---

First Name	Ellen
Last Name	Wang
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	Slow Growth is the key. None of us knows what the future will bring. Take an Objective look at housing from a multi-view approach. California population is decreasing. Coronavirus and technology has provided opportunities for workers to work from anywhere with no need to live near their old job site. Dense housing has a Negative Impact on schools, police, recreation. I do not want to walk by half-vacant high-rise housing or office buildings that block the sun.

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[REDACTED]

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**From:** Housing  
**Sent:** Friday, May 6, 2022 8:27 AM  
**To:** [REDACTED]  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Thursday, May 5, 2022 8:11 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

## Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

---

First Name	T
Last Name	S
Email Address	[REDACTED]
Comment on 2023-2031 Draft Housing Element	<p>“While some people voiced their interest in up zoning single-family neighborhoods or eliminating them altogether, other homeowners want to protect them and are concerned with the future of investments they have made.”</p> <p>I’d like to better understand who wants to re-zone or—more worrying—eliminate single-family housing here. “Upzoning” is an adorable word for “kicking people out of their homes to cram more people onto the land.” Are these people even San Mateo residents? The “no more housing” ship has sailed, so it’s not with any one’s energy to complain about more building; please, then, focus on sites that can be updated and REALISTICALLY adapted to include more housing. This would, therefore, include locations closer to mass transit.</p> <p>Building on Campus Drive sounds like a nightmare to me, because public transportation is currently miserable in that area, and the 92/West Hillsdale interchange can be horrific</p>

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traffic-wise. If building must be done there, then the public transportation issue ALSO has to be addressed.

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Email not displaying correctly? [View it in your browser.](#)

[REDACTED]

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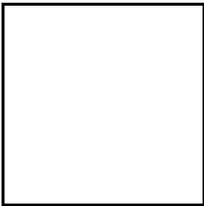
**From:** Housing  
**Sent:** Friday, May 6, 2022 4:58 PM  
**To:** [REDACTED]  
**Subject:** FW: Housing Element  
**Attachments:** Attachment A City of San Mateo Housing Element Comments for Developmental Disabilities 12.21.21.pdf; San Mateo Draft Housing Element Comments.pdf; Attachment B City of San Mateo Housing Element Comments for Developmental Disabilities 2.10.22.pdf

---

**From:** Kalisha Webster [REDACTED]  
**Sent:** Friday, May 6, 2022 3:21 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Cc:** Jan Stokley [REDACTED]  
**Subject:** Housing Element

Please find attached Housing Choices' comments on the City of San Mateo 2023-2031 Housing Element Draft including Attachments A & B. We hope that the city will make meaningful changes to the analysis of housing needs of people with developmental disabilities and Fair Housing Assessment, as well as, further develop policies and programs which will meet the needs of Extremely Low Income households and increase housing accessibility for people with developmental disabilities in the next draft.

Thank you,



***We have moved! Please note the new office address!***

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May 6, 2022

Planning Manager and City Council  
City of San Mateo, Planning Division  
330 West 20th Avenue  
San Mateo, CA 94403

[housing@cityofsanmateo.org](mailto:housing@cityofsanmateo.org)

Re: [Comments on the Draft Housing Element](#)

Thank you for sharing this early draft of the Housing Element with the public. On behalf of San Mateo's more than 800 residents with intellectual and developmental disabilities, Housing Choices is grateful for the opportunity to comment before it is sent to HCD. We also appreciate the work that the City of San Mateo has done to engage with Housing Choices throughout the community engagement process and consider the programs and policies that we have recommended as best practices for inclusion of people of all abilities in the city's future housing plans. However, we have concerns that the assessment of the housing needs of the San Mateo population with developmental disabilities in the draft Housing Element is very superficial and does not provide enough analysis to support meaningful inclusion of people with developmental disabilities in the city's housing plans. We also ask that the city immediately update the obsolete and derogatory language used to describe developmental disabilities as including mild to severe "mental retardation" on page H-A-55 of Appendix A-Needs Analysis and instead use the standard term "intellectual disability".

### **About Housing Choices**

Housing Choices is a housing organization funded by the Golden Gate Regional Center to support people with developmental disabilities to be fully integrated in San Mateo's affordable housing supply. We provide housing navigation services for both individuals and families. We also partner with affordable housing developers to make inclusive housing commitments for people with disabilities in their housing projects. At these projects we provide onsite housing retention services. A San Mateo example of this highly successful model is the new Kiku Crossing where 8 of the 225 units will include a preference for people with developmental disabilities who will benefit from Housing Choices' coordinated supportive services funded by the Golden Gate Regional Center. The Golden Gate Regional Center has contracted with

Housing Choices to provide the San Mateo planning staff and Housing Element consultants with an assessment of the housing needs of people with developmental disabilities, as required by SB 812. In addition, 21 Elements has facilitated Housing Choices' involvement of people with developmental disabilities in the planning process through its Equity Advisory Group.

### **Incomplete Assessment of Housing Needs of People with Developmental Disabilities**

On December 2, 2021, Housing Choices submitted an assessment of the housing needs of San Mateo residents with developmental disabilities (Attachment 1) which followed HCD guidance for a complete analysis of special housing needs groups, including:

- A quantification of the total number of persons and households in the special housing needs group, including tenure (rental or ownership), where possible.
- A quantification and qualitative description of the need (including a description of the potential housing problems faced by the special needs groups), a description of any existing resources or programs, and an assessment of unmet needs.
- Identification of potential program or policy options and resources to address the need

After receiving feedback on our comments from City staff Housing Choices submitted revised comments on February 10, 2022 (Attachment 2).

As discussed below, San Mateo's draft does not incorporate any of the Housing Choices' data and analysis, does not meaningfully discuss the potential housing problems, unmet needs or best practices for inclusion of people with developmental disabilities in integrated and least restrictive housing settings in the community. We believe that the inclusion of these missing elements would demonstrate that the city has a clear understanding of the accessibility needs of people with developmental disabilities and how they differ from other disability types. Furthermore it would help the city to create more meaningful programs and policies to meet the housing needs of residents with developmental disabilities as required by Housing Element law.

### **Underestimation of the San Mateo Population with Developmental Disabilities**

The draft analysis undercounts the population of San Mateo residents with developmental disabilities by using outdated demographic data reported by the Department of Developmental Services (DDS) as of 2020 rather than the more current data from DDS as of September 2021 provided in Housing Choices comments. On page H-A-56 of Appendix A- Needs Analysis, Table 12 states that there are **500 individuals age 18+** and **277 individuals under age 18** with developmental disabilities living in San Mateo based on Department of Developmental Services 2020 data of consumer counts by zip code for a total of 777 San Mateo residents with developmental disabilities. However, based on data reported by DDS by zip code as of September 2021 for zip codes 94401, 94402 and 94403 (provided to us by the City of San Mateo planning staff) there were **531 individuals age 18+** and **304 individuals under age 18** with developmental disabilities living in San Mateo for a total of 835 San Mateo residents with

developmental disabilities. This represents an increase of 58 total residents or 7% of the population.

In contrast, on page H-A-57, Table 13 reports a total population of 784 San Mateo residents with developmental disabilities. This is most likely attributable to an error in the reporting of individuals living in Foster/ Family Homes and Other living arrangements which are both reported by DDS as <11 but in Table 13 are both reported as 10.

### **Failure to Provide Data Establishing Trends Creating a Greater Need for Housing**

As mentioned above, Table 13 does report the population of San Mateo residents with developmental disabilities by residence however, because it fails to report residence type for adults separately from that of children and because it omits a comparison to data reported in the 2015 Housing Element important trends about the changing housing needs of San Mateo residents with developmental disabilities is missing from this analysis. When looking at the residence type of only adults aged 18+ we see that the greatest housing provider for adults with developmental disabilities in the City of San Mateo is licensed care facilities (including Community and Intermediate Care Facilities). As of 2021 50% of all adults with developmental disabilities in the City of San Mateo are housing in licensed care facilities, significantly higher than the 32% of adults across all San Mateo County jurisdictions. Yet, when comparing this data to what was last reported in the 2015 Housing Element we find that despite an overall increase in the total population there has been a net decrease in the number of adults with developmental disabilities transitioning into licensed care facilities or into their own apartment with supportive services during this time period.

The decrease of adults transitioning into licensed care facilities reflects data from DDS, and which was reported in Housing Choices comments to city staff, that San Mateo County has experienced a loss of 5% of its supply of community care facilities, a large number of which are located in the City of San Mateo. Data on increased life spans of people with developmental disabilities, which is also omitted from the Housing Element, compounds the loss of supply by increasing turnover of beds available in the remaining licensed care facilities. Coupled with the decline in adults living in their own apartments with supportive services, this data demonstrates that the city must do more to meet the housing needs of people with developmental disabilities by increasing access to integrated affordable housing to prevent them from falling into homelessness or being displaced after the death of a parental home provider.

Other data which Housing Choices' comments reported on which are vital to an understanding of the barriers to housing access for this special needs population that were omitted from the Housing Element analysis are:

1. Continuing increases in the diagnosis of autism affecting growth of the population of San Mateo residents with developmental disabilities (21% increase from 2013-2021) beyond that of the general population (6% increase from 2010-2020)
2. Decreases in age groups 42-61 despite increases in all other age groups including 62+ which Housing Choices attributes to greater risk of displacement from the home

community among this age group upon the death or infirmity of the parent who was providing housing

### **Lack of Meaningful Analysis of Strategies to Increase Housing Access for People with Developmental Disabilities**

The Housing Element acknowledges the significance of the transition from the family home for an adult with a developmental disability including the increased risk of displacement or homelessness when a parent caregiver passes away or becomes unable to house and care for the adult. There are also basic descriptions of the alternative housing options available to people with developmental disabilities including:

- Living independently in conventional housing
- Group living (including different levels of care and support)

However, there is no further analysis of the housing needs of people with developmental disabilities beyond a single sentence on page H-A-55 which states “Some people with developmental disabilities are unable to work, rely on Supplemental Security Income and live with family members. By not including information, provided by Housing Choices, on best practices for inclusion of people with developmental disabilities in conventional affordable housing, the city is unable to create meaningful strategies to increase housing accessibility for this population needed to decrease the risk of displacement or homelessness when their family home is no longer an option. These best practices to increase accessibility include:

- **Integration in typical affordable housing** in order to affirmatively further fair housing for a group that has historically experienced no alternatives to segregated living and to counter the loss of supply of licensed care facilities
- **Coordination of housing with onsite supportive services** funded by the Golden Gate Regional Center should be encouraged. These fully funded coordinated services are often as essential to a person with a developmental disability as a physically modified unit is to a person with a mobility, vision, or hearing impairment and provide a supported pathway for people with developmental disabilities to apply for and retain an affordable apartment
- **A mix of unit sizes set-aside at inclusive housing properties** would address the needs of those who require live-in aides, want to live with roommates or partners, or have children.
- **Location near public transit** would accommodate the transit-dependency of most adults with developmental disabilities.
- **Deeply affordable housing** is needed, targeting incomes not more than 30% of Area Median Income and taking advantage of Housing Authority Project Based Vouchers or HUD 811 Project Rental Assistance when available to create housing opportunities for those who cannot meet minimum income requirements for units priced at 30% of Area Median Income.

Without this complete analysis of the housing needs of people with developmental disabilities any programs or policies aimed at increasing “accessible units” will be discriminatory in nature as they apply only to people with physical disabilities needing physically modified units and not to people of other abilities who may require services to increase housing access. This is most evident on page H-A-54 of Appendix A where accessible units are defined as designed to “offers greater mobility and opportunity for independence” but makes no mention of the supportive services needed by people with other types of disabilities including developmental and mental health disorders. This model of housing combined with supportive services has been shown to be incredibly effective in helping individuals with developmental disabilities find and retain housing, and is equally as important to a person with a developmental disability as the physical design of a building is to a person with a physical disability. This also puts the city at risk of not meeting HCD’s AFFH guidance to promote fair housing choice and access to opportunity to support integration for a historically segregated population. Per HCD guidance, “For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual’s needs as required under federal civil rights law, including equitably provided disability-related services that an individual needs to live in such housing.” HCD defines fair housing choice as:

- Actual choice, which means the existence of realistic housing options
- Protected choice, which means housing that can be accessed without discrimination; and
- Enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed.

### **Need to Clarify How Programs and Policies Will Increase Housing Access For People with Developmental Disabilities**

We want to thank planning staff and the consultant who developed this draft for acknowledging the need for affordable housing to increase housing access for people with disabilities. This is especially important for those whose sole source of income is from disability benefits such as Supplemental Security Income, which in 2022 has a maximum monthly payment of \$1,040, well below minimum income requirements for even the Extremely Low Income housing (30% of AMI) available in San Mateo. The lack of housing priced to be affordable to people of Extremely Low Income does not only affect people with disabilities. According to the draft Housing Element, 12.7% of all San Mateo households fall under the Extremely Low Income limits which represents the second largest lower income group in the city, exceeded only by Low Income households. And Figure 13 on page H-A-25 of Appendix A- Needs Analysis shows that Extremely Low Income renters are the second largest proportion of San Mateo Renters exceeded only by Above Moderate Income.

According to the HCD’s APR dashboard between 2015-2020 San Mateo met less than 15% of its Very Low Income RHNA target (of which half are supposed to ELI). In order to address this shortfall, the 2023-2031 draft housing element identified Policy 5.2.3: “Prioritize city funding proposals for city funded affordable housing that are committed to serving hard to serve residents (e.g., extremely low income, special needs, on site services)”. We strongly encourage

the city to go further in its commitment to meeting the need for more units of Extremely Low Income housing by including proposals for city-owned land and land dedicated to affordable housing under the inclusionary program to this Policy.

Secondly, people with developmental disabilities not only need deeply affordable housing, they also need housing that is coordinated with onsite supportive services funded by the Golden Gate Regional Center. In order to specifically address the housing needs of people with developmental disabilities, San Mateo must clarify their definition of accessible/visitable units as referenced in Policies 5.1.1 and most importantly 5.2.2 Incentivize developers through direct subsidies, fee waivers, and/or density bonuses, to increase accessibility requirements beyond the federal requirement of 5% for subsidized developments. Currently, federal accessibility requirements only address the housing needs of people with physical disabilities. Housing Choices is extremely supportive of Policy 5.2.2 but asks that the city include incentivizing inclusion of units set aside for people with developmental disabilities who will benefit from coordinated on-site supportive services funded by the Golden Gate Regional Center to help them stay stably housed so that we do not continue to see decreases in the number of adults able to transition into their own apartment.

#### **Failure to Follow HCD Guidance for AFFH**

Guidance from HCD for AFFH also recommends that jurisdictions complete an intersectional analysis of housing needs for people with disabilities as “there are significant disparities by race within the population with disabilities”. While there is data provided on the housing cost burden of all San Mateo residents by race in the Assessment of Fair Housing there is no intersectional analysis which shows the compounding effects of being a person of color with a disability as compared to a person of color without a disability or a white person with a disability. This is a significant component of Housing Choices’ recommendations for Affirmatively Furthering Fair Housing, and yet is omitted from the city’s draft.

#### **Noncompliance with HCD Guidance for Completing an Assessment of Fair Housing**

In response to the passage of AB 686, HCD released the AFFH Data Viewer to support the outreach and engagement jurisdictions are required to complete as part of their Assessment of Fair Housing. HCD explicitly states in their AFFH guidance that the Assessment of Fair Housing should include local data and knowledge defined as “any locally gathered and available information, such as a survey with a reasonable statistical validity or usefulness for identifying contributing factors, policies, and actions.” On page H-D-11 of Appendix D- Affirmatively Furthering Fair Housing Narrative it is stated that a survey was administered to support the Fair Housing Assessment which received 150 responses. In a city with a population of over 100,000 residents this low of a response rate seems to indicate that the city did not complete the type of robust, targeted engagement required by HCD in administering the survey.

Reporting of data from the assessment also does not clearly show demographics of who was surveyed to show the number of residents from special needs groups that are most likely to face

fair housing issues such as BIPOC populations, people with disabilities, female-headed households, the unhoused and others. For instance on page H-D-29 when discussing disparities specific to the disability community it is stated that “Of residents with a disability responding to the residents’ survey, 30% said that their home does not meet the needs of their household member.” However, there is no indication of how many of the 150 respondents indicated having a disability so it is not evident to the reader of this document if 25% is equivalent to 5, 10 or 40 responses. Nor is it clear if only people with physical disabilities were surveyed or this included people with other types of disabilities.

There also appears to be an over reliance on data from the AFFH data viewer in the Fair Housing Assessment. For instance on page H-D-14 there is an explanation of the different agencies to which Fair Housing Complaints can be reported including HUD, DFEH and local enforcement organizations including Project Sentinel, the Legal Aid Society of San Mateo County, and Community Legal Services of East Palo Alto. This section also explains that state Fair Housing Law covers protected classes beyond that of federal Fair Housing Law. Yet, demographics of Fair Housing complaints are only reported for HUD which received only 57 complaints for San Mateo County from 2017-2021. Whereas, data from Project Sentinel shows that they investigated nearly 300 Fair Housing discrimination cases in San Mateo County from 2015-2020. This does not include reports made to any of the other agencies listed. This would indicate that the draft housing element severely underestimates the number of Fair Housing complaints made in San Mateo County and City of San Mateo, and therefore cannot accurately gauge how well the city is doing in addressing Fair Housing issues.

We urge you to review the attached comments we submitted on December 2, 2021 and February 10, 2022 and make changes to the San Mateo Housing Element so that it meaningfully addresses the housing needs of its residents with developmental disabilities.

Sincerely,

*Kalisha Webster*

Kalisha Webster  
Senior Housing Advocate  
Email [REDACTED]  
Cell [REDACTED]

**DEVELOPMENTAL DISABILITIES SUBMISSION FOR  
CITY OF SAN MATEO HOUSING ELEMENT**

**Introduction to Developmental Disabilities**

People with developmental disabilities have a disability that emerged before age 18, is expected to be lifelong, and is of sufficient severity to require a coordinated program of services and support in order to live successfully in the community. Developmental disabilities include intellectual disability, autism, Down syndrome, epilepsy, cerebral palsy, and other disabling conditions similar in their functional impact to an intellectual disability. Under California’s Developmental Disabilities Services Act and the U.S. Supreme Court’s 1999 decision in *Olmstead v. L.C.*, people with developmental disabilities are entitled to receive community-based services that allow them to live in the least restrictive community setting. This shift to de-institutionalization has led to the closure of the most restrictive segregated settings and to the requirement that local jurisdictions in their Housing Elements assess and plan specifically for the housing needs of people with developmental disabilities who receive services from the Regional Center in order to live in their home community.

**Demographic and Other Trends Affecting the Housing Needs of People with Developmental Disabilities**

**The City of San Mateo Population with Developmental Disabilities Grew by 12% Since the Last Housing Element and Accounts for 21% of the County’s Total Population with Developmental Disabilities.** The City of San Mateo is home to 835 people with developmental disabilities (Table \_\_). This represents an increase of 12% over the 2013 population of 746 reported in the City’s 2015 Housing Element and reflects a much higher growth rate than the general population. In addition, the City’s population with developmental disabilities accounts for 21% of the total County population with developmental disabilities, although the city’s total population is only 14% of the County’s total population.

**Table \_\_ Comparison of the 2021 City and County Populations with Developmental Disabilities**

<b>Age</b>	<b>City of San Mateo</b>	<b>County of San Mateo</b>	<b>City of San Mateo as % of County</b>
<b>Under age 18</b>	304	1169	26%
<b>18 and older</b>	531	2764	19%
<b>Total</b>	835	3933	21%

*Source: The City of San Mateo data is based on zip code level data for zip codes 94401, 94402, and 94403 published by the California Department of Developmental Services as of September 30, 2021. County level data is published by the Department of Developmental Services as of June 30, 2021. Both sources exclude children from birth to the third birthday because approximately 75% of this age group is found not eligible for continuing lifelong services on their third birthday.*

**Decline in Living Arrangements for Adults with Developmental Disabilities Outside the Family Home.**

Of the City’s total population with developmental disabilities, 531 (64%) are adults and 304 (36%) are

under age 18 (Table \_\_). Assessing the housing needs of adults with developmental disabilities is of particular importance because as they age the adults will require a residential option outside the family home, whereas the family home is the preferred living option for children with developmental disabilities. In 2021, 505 City of San Mateo residents with developmental disabilities lived in the family home compared to 389 in 2013 as reported in the 2015 to 2023 Housing Element. This 30% increase in reliance on the family home is 2.5 times greater than the City’s 12% increase in the developmental disabilities population during that same period. Increased reliance on the family home is primarily explained by overall growth in the population with developmental disabilities coupled with significant declines in opportunities for the City’s adults with developmental disabilities to live either in licensed care facilities (11% decline) or in affordable housing with supportive services (11% decline). (Table \_\_.) As adults with developmental disabilities age, they need opportunities to live outside the family home both because of the aging of their family caregivers and also because many adults with developmental disabilities would like to live in their own apartment with supportive services.

**Table \_\_ Changes in Living Arrangements of Adults with Developmental Disabilities**

<b>Living Arrangements</b>	<b>2013 Number</b>	<b>2021 Number</b>	<b>2021 Percent of Total Adults</b>	<b>% Change Since 2013</b>
Total (children & adults) in the Family Home	389	505	--	30%
Adults In the family home	Not reported-- see note	201	38%	--
Own apartment with supportive services	64	52	10%	-11%
Licensed Facilities	294	265	50%	-11%
Other (including homeless)	7	13	2%	.8%
<b>Total Adults</b>	Not reported--see note	<b>531</b>	100%	--

*Note: The 2013 data are reported in the 2015 Housing Element, which failed to separately count those under 18 and those 18 and older, making it difficult to estimate changes in the significance of the family home as a residential setting specifically for adults. The 2021 data are published at the zip code level by the California Department of Developmental Services as of September 30, 2021. These data assume that occupants of licensed facilities are 18 and older which is generally true, but if incorrect this assumption would tend to understate, not overstate, the need for other housing options for adults with developmental disabilities.*

**Increase of Autism Diagnosis Reflected in Increase in Adults in their 20s and 30s.** Growth in the City of San Mateo’s population with developmental disabilities since the 2015 Housing Element correlates with a significant annual increase in the diagnosis of autism that began in the mid-1980s and did not level out until after 2015. The cumulative impact of this trend is already seen in the growth in the San Mateo County population age 18 to 41 with developmental disabilities and will continue into the future. This trend has significant implications for housing needs among City of San Mateo adults with developmental disabilities during the period of the 2023 to 2031 Housing Element.

**Table \_\_ Changes in Age Distribution of Adult Population in San Mateo County**

Age	2015 Number	2021 Number	% Change
18 to 31	1023	1189	16%
32 to 41	397	457	15%
41 to 52	382	335	-12%
52 to 61	385	348	-10%
62 plus	327	435	33%
Total adults	2514	2764	10%

Source: County level data is published by the Department of Developmental Services as of June 30, 2021 and as of September 30, 2015.

**Longer Life Spans.** Between September 2015 and June 2021, the California Department of Developmental Services reports that the number of San Mateo County residents with developmental disabilities age 62 and older grew by 33% (Table \_\_). This is not due to migration of senior citizens with developmental disabilities to San Mateo County, but rather to well-documented gains in life span among people with developmental disabilities. With longer life expectancy, more adults with developmental disabilities will outlive their parents and family members with whom a growing number of City of San Mateo adults with developmental disabilities now live because of the lack of other residential options. Longer life spans will also slow the pace of resident turnover in the county’s limited supply of licensed care facilities, which will further reduce opportunities for the growing population of people with developmental disabilities to secure housing outside the family home.

**Decline in Licensed Care Facilities.** The California Department of Developmental Services reports that between September 2015 and June 2021, San Mateo County lost 5% of its supply of licensed care facilities for people with developmental disabilities (including Community Care Facilities, Intermediate Care Facilities, and Skilled Nursing Facilities), thereby increasing the need for affordable housing options coordinated with supportive services funded by the Regional Center. This trend is mirrored in the 11% decline in the number of City of San Mateo adults able to live in licensed care homes between 2013 and 2021 (Table \_\_). The reduced role of licensed care facilities demonstrates the need for the City’s Housing Element to plan for affordable housing that includes people with developmental disabilities so that adults with developmental disabilities are not forced out of the county when they lose the security of their parent’s home.

**Displacement.** The California Department of Developmental Services has documented a 12% decline in the age group 42 to 51 and a 10% decline in the age group 52 to 61 in San Mateo County between September 2015 and June 2021. (Table \_\_). In light of gains in life expectancy, this loss can reasonably be attributed to homelessness or displacement from the county because of the lack of residential living options (either licensed facilities or affordable housing) when an elderly parent caregiver passes away or becomes unable to house and care for the adult. Displacement takes a particular toll on adults with

developmental disabilities who depend on familiarity with transit routes and shopping and services, as well as support from community-based services and informal networks built up over years in living in the City of San Mateo.

**Higher Rates of Physical Disabilities.** People with developmental disabilities are more likely than the general population to have an accompanying physical disability. Twenty-seven percent (27%) of San Mateo County residents with developmental disabilities have limited mobility, and 13% have a vision or hearing impairment. The need for an accessible unit coupled with the need for coordinated supportive services compounds the housing barriers faced by those with co-occurring intellectual and physical disabilities.

**Ineligibility for Many Affordable Rental Units.** Some adults with developmental disabilities depend on monthly income of under \$1,000 from the Supplemental Security Income (SSI) program, pricing them out of even the limited number of Extremely Low Income affordable housing units in the City of San Mateo. Those with employment tend to work part-time in the lowest paid jobs and also struggle to income-qualify for many of the affordable housing units for rent in the City of San Mateo.

**Transit-Dependent.** Most adults with developmental disabilities do not drive or own a car and rely on public transit as a means to integration in the larger community.

## **Best Practices for Inclusion of People with Developmental Disabilities in Typical Affordable Housing**

As demonstrated by a growing number of inclusive affordable housing developments in neighboring jurisdictions, the City of San Mateo can meet the housing needs of people with developmental disabilities by adopting policies and programs to promote their inclusion with coordinated services in typical affordable housing. The following considerations should guide the City of San Mateo in this pursuit:

- **Integration in typical affordable housing** is a priority in order to affirmatively further fair housing for a group that has historically experienced no alternatives to segregated living and also to counter the displacement of adults with developmental disabilities out of San Mateo County.
- **Coordination of housing with onsite supportive services** funded by the Golden Gate Regional Center should be encouraged. These fully funded coordinated services provide a supported pathway for people with developmental disabilities to apply for and retain an affordable apartment and are often as essential to a person with a developmental disability as a physically modified unit is to a person with a mobility, vision, or hearing impairment.
- **A mix of unit sizes** at inclusive housing properties would address the needs of those who require live-in aides, want to live with roommates or partners, or have children.
- **Location near public transit** would accommodate the transit-dependency of most adults with developmental disabilities.
- **Deeply affordable housing is needed**, targeting incomes not more than 30% of Area Median Income and taking advantage of Housing Authority Project Based Vouchers or HUD 811 Project

Rental Assistance when available to create housing opportunities for those who cannot meet minimum income requirements for units priced at 30% of Area Median Income.

## Policy and Program Recommendations

The City of San Mateo has a responsibility not simply to assess the housing needs of people with developmental disabilities but also to create policy, zoning, program and other changes that make it more feasible for affordable housing developers to include people with developmental disabilities in their housing in coordination with the supportive services available from the Golden Gate Regional Center. The City's 2015 Housing Element identified a need for housing for an additional 30 to 87 people with developmental disabilities, but the number of adults with developmental disabilities living in their own apartment actually declined by 11% since the last Housing Element, even as the population grew by 12%. The City's lack of progress in meeting the housing needs of people with developmental disabilities since the last Housing Element demonstrates the need for policies and programs that specifically incentivize inclusion of people with developmental disabilities in affordable housing with coordinated services provided by the Golden Gate Regional Center.

- **Establish and monitor a quantitative goal.** Tracking the City's success in housing people with developmental disabilities is essential to determine whether policies and programs are having an effect in overcoming historic patterns of discrimination and exclusion of people with developmental disabilities from affordable housing. A goal of 150 new Extremely Low-Income housing units for City of San Mateo residents with developmental disabilities over the period of the 2023 Housing Element would represent meaningful progress towards the total unmet housing need of this special needs population.

*Sample Language: The City of San Mateo shall monitor progress towards a quantitative goal of 150 new Extremely Low Income housing units that are subject to a preference for people with developmental disabilities needing the coordinated services provided by Golden Gate Regional Center to live inclusively in affordable housing.*

- **Target City-Owned Land, Land Dedicated to Affordable Housing under the Inclusionary Ordinance and City Housing Funds to Meet City-Specific Priorities.** City-owned land, land dedicated to affordable housing in lieu of providing affordable units under the inclusionary ordinance, and city housing funds are often essential to the development of affordable housing that is financially feasible in high-cost City of San Mateo. In creating guidelines for the scoring of any competitive requests for proposals for these scarce resources, the City should grant additional points to affordable housing projects that address the housing needs of City of San Mateo residents who are most difficult to house under existing state and federal housing finance programs--for example, by prioritizing proposals with a higher number of extremely low income units or that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

*Sample Language: In publishing requests for competitive proposals for any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance or city housing funds, the City of San Mateo shall grant additional points to proposals that address the city's most difficult to achieve housing priorities, by, for example, providing a greater number of extremely low-income units or committing to make a percentage of the units subject to a preference for people with special needs who will benefit from coordinated onsite services, such as people with developmental disabilities who receive services from the Golden Gate Regional Center.*

- **Offer Developers a Range of Affordability Options Under the Inclusionary Ordinance.** Most adults with developmental disabilities have incomes too low to satisfy minimum income requirements for the Low Income units currently offered under the city's inclusionary ordinance and are effectively excluded from this housing option. California law (AB 1505, the "Palmer Fix") explicitly allows cities to adopt inclusionary housing ordinances that address a range of income levels from moderate-income to extremely low-income. The City should take advantage of this authority to make its ordinance more responsive to local needs by offering developers of market rate housing a menu of options for including affordable units, for example, by setting a higher percentage of units priced at moderate income and a lower percentage of units set at extremely low income. Such a menu would address a broader range of City of San Mateo housing needs, while giving developers more options for meeting the inclusionary requirement.

*Sample Language: The City of San Mateo shall revise its inclusionary housing ordinance to offer developers a menu of options for achieving affordability, adjusting the percentage of units required to be affordable depending on the degree of affordability achieved (moderate-income, low income, very low income, and extremely low income).*

- **Reduce Parking Requirements for People with Developmental and Other Disabilities.** Adults with developmental disabilities have reduced parking needs because they rarely have a driver's license or own a car. This may also be true of other categories of people with disabilities. The City should revise its ordinances to limit parking required for affordable units for people with developmental disabilities to .5 space for each affordable studio or 1 bedroom unit and 1 space for an affordable 2 bedroom unit or larger. A similar reduction should be considered for physically accessible units required to be included in affordable housing.

*Sample Language: The City shall encourage the inclusion of people with developmental and other disabilities in affordable housing by recognizing their transit dependence and establishing lower parking ratios for units targeted to people with developmental and other disabilities than would otherwise be required for affordable housing.*

- **Local Density Bonus Concessions.** The state density bonus law currently provides additional density for housing projects that include at least 10% of the units for disabled veterans, transition-age foster youth, and homeless persons at the very low income level. Above and beyond the density bonus guidelines mandated by state law, the City should add the same incentives when at least 10% of the units are subject to preference for people with

developmental disabilities who will benefit from coordinated onsite services provided by the Golden Gate Regional Center.

*Sample Language: In implementing the California density bonus statute, the City shall provide for the same density bonus, incentives, or concessions for housing projects that include at least 10% of the units for people with developmental disabilities at the very low-income level as are available to projects that include at least 10% of the units for disabled veterans, transition-age foster youth, and homeless persons at the very low-income level.*

**Affirmative Marketing of Physically Accessible Units:** Developers are allowed to affirmatively market accessible units to disability-serving organizations in San Mateo County (i.e. Golden Gate Regional Center, Housing Choices Coalition for Person with Developmental Disabilities, Center for Independence of Individuals with Disabilities and others) but rarely take this step. Affirmative marketing is particularly needed by people with developmental disabilities who, because of cognitive, communication and social impairment, may rely on housing navigation services funded by the Golden Gate Regional Center to learn about and apply for affordable housing.

*Sample Language: As a condition of the disposition of any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance, the award of city financing, any density bonus concessions, or land use exceptions or waivers for any affordable housing project, the City shall require that the housing developer implement an affirmative marketing plan for physically accessible units which, among other measures, provides disability-serving organizations adequate prior notice of the availability of the accessible units and a process for supporting people with qualifying disabilities to apply.*

- **Extremely Low-Income Accessory Dwelling Units.** As part of a larger plan to increase the supply of Accessory Dwelling Units (ADUs), the City should consider creating a forgivable loan program for homeowners who build ADUs and rent them for at least 15 years at Extremely Low Income rent levels to people with developmental disabilities.

*Sample Language: Subject to funding availability, the City shall devise a program of financing for Accessory Dwelling Units subject to rent restrictions for at least 15 years at Extremely Low-Income rent levels to people with developmental disabilities who would benefit from coordinated housing support and other services provided by the Golden Gate Regional Center.*

- **Affirmatively Further Fair Housing.** Not only is disability the highest-ranked source of Fair Housing complaints, a growing body of San Mateo County data indicates that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of housing discrimination and severe rent burden than either BIPOC without disabilities or whites with disabilities. Currently the City of San Mateo offers its residents exceptional employment, educational and social opportunities but the severe shortfall of Extremely Low Income units means that BIPOC--particularly those with disabilities--are too often excluded from enjoying

those community assets. Multiple barriers including high land and construction costs and limited funding make it difficult for developers to produce Extremely Low Income units that will overcome such disparities. Policies that lead to increased production of Extremely Low Income units, as well as city staff dedicated to implementing and overseeing those policies, will Affirmatively Further Fair Housing in the City of San Mateo and decrease displacement and homelessness for the most at-risk City of San Mateo residents.

*Sample Language: The City of San Mateo's plans to Affirmatively Further Fair Housing for Black, Indigenous and other People of Color, particularly those with disabilities, shall include policies designed to increase the production of Extremely Low Income units, as well as adequate staff capacity to implement and monitor the impact of these policies.*

**DEVELOPMENTAL DISABILITIES SUBMISSION FOR  
CITY OF SAN MATEO HOUSING ELEMENT**

**Introduction to Developmental Disabilities**

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**Demographic and Other Trends Affecting the Housing Needs of People with Developmental Disabilities**

**The City of San Mateo Population with Developmental Disabilities Grew by 12% Since the Last Housing Element and Accounts for 21% of the County’s Total Population with Developmental Disabilities.** The City of San Mateo is home to 835 people with developmental disabilities (Table \_\_\_). This represents an increase of 12% over the 2013 population of 746 reported in the City’s 2015 Housing Element and reflects a much higher growth rate than the general population. In addition, the City’s population with developmental disabilities accounts for 21% of the total County population with developmental disabilities, although the city’s total population is only 14% of the County’s total population.

**Table \_\_\_ Comparison of the 2021 City and County Populations with Developmental Disabilities**

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<b>Under age 18</b>	304	1169	26%
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**Decline in Living Arrangements for Adults with Developmental Disabilities Outside the Family Home.**

Of the City’s total population with developmental disabilities, 531 (64%) are adults and 304 (36%) are under age 18 (Table \_\_\_). Assessing the housing needs of adults with developmental disabilities is of particular importance because as they age the adults will require a residential option outside the family home, whereas the family home is the preferred living option for children with developmental disabilities. In 2021, 505 City of San Mateo residents with developmental disabilities lived in the family home compared to 389 in 2013 as reported in the 2015 to 2023 Housing Element. This 30% increase in reliance on the family home is 2.5 times greater than the City’s 12% increase in the developmental disabilities population during that same period. Increased reliance on the family home is primarily explained by overall growth in the population with developmental disabilities coupled with significant declines in opportunities for the City’s adults with developmental disabilities to live either in licensed care facilities (10% decline) or in affordable housing with supportive services (19% decline). (Table \_\_\_.) As adults with developmental disabilities age, they need opportunities to live outside the family home both because of the aging of their family caregivers and also because many adults with developmental disabilities would like to live in their own apartment with supportive services.

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<b>Total Adults</b>	Not reported--see note	<b>531</b>	<b>100%</b>	--

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**Longer Life Spans.** Between September 2015 and June 2021, the California Department of Developmental Services reports that the number of San Mateo County residents with developmental disabilities age 62 and older grew by 33% (Table \_\_). This is not due to migration of senior citizens with developmental disabilities to San Mateo County, but rather to well-documented gains in life span among people with developmental disabilities. With longer life expectancy, more adults with developmental disabilities will outlive their parents and family members with whom a growing number of City of San Mateo adults with developmental disabilities now live because of the lack of other residential options. Longer life spans will also slow the pace of resident turnover in the county’s limited supply of licensed care facilities, which will further reduce opportunities for the growing population of people with developmental disabilities to secure housing outside the family home.

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**Displacement.** The California Department of Developmental Services has documented a 12% decline in the age group 42 to 51 and a 10% decline in the age group 52 to 61 in San Mateo County between September 2015 and June 2021. (Table \_\_). In light of gains in life expectancy, this loss can reasonably be attributed to homelessness or displacement from the county because of the lack of residential living options (either licensed facilities or affordable housing) when a parent caregiver passes away or becomes unable to house and care for the adult. Displacement takes a particular toll on adults with developmental disabilities who depend on familiarity with transit routes and shopping and services, as well as support from community-based services and informal networks built up over years in living in the City of San Mateo.

**Higher Rates of Physical Disabilities.** People with developmental disabilities are more likely than the general population to have an accompanying physical disability. Twenty-seven percent (27%) of San Mateo County residents with developmental disabilities have limited mobility, and 13% have a vision or hearing impairment. The need for an accessible unit coupled with the need for coordinated supportive services compounds the housing barriers faced by those with co-occurring intellectual and physical disabilities.

**Ineligibility for Many Affordable Rental Units.** Some adults with developmental disabilities depend on monthly income of under \$1,000 from the Supplemental Security Income (SSI) program, pricing them out of even the limited number of Extremely Low Income affordable housing units in the City of San Mateo. Those with employment tend to work part-time in the lowest paid jobs and also struggle to income-qualify for many of the affordable housing units for rent in the City of San Mateo.

**Transit-Dependent.** Most adults with developmental disabilities do not drive or own a car and rely on public transit as a means to integration in the larger community.

## **Best Practices for Inclusion of People with Developmental Disabilities in Typical Affordable Housing**

As demonstrated by a growing number of inclusive affordable housing developments in neighboring jurisdictions, the City of San Mateo can meet the housing needs of people with developmental disabilities by adopting policies and programs to promote their inclusion with coordinated services in typical affordable housing. The following considerations should guide the City of San Mateo in this pursuit:

- **Integration in typical affordable housing** is a priority in order to affirmatively further fair housing for a group that has historically experienced no alternatives to segregated living and also to counter the displacement of adults with developmental disabilities out of San Mateo County.
- **Coordination of housing with onsite supportive services** funded by the Golden Gate Regional Center should be encouraged. These fully funded coordinated services provide a supported pathway for people with developmental disabilities to apply for and retain an affordable

apartment and are often as essential to a person with a developmental disability as a physically modified unit is to a person with a mobility, vision, or hearing impairment.

- **A mix of unit sizes** at inclusive housing properties would address the needs of those who require live-in aides, want to live with roommates or partners, or have children.
- **Location near public transit** would accommodate the transit-dependency of most adults with developmental disabilities.
- **Deeply affordable housing is needed**, targeting incomes not more than 30% of Area Median Income and taking advantage of Housing Authority Project Based Vouchers or HUD 811 Project Rental Assistance when available to create housing opportunities for those who cannot meet minimum income requirements for units priced at 30% of Area Median Income.

## **Policy and Program Recommendations**

The City of San Mateo has a responsibility not simply to assess the housing needs of people with developmental disabilities but also to create policy, zoning, program and other changes that make it more feasible for affordable housing developers to include people with developmental disabilities in their housing in coordination with the supportive services available from the Golden Gate Regional Center. The City's 2015 Housing Element identified a need for housing for an additional 30 to 87 people with developmental disabilities, but the number of adults with developmental disabilities living in their own apartment actually declined by 11% since the last Housing Element, even as the population grew by 12%. The City's lack of progress in meeting the housing needs of people with developmental disabilities since the last Housing Element demonstrates the need for policies and programs that specifically incentivize inclusion of people with developmental disabilities in affordable housing with coordinated services provided by the Golden Gate Regional Center.

- **Establish and monitor a quantitative goal.** Tracking the City's success in housing people with developmental disabilities is essential to determine whether policies and programs are having an effect in overcoming historic patterns of discrimination and exclusion of people with developmental disabilities from affordable housing. Since its last Housing Element, the City of San Mateo facilitated land acquisition and provided city funding for one affordable housing project with a commitment to make 8 of the 225 apartments subject to a preference for people with developmental disabilities (Kiku Crossing). A goal of 100 new Extremely Low-Income housing units for City of San Mateo residents with developmental disabilities over the period of the 2023-2031 Housing Element would represent meaningful progress towards the total unmet housing need of this special needs population.

*Sample Language: The City of San Mateo shall monitor progress towards a quantitative goal of 100 new Extremely Low Income housing units that are subject to a preference for people with developmental disabilities needing the coordinated services provided by Golden Gate Regional Center to live inclusively in affordable housing.*

- **Target City-Owned Land, Land Dedicated to Affordable Housing under the Inclusionary Ordinance and City Housing Funds to Meet City-Specific Priorities.** City-owned land, land

dedicated to affordable housing in lieu of providing affordable units under the inclusionary ordinance, and city housing funds are often essential to the development of affordable housing that is financially feasible in high-cost City of San Mateo. In creating guidelines for the scoring of any competitive requests for proposals for these scarce resources, the City should grant additional points to affordable housing projects that address the housing needs of City of San Mateo residents who are most difficult to house under existing state and federal housing finance programs--for example, by prioritizing proposals with a higher number of extremely low income units or that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

*Sample Language: In publishing requests for competitive proposals for any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance or city housing funds, the City of San Mateo shall grant additional points to proposals that address the city's most difficult to achieve housing priorities, by, for example, providing a greater number of extremely low-income units or committing to make a percentage of the units subject to a preference for people with special needs who will benefit from coordinated onsite services, such as people with developmental disabilities who receive services from the Golden Gate Regional Center.*

- **Offer Developers Additional Alternatives Under the Inclusionary Ordinance.** Most adults with developmental disabilities and other special needs groups on fixed incomes, are unable to satisfy minimum income requirements for the Lower Income units currently required under the city's inclusionary ordinance. California law (AB 1505, the "Palmer Fix") explicitly allows cities to adopt inclusionary housing ordinances that address a range of income levels from moderate-income to extremely low-income. The City should take advantage of this authority to make its ordinance more responsive to local needs by offering developers of market rate housing an alternative means of compliance with the city's BMR program if deeper levels of affordability are targeted, such as by allowing a lower percentage of units to be set aside if they are affordable to Extremely Low Income households. This same alternative can be extended to projects that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center. Such a menu would address a broader range of City of San Mateo housing needs, while giving developers more options for meeting the inclusionary requirement.

*Sample Language: The City of San Mateo shall revise its inclusionary housing ordinance to offer developers an alternative means of compliance with the BMR program, to consider an applicant's request to lower the percentage of set-aside units in projects which include extremely low income units or units for residents requiring specialized services (such as people with developmental disabilities who benefit from services of the Golden Gate Regional Center) in*

*connection with its review of the planning application for the project and may reject or accept the request in its sole discretion.*

- **Reduce Parking Requirements for People with Developmental and Other Disabilities.** Adults with developmental disabilities have reduced parking needs because they rarely have a driver's license or own a car. This may also be true of other categories of people with disabilities. The City should revise its ordinances to limit parking required for affordable units for people with developmental disabilities to .5 space for each affordable studio or 1 bedroom unit and 1 space for an affordable 2 bedroom unit or larger. A similar reduction should be considered for physically accessible units required to be included in affordable housing.

*Sample Language: The City shall encourage the inclusion of people with developmental and other disabilities in affordable housing by recognizing their transit dependence and establishing lower parking ratios for units targeted to people with developmental and other disabilities than would otherwise be required for affordable housing.*

- **Local Density Bonus Priorities.** The state density bonus law incentivizes the production of housing at the Low and Very Low Income level. But in counties like San Mateo County, with the highest Area Median Income in the state, these incentives reward the targeting of income levels that effectively exclude the many people with disabilities and seniors living on fixed incomes well below the Very Low Income target. The City of San Mateo should create additional local incentives to the state density bonus law to reward the production of more housing for City of San Mateo residents who do not benefit from the Low and Very Low Income units produced under the state density bonus law--for example, projects with a percentage of Extremely Low Income units and/or projects that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

*Sample Language: In addition to implementing the California density bonus statute, the City shall provide an additional local density bonus, incentives, or concessions for housing projects that include a percentage of the units for people at the Extremely Low-Income affordability level and/or target special needs populations, such as people with disabilities who will benefit from coordinated onsite services provided by the Golden Gate Regional Center.*

**Affirmative Marketing of Physically Accessible Units:** Developers are allowed to affirmatively market accessible units to disability-serving organizations in San Mateo County (i.e. Golden Gate Regional Center, Housing Choices Coalition for Person with Developmental Disabilities, Center for Independence of Individuals with Disabilities and others) but rarely take this step. Affirmative marketing is particularly needed by people with developmental disabilities who, because of cognitive, communication and social impairment, may rely on housing navigation

services funded by the Golden Gate Regional Center to learn about and apply for affordable housing.

*Sample Language: As a condition of the disposition of any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance, the award of city financing, any density bonus concessions, or land use exceptions or waivers for any affordable housing project, the City shall require that the housing developer implement an affirmative marketing plan for physically accessible units which, among other measures, provides disability-serving organizations adequate prior notice of the availability of the accessible units and a process for supporting people with qualifying disabilities to apply.*

- **Extremely Low-Income Accessory Dwelling Units.** As part of a larger plan to increase the supply of Accessory Dwelling Units (ADUs), the City should consider creating a financing program for homeowners who build ADUs and rent them for at least 15 years at Extremely Low Income rent levels or that are subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the Golden Gate Regional Center.

*Sample Language: Subject to funding availability, the City shall devise a program of financing for Accessory Dwelling Units subject to rent restrictions for at least 15 years at Extremely Low-Income rent levels and/or target special needs populations, such as people with disabilities who will benefit from coordinated onsite services provided by the Golden Gate Regional Center.*

- **Affirmatively Further Fair Housing.** Not only is disability the highest-ranked source of Fair Housing complaints, a growing body of San Mateo County data indicates that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of housing discrimination and severe rent burden than either BIPOC without disabilities or whites with disabilities. Currently the City of San Mateo offers its residents exceptional employment, educational and social opportunities but the City's severe shortfall of Extremely Low Income units means that BIPOC--particularly those with disabilities--are too often excluded from enjoying those community assets. Multiple barriers including high land and construction costs and limited funding make it difficult for developers to produce Extremely Low Income units that will overcome such disparities. Policies that lead to increased production of Extremely Low Income units, as well as city staff dedicated to implementing and overseeing those policies, will Affirmatively Further Fair Housing in the City of San Mateo and decrease displacement and homelessness for the most at-risk City of San Mateo residents.

*Sample Language: The City of San Mateo's plans to Affirmatively Further Fair Housing for Black, Indigenous and other People of Color, particularly those with disabilities, shall include policies designed to increase the production of Extremely Low Income units, as well as adequate staff capacity to implement and monitor the impact of these policies.*



[REDACTED]

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**From:** Housing  
**Sent:** Friday, May 6, 2022 4:59 PM  
**To:** [REDACTED] y  
**Subject:** FW: San Mateo Housing Element

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**From:** Jennifer Martinez [REDACTED]  
**Sent:** Friday, May 6, 2022 1:06 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Cc:** [REDACTED]  
**Subject:** San Mateo Housing Element

May 4, 2022

Dear Mayor Bonilla and San Mateo City Council Members,

Thank you for the opportunity to provide a response to the 2022 Draft Housing Element. My letter focuses on the goal to Affirmatively Further Fair Housing.

State law requires that each community study patterns of racial segregation and concentrated affluence, identify the conditions that have contributed to these patterns, and plan for specific programs that will address these patterns.

First, San Mateo's Housing Element fails to sufficiently study this problem. While the neighborhoods where people of color live have been analyzed, the neighborhoods with high concentrations of white residents have not been studied. By failing to analyze the underlying conditions of these neighborhoods (exclusionary zoning, the history of racial covenants, etc.), the Housing Element also fails to propose policies and programs that will change those conditions and address the racial segregation that *those neighborhoods are also experiencing*. This is an egregious omission that flies in the face of *affirmatively furthering fair housing* to reduce segregation and create equal housing and opportunity access, regardless of race or ability.

Second, without adequate analysis, the Housing Element does not provide adequate solutions - by geography as is required by HCD guidelines - to meet the scale, depth, and nuance of the problem. Many of the proposed programs amount to "more marketing" in low-income neighborhoods. The programs and policy solutions should include approaches that address the underlying conditions of racial segregation, such as

- change the zoning of R-1 neighborhoods to allow for more density,
- pair investment strategies in under-invested areas with stronger anti-displacement measures to ensure low-income residents reap the benefits of neighborhood improvements,
- improve access to reliable, affordable transportation and access to high-quality schools

Third, the minimal AFFH analysis that does exist states that "there is a relative lack of affordable housing opportunities in higher-resourced areas of the city." Yet the Housing Element fails to propose housing sites, let alone affordable housing sites, in the high resource neighborhoods in the city. Again, those neighborhoods are left out of the equation and off the table in terms of being part of the solution to the city's segregation problems.

While much work has been done to create the current Housing Element, it falls short of state guidelines as well as the hopes and aspirations we should have for San Mateo. There is no reason why the burden of the housing crisis we face in our communities should continue to fall on low-income people and people of color,

while the windfall benefits of increased home values accrue to a largely-white, wealthier part of our community. Far from natural segregation, this is the outcome of decades of policies designed to favor some people over others, and we can choose differently. Now is the time to change this pattern of segregation and unequal benefits and burdens and create a different future for the next generations.

Respectfully,

Jennifer Martinez  
Resident, San Mateo

[REDACTED]

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**From:** Housing  
**Sent:** Monday, May 9, 2022 8:30 AM  
**To:** [REDACTED]  
**Subject:** FW: Housing Element response by Social Action Ministry  
**Attachments:** SAM\_Housing Element Letter\_Final.pdf

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**From:** Mike Heagerty <[REDACTED]>  
**Sent:** Friday, May 6, 2022 7:26 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Cc:** City Council (San Mateo) <CityCouncil@cityofsanmateo.org>  
**Subject:** Housing Element response by Social Action Ministry

Attached is the Social Action Ministry's response to the draft Housing Element. Thank you for your consideration.

Mike Heagerty  
[REDACTED]



April 29, 2022

City Council Members: Rick Bonilla, Mayor; Diane Papan, Deputy Member; Joe Goethals, Council Member; Amourence Lee, Council Member; Eric Rodriguez, Council Member  
Planning Manager  
City of San Mateo  
330 West 20th Avenue  
San Mateo, CA 94403

RE: Draft Housing Element

To whom it may concern,

Thank you for reaching out to the community regarding the Draft Housing Element outlining the process and review for expanding housing within our community over the next eight years. The Social Action Ministry (SAM) group at St. Matthew Catholic Church in San Mateo is concerned about the availability of affordable housing in our community.

SAM encourages our City leaders to focus on affordable housing for those members of our community in the very low- and low-income categories of median income for San Mateo County, identified in the Housing Element, many of whom are working in essential services and/or underemployed. We believe too much of our new housing construction has focused on the highest income earners of our region.

Your draft Housing Element correctly identifies the loss of affordability covenants on developments within the City of San Mateo that could potentially create a loss of affordable units, rather than an increase, during a time when the housing shortage is so acute. We need to push strong planning and allow zoning flexibility to convert under-utilized commercial projects for affordable residential developments. Our community is blessed with diversity from many walks of life, and we do not wish it to be only a home for the elite. Shelter and housing are a human right, and this is the time to focus on those who are the most shelter-insecure in our community as housing pressures become more amplified than anytime in our lives.

We appreciate your efforts and consideration of our position. We look forward to the results of your City Council meeting on May 16, 2022.

Sincerely,

Social Action Ministry  
of St. Matthew Catholic Church

*All people deserve respect, justice and opportunity*



*Selected SAM members residing in San Mateo:*

María del Carmen Muñoz



Anne A. Fariss



Michael Heagerty



John H. Love II



Vilma Sanchez



Susan Wilbur



[REDACTED]

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**From:** Housing  
**Sent:** Monday, May 9, 2022 8:31 AM  
**To:** [REDACTED]  
**Subject:** FW: San Mateo draft housing element/Comments from One San Mateo

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**From:** Planning <planning@cityofsanmateo.org>  
**Sent:** Friday, May 6, 2022 5:08 PM  
**To:** Housing <housing@cityofsanmateo.org>; [REDACTED]  
[REDACTED]  
**Subject:** FW: San Mateo draft housing element/Comments from One San Mateo

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**From:** Eldridge, Karyl [REDACTED] >  
**Sent:** Friday, May 6, 2022 3:28 PM  
**To:** [REDACTED]  
[REDACTED]  
**Cc:** Planning <[planning@cityofsanmateo.org](mailto:planning@cityofsanmateo.org)>; [housingelements@hcd.ca.gov](mailto:housingelements@hcd.ca.gov); [REDACTED]  
[REDACTED]  
**Subject:** San Mateo draft housing element/Comments from One San Mateo

Dear Mayor Bonilla and Members of the San Mateo City Council,

This letter is submitted on behalf of One San Mateo to provide feedback in relation to the draft housing element for the City of San Mateo. One San Mateo is a community group formed in 2017 to work toward creating a city that is responsive to the needs of all. We strive to increase racial and economic equity, primarily through our advocacy for affordable housing and renter protections. We believe that safe and stable housing is fundamental to human dignity and well-being and essential to the health and sustainability of the overall community.

In reviewing the housing element, the core interest of One San Mateo has been to evaluate its effectiveness in upholding the mandates of Affirmatively Furthering Fair Housing. These mandates require cities to work proactively to reverse historical patterns of segregation and foster integrated communities. Our comments are offered from the perspective of these AFFH goals.

#### HOUSING NEEDS AND THE RISK OF DISPLACEMENT

*Misleading metric.* Preventing the displacement of existing residents is central to the fulfillment of AFFH, as is made clear by the AFFH guidance memo issued by HCD in April of 2021. As it currently stands, the needs analysis in the draft housing element contains metrics that seriously downplay the risk of displacement in San Mateo. One such metric appears as follows: “According to research from the University of California, Berkeley, 0.0% of households in San Mateo live in neighborhoods that are susceptible to or experiencing displacement ...” Regardless of the source, offering this as a meaningful metric of the displacement threat in San Mateo is extremely misleading. Elsewhere in the needs analysis, the northeast section of San Mateo, particularly the area south of Poplar Avenue, is said to be characterized by high poverty, concentrations of cost burdened households, and overcrowding. The existence of high levels of cost burden and overcrowding are clear predictors of

displacement. Furthermore, the needs analysis reveals that the North Central and downtown neighborhoods are “At Risk of Becoming Exclusive” or “Becoming Exclusive.” Looming exclusion necessarily translates into a threat of displacement. Thus, we maintain that this 0.0% statistic taken from UC Berkeley only serves to cloud the gravity of the displacement threat and underplay the need for aggressive action to prevent it. The credibility of the analysis would be strengthened if this statistic were removed.

*Jobs-housing fit.* The discussion of the increasing jobs-housing ratio does not go far enough toward exposing the growing pressures on lower-income residents and the displacement risk associated with this. While the rising jobs-housing ratio reflects the growing imbalance between jobs and housing, it does nothing to measure the relationship between affordability levels of the housing and the income levels of San Mateo residents. According to the needs analysis, “83.6% of permits issued in San Mateo were for above moderate-income housing, 6.2% were for moderate-income housing, and 10.1% were for low- or very low-income housing ...” Since many of the new jobs created over this period were low-wage, this signals a growing shortage of housing for residents at the lower end of the income scale. This, in turn, creates a risk of displacement. The needs analysis, particularly its assessment of displacement risk, would be strengthened by introducing a discussion of *jobs-housing fit*, a metric specifically designed to measure the number of low-wage workers within the city and the number of homes that are affordable to them.

## MISSING CONSTRAINTS

*Measure Y.* The April 2021 guidance memo from HCD contains a list of zoning and land use barriers that includes an entry that reads: “Voter initiatives that restrict multi-family developments, rezoning to higher density, height limits, or similar measures that limit housing choices.” In discussing constraints, the draft housing element makes passing mention of Measure Y, the voter initiative that creates a limit on height and density for new buildings in San Mateo through 2030. However, the perfunctory character of this treatment dramatically understates the importance of Measure Y in restricting the development of new homes at all levels of affordability. Three years ago the city council considered an increase in the Below Market Rate (BMR) requirement to 20 percent. The economic consultants hired by the city ultimately concluded that it was infeasible, *given the height and density limits imposed by Measure Y*. This is but one illustration of how Measure Y operates to put a chokehold on the creation of housing, including affordable housing. A far more robust discussion of Measure Y is called for in the consideration of constraints.

*R-1 zoning.* The guidance memo from HCD states the following: “In addition to identifying and analyzing racially and ethnically concentrated areas of property, an analysis should also consider concentrated areas of affluence ... to guide meaningful goals and actions to address fair housing issues.” In the City of San Mateo, at least 70 percent of the land zoned for housing is R-1, and many of these R-1 neighborhoods are populated primarily by affluent whites. The draft housing element fails to discuss this reality, its causes, and the profound implications of R-1 zoning for segregating the community and perpetuating inequality.

## SITES INVENTORY AND R-1 ZONING

One San Mateo’s strongest objection to the draft housing element is the fact that none of the sites are located in the highest opportunity areas. More specifically, we take issue with the fact that the housing plan takes a complete “hands-off” approach to neighborhoods zoned R-1. R-1 zoning is, by its very nature, exclusionary. First introduced in the wake of a 1917 Supreme Court decision that banned explicitly racist zoning, its very intent was to accomplish exclusion by other means. Also, the majority of R-1 neighborhoods in San Mateo were developed with racial covenants in their founding documents, barring all but whites from living within their borders. By protecting these neighborhoods from any meaningful densification, the housing element locks this history into place. It not only fails to reverse historical segregation, it entrenches it. Furthermore, this “hands-off” approach to R-1 is a missed opportunity, a huge and tragic one, since it prevents these neighborhood from unleashing their ability to address the community’s urgent housing need.

## POLICIES, PROGRAMS AND AFFH

Funding for those most at risk. The housing element includes a variety of policies giving priority to the lowest income members of the community, including those with special needs. Since these are the residents hardest to serve and most at risk of displacement, this prioritization is important for the achievement of AFFH goals. However, what is urgently needed is funding to create additional numbers of affordable units for these vulnerable populations. Thus the city is urged to include in its action plan the creation of a new funding source for affordable housing, coupled with the prioritization of units for VLI and ELI and for those with special needs.

Remove the Measure Y constraint. Measure Y is a significant barrier in the effort to create new housing, including affordable housing. The housing element should incorporate a commitment by the city to initiate a community process resulting in a new ballot measure to remove this constraint.

Increase the BMR. San Mateo's Below-Market-Rate Program has been a powerful mechanism for generating affordable homes. As previously stated, the city council considered such an increase of the BMR in recent years, but the height-and-density limits of Measure Y (Measure P at the time) were found to render it infeasible. We encourage the city to include in its action plan an increase in the BMR, to be passed by council immediately in the wake of overturning Measure Y.

Transform exclusive neighborhoods into inclusive ones. As indicated above, there is currently no affordable housing located in the highest opportunity areas. This is clearly inconsistent with AFFH goals. The city should make the changes necessary to facilitate the meaningful densification of R-1 neighborhoods, thereby disabling a decades-old enforcer of segregation and enabling the transformation of exclusive neighborhoods into inclusive ones.

Protect tenants from displacement. In the housing element chart for Programs and Policies, Policy H3.4 includes an enumeration of tenant protections to be enacted during Cycle 6, many of which are currently being worked on. However, this list is muddled and insufficiently robust. Considering that this is an 8-year cycle, the list should include policies other than those currently under consideration. We suggest that this entry be revised to include the following:

- Expand tenant protections under AB 1482: Extend just cause provisions to the first year of tenancy, require documentation prior to remodel, expand relocation assistance for all no-fault evictions, provide first right of return for renovation and demolition.
- Create new resources for emergency rental assistance.
- Investigate adoption of a Community Opportunity to Purchase Act.

This last item, referred to as COPA, creates an opening for community nonprofits to purchase multi-family buildings when they first come on the market, providing an opportunity to preserve the affordability of the units and keep the tenants from being displaced.

Rent registry. Policy H3.6 currently reads "Explore rent registry." Elsewhere in the housing element draft, it says that in response to community input, a decision was made to "Adopt a rent registry." Thus the word "Explore" should be changed to "Adopt." Furthermore, the rent registry should also be listed in the AFFH chart, as is the case with Policy H3.4. A rent registry tracks whether existing renter protections are being complied with and functions as a powerful vehicle to prevent displacement.

The creation of this housing element provides an opportunity to chart a course toward a brighter future for San Mateo in which inclusion is at the forefront, disparities are overcome, and the needs of all San Mateo residents are taken into full account. One San Mateo encourages incorporation of the changes described above so that it will fulfill its potential for doing so.

Sincerely,

Karyl Eldridge  
Vice Chair of One San Mateo

**\*Wire Fraud is Real\*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

## **San Mateo Housing Element-Sandy's notes**

### **At Risk Units/Preservation**

#### Humboldt House

Why is expiration of Humboldt House (**2041!**) included in this Housing Element? See Table 9 policy H2.2 (page H-62) and Table 12 H5.3.3 (page H-72). Perhaps this got carried over from prior HE which required agreement extension for that planning period (accomplished in 2021).

Table 13 page H-75 remove Humboldt House 9 units under Preservation

#### Belmont Building

Section 3.3 page H-22 – the units were converted from commercial office to residential. Funds not used for acquisition, just construction. Although property is owned by private entity and loss of affordability is possible, owner has long participated in Section 8 voucher program, so it may or may not be a “high” risk situation.

Since this property expires in 2032, suggest adding a separate implementation date to work with owner. Perhaps 2030-2031 instead of 2025-2026? See Table 9 policy H2.2 (page H-62) and Table 12 H5.3.3 (page H-72).

#### Appendix D Attachment 1

Quantified Objective- “Advertise Bridgepointe units going to sale” Seems unlikely to assume that Bridgepointe owner would sell off affordable units since this is one large rental project . Suggest something more general like negotiate with owner to “explore” selling units to non profit and/ or provide rental assistance to displaced tenants

Similar language for Belmont- could also add explore extension of participation in Section 8 program for that building. Update timeline.

Remove Humboldt House.

### **Funding Sources/Programs-**

#### Section 3.3.3 (page H-24)

State: Can add PLHA

Local funds listed: San Mateo Aff Hsg Fund/Housing Innovation funds ( these are county programs, so add County to title). --I believe Innovation Fund was a one-time program and not available at this time- check with County staff

May want to add City funding sources as well.

#### Section 3.3.6 ( page H-38)

Include sources listed on page H-24

Other State programs that could be mentioned, since City has used them: Infill Infrastructure Grant (IIG), Local Housing Trust Fund (LHTF)

#### Table 8 Policy 1.2 (page H-58) Target Column

Do you want to specify the “Talbots” parking lot project? ( Could include some milestones and number of units in the target and timeline columns.)

#### Table 10 Policy 3.1 (page H-64)- Target Column

Add qualifiers to list of programs (“as funds are available”, “for programs that have been funded in the past such as “ etc) City does not traditionally fund Vendome, and may or may not continue to fund HIP Housing. Montara is likely only for a couple of years. Rapid ReHousing may or may not continue to get funding if other priorities are identified for future PLHA. This is an 8 year plan and these things can change on an annual basis.

#### Appendix C Housing Resources Pages HC-6-7:

Section 2.2.2 -could add other State programs as mentioned above

Section 2.3 Suggest adding County AFH Funds--City has relied on them extensively over the past several years.

Section 2.3.1 Former RDA funds include loan repayments from prior loans- this is the source of the \$2.85M for Kiku with 250K balance as described. Seems odd to mention this small fund balance, since it is projected to grow over the HE time period ( I did revenue projections on the spreadsheet that summarizes Quantified Objectives.) especially since the other larger sources of funding are not quantified.

The \$706K plus 20% annual contribution ( collectively called “boomerang funds- total over \$5M ) are still available to spend. Maybe just keep this simple and leave dollar amounts out entirely. Or, go all in ,and list projected resources for all local City housing funds for the entire HE period.

Section 2.3.2 BMR program is not the name of the “fund”. It is referred to as “City Housing Fund”, which includes fractional BMR fees, as well as other misc housing revenues ( fees collected for subordination processing, loan payoffs from old First time buyer program, etc). Also City Housing Fund is mentioned specifically in Section 3.11 (page HC10) and 3.11.2 ( p HC 11), so it would be good to be consistent.

Section 2.3.3 The Commercial Linkage fees mentioned are adjusted each year using construction cost index. These are out of date already! Seems too detailed to include specific fee.

Section 2.4.4. HEART Down payment program income requirements are out of date- they change from time to time as median income changes. Also don’t think it is called Opening Doors anymore- check website for info.

#### Appendix C Housing Programs pages HC 9-12

Section 3.5 Acquisition of Land

3rd sentence is incorrect. The two parcels comprise one surface parking lot- does not include the toy store building. Internally, we’ve always called it “Talbots parking lot”, since it is adjacent to Talbots (closed toy store and owned by private party).

The last sentence refers to the other surface parking lot, which is next door to “Raviloli House”- it is not the site of the restaurant. ( again staff nick name). The City has owned this surface lot for years and years, so might be misleading to say City acquired it. The “Ravioli” and “Talbots” parking lots are not adjacent to each other, but are about a block away from each other. Also correct Appendix E 4.6 pageHE10.

#### Section 3.11.1 Life Moves

The “annual CDBG funding” for First Step is relatively recent (2020) and not guaranteed since these funds are competitive. It would be awkward to infer this is a done deal for the future given its short history of funding. Could say “ City has provided operational funds in the past and may continue based on available funds”

Also Vendome is not a shelter. Perhaps say they have two properties in San Mateo, the First Step shelter and permanent supportive housing at the Vendome.

#### Section 3.12.3 HIP Self Sufficiency

City has not funded Self Sufficiency Program for over 15 years- I would eliminate funding comment. (This is different that Home Sharing program)

#### 3.13 HOT Team

The final sentence is out of date- eliminate.

#### 3.14 Homeless Prevention. Second sentence is confusing.

#### Section 3.14.2 Legal Aid.

Again this funding is not guaranteed since they need to compete for funding. That said, the odds of this program to be funded continuously is more likely than other programs. Maybe say City “traditionally” funds this on annual basis.

### **Special Needs/Homeless**

#### FYI: Shelter Overview

City has **one** emergency/transitional shelter -First Step for Families (Life Moves)—City provided extensive capital funding to develop property, but typically has not provided ongoing operating subsidy. However, starting in 2020 Community Resource Commission awarded CDBG grants for operations (competitive process).

Vendome (Life Moves) Permanent supportive housing for formerly homeless. City provided 100% of acquisition/rehab costs for this property, but has not provided any annual operating subsidies, but does support their efforts to obtain HUD funds (PUSH) for operations through Continuum of Care process.

## Special Needs

Humboldt House (Mateo Lodge)- Permanent supportive housing for individuals with mental illness. ( not a shelter) City provided extensive funds for acq/rehab of apartment building formerly owned by private individual with County contracts to house mentally ill. City has never provided annual operating funds.

Delaware Pacific (Mid Pen)- City provided land/ subsidy to construct permanent affordable housing with 10 units set aside for households with mental health issues at risk of homelessness as referred by the County. City has never provided operating subsidies.

Montara ( BRDIGE) -City provided land and subsidy to construct permanent affordable housing with 12 units set aside for formerly homeless veterans and 4 other formerly homeless ( nonvets). Will provide operating funds for resident services for 4 years with PLHA funds.

Kiku ( Mid Pen) - City provided land and subsidy to construct permanent affordable housing with 8 units set aside for IDD, and 16 for formerly homeless

## Appendix B Constraints

2.9.5 Emergency Shelters page H B 29 final paragraph- City has one shelter, First Step. Humboldt House and Vendome are not shelters.

2.9.7 Emergency Shelter Strategies page HB 30

Re-use of residential buildings. Humboldt House is not an example of this since it is not a shelter and not really re-use since it was always, and still is, an apartment building. ( It served as housing for the mentally ill by a private owner for many years prior to Mateo Lodge acquisition and rehab ) Perhaps this example can be moved above to "Special Needs". Humboldt House serves the mentally ill, so conceivably could be considered Housing for persons with Disabilities. (2.9.1 ). Also, it serves more than 9 individuals since residents share units- Sandy B can provide the number of individuals who live there. The info about the services it provides the residents is correct.

Partnership with Faith Based Organizations -FYI there is a program in existence that does this- Home and Hope, based in Burlingame. Many years ago , it received CDBG Community Funding for the congregations who provided sites in San Mateo.

## **Appendix D AFFH**

Section 5.4 R/eCAP Page HD-23 final paragraph—"Edge" Recap language was supposed to be removed by consultant- it's not required, and for SM is misleading for the CT by Belmont border-could pose AFFH problems for parcels on Sites List along southern stretch of ECR ( Mollie Stones, etc.). I thought they made the correction on the revised draft they sent us. Remove final paragraph entirely.

Check top of page HD -24- Seems like a dangling statement--not sure if it is describing R/ECAP or Edge R/ECAP.

## **Appendix E Review of Prior Element**

Section 2.4 page HE 3 ADU's Maybe compare the success of 40-60 units now to the prior average of 2-5/year to stress the success of revisions?

Section 2.7 Preserve Affordable page HE 5. The expiring agreements were negotiated with motivated non profit organizations, and frankly not much of an issue to achieve the affordability extensions. It is an overstatement that it involved “many meetings and prolonged” collaborative efforts. I would delete those describers and just say “ Through collaborative efforts between staff.....”

Table A H2.3 page5/12 Item 3 Kiku- Construction commenced in Jan2022—correct estimated dates

## Manira Sandhir

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**From:** Adam Nugent  
**Sent:** Wednesday, April 27, 2022 9:56 PM  
**To:** Manira Sandhir; Zachary Dahl  
**Cc:** Eloiza Murillo-Garcia; HousingElements@hcd.ca.gov  
**Subject:** San Mateo Planning Commission Input - Draft Housing Element - Apr 26  
**Attachments:** Planning Commission Input - Draft Housing Element - Adam Nugent - April 26.pdf

Hi Manira and Zach,

Thank you, again, for your team's hard work on the City of San Mateo's Draft Housing Element. It is a massive undertaking!

Here are my notes and consolidated input from last night's Planning Commission review of the Draft Housing Element. I spent a few hours following the meeting getting as much of the discussion topics I commented on during the meeting incorporated into my notes as possible.

I hope the additional detail and clarifying elements in these notes prove useful to the team.

Best,  
Adam

**Adam Nugent, PLA**

Planning Commissioner, City of San Mateo  
[anugent@cityofsanmateo.org](mailto:anugent@cityofsanmateo.org)

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

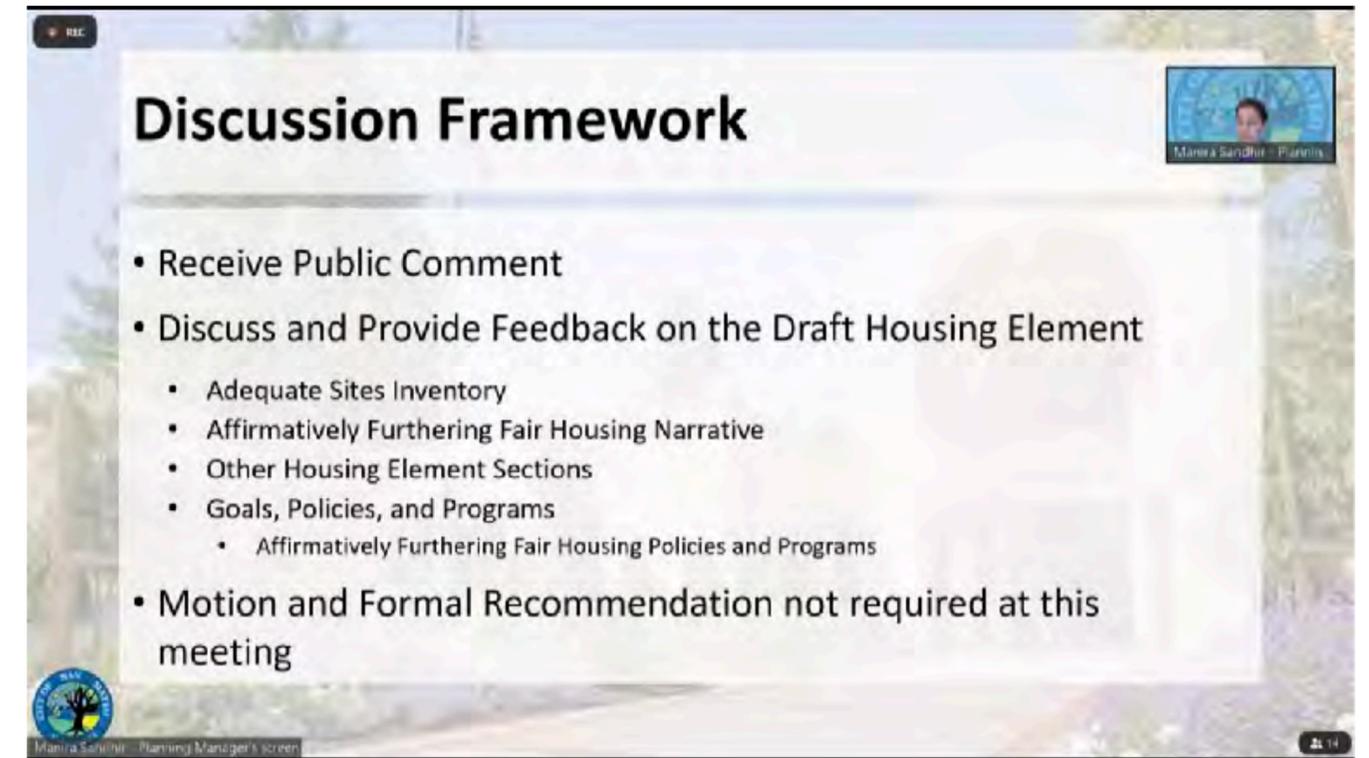
**Draft for Public Review: Housing Element of the General Plan  
2023-2031, April 6, 2022**

**Commissioner Adam Nugent, April 26, 2022 Planning Commission Meeting**

# Outline

## Draft 2023-2031 Housing Element Input

- Introduction and Thank You
- Part 1: Site Inventory Comments
  - Methodology-focused
- Part 2: Affirmatively Furthering Fair Housing Comments
  - General Comments
  - Fair Housing Assessment
  - Contributing Factors



Note: Topics to be discussed at Continuance Meeting, May 3:

- Part 3: Other Housing Element Sections
- Part 4: Goals, Policies, and Programs
  - Including Affirmatively Furthering Fair Housing Policies and Programs

**Introduction and Thank You**

# Thank you, Housing Element Team!

**The work you are doing is extremely important and impactful**

- All of my comments and questions come from a place of deep respect and appreciation for the hard work you are doing!
- I am proud to have a city with staff of such caliber, who genuinely desire to create a better, more just housing landscape for our future
- This is **HARD WORK**; and you are undertaking it in uncharted territory that is fraught with puzzles and potential pitfalls

# Thank you, Housing Element Team!

## Fair warning:

- My comments are extensive
- To implement the Housing Element in a way that truly advances fair housing goals and meets the needs of our younger generations it will take:
  - Tough decisions and a lot of work
- This Housing Element is an opportunity to make real progress:
  - Repair racial and economic disparities
  - Combat cost of living increases that are disproportionately harming younger adults

# The Push for Change Has Never Been Greater

## Demographics will drive our housing needs *and* our political will

- The younger half of our population has a different outlook and set of values than many who are in the older generations
- The political winds are blowing in the right direction for positive change
- The Millennial and Gen-Z generations are the largest generations in history and will have continually increasing political voice and power
- It is the younger generations that are feeling the most pain in this crisis, and they are the most motivated to bring about change
  - 14% of 4-year university students experienced homelessness last year; 42% experienced housing insecurity (*Governing*, 4/26/2022)
- We cannot botch this for the next generation

# Quantified Objectives Discussion

## Draft City of San Mateo 2031 Housing Element, Chapter 8

- “According to HCD, the sum of the quantified objectives for the programs should ideally be equal to or surpass the community's identified housing needs.” (Page H-75)
- Nevertheless, in the Draft Housing Element, the City has chosen not to produce a plan that meets our Regional Housing Needs Assessment (RHNA) allocation
- The City has (erroneously\*) calculated its own, quantified objectives that are below its regionally identified housing needs
- The Draft Housing Element does not currently include meaningful, quantifiable actions that would significantly increase housing production to an appropriate level, but this can and should be changed
- The only way we can justify not planning to meet our identified housing needs is if it is impossible for us to create programs, policies, develop funding, or make land use changes that can commensurably increase housing production in line with our allocation, i.e. if there were no precedents in which municipalities reformed policies and subsequently increased housing production

\* The quantified objectives themselves are incorrect due to omissions in the Housing Element's capacity calculation methodology, discussed next

**“Unaffordable housing has one and only one cause: purposeful communal enforcement of it. This is legislated poverty.”**

**Kevin Erdmann**

# Part 1: Sites Inventory

**Fundamentally, there is not a set of programs or proposals in the Draft Housing Element that justify an assertion that there will be a 300% increase in housing production over the next eight years.**

**My comments focus entirely on methodological issues and I will heavily reference state statutes and documented state guidance**

# Why does zoning capacity matter?

How much buffer do we have and how does it affect housing costs and fair housing?

Historically, most US cities planned for far more housing than was needed for the existing population. But as cities started to integrate in the post-war era of the 1950s and 60s, a backlash ended this practice, and a wave of mass downzonings followed.

The result: Housing is increasingly unaffordable for most households. This was deliberate, and often predicted, as downzonings greatly reduced the “zoning buffer” between current housing stock and the maximum allowable housing capacity. “Before 1960, the buffer in both New York and Los Angeles was at least 300% ... New York’s fell to roughly 50% after the 1961 zoning update, and it was just 12% in Los Angeles in 2010.” (Shane Phillips, Housing Initiative Project Manager, UCLA Lewis Center for Regional Policy Studies)



# Methodological Shortcomings: Nonvacant Sites Analysis

A Necessary Threshold listed in the “HDC Housing Element Completeness Checklist 1/1/2021”:

- “Nonvacant Sites Analysis: For nonvacant sites, **demonstrate the potential and *likelihood* of additional development within the planning period based on extent to which existing uses may constitute an impediment to additional residential development, past experience with converting existing uses to higher density residential development**, current market demand for the existing use, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, **development trends, market conditions**, and regulatory or other incentives or standards to encourage additional residential development on these sites”

This information needs to be objectively quantified



## HOUSING ELEMENT COMPLETENESS CHECKLIST

A Quick Reference of Statutory Requirements for  
Housing Element Updates  
Updated 1/2021

The purpose of this completeness checklist is to assist local governments in the preparation of their housing element. It includes the statutory requirements of Government Code section 65580 – 65588. Completion of this checklist is not an indication of statutory compliance but is intended to provide a check to ensure that relevant requirements are included in the housing element prior to submittal to the Department of Housing and Community Development pursuant to Government Code section 65585(b). For purposes of the Checklist the term “analysis” is defined as a description and evaluation of specific needs, characteristics, and resources available to address identified needs.

For technical assistance on each section visit [California Housing and Community Development Building Blocks Technical Assistance](https://www.hcd.ca.gov/community-development/building-blocks/index.shtml) (<https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>)

# Methodological Shortcomings: Nonvacant Sites Analysis

A Necessary Threshold listed in the “HDC Housing Element Completeness Checklist 1/1/2021”:

- “If nonvacant sites accommodate 50 percent or more of the lower-income RHNA [which is the case in San Mateo], **demonstrate the existing use is not an impediment to additional development and will likely discontinue in the planning period**, including adopted findings based on **substantial evidence.**”



## HOUSING ELEMENT COMPLETENESS CHECKLIST

A Quick Reference of Statutory Requirements for  
Housing Element Updates  
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# Realistic Development Capacity

## My Underlying Questions

- How does the city plan to increase home building by over 300%?
  - And is this development increase realistic under the described methodology?
- What is different in cycle 6 from cycle 5?
  - The city's site's capacities have only decreased from cycle 5 as the city has grown and land uses intensified (new developments have replaced existing underutilized parcels)
  - So, is there a proposed program or group of new programs that can be shown to increase home building by over 300%, based on substantial evidence from other municipalities or from economic studies?

# Sites Inventory Analysis is Incomplete

**Current incompleteness prohibits City from assessing actual capacity to meet its RHNA allocation**

- From the Draft Housing Element: “The purpose of the Sites Inventory is to evaluate whether there are sufficient sites with appropriate zoning to meet the RHNA goal. It is based on the City’s current land use designations and zoning requirements. The analysis does not include the economic feasibility of specific sites, nor does it take into consideration the owner’s intended use of the land now or in the future.” (Page H-25 Draft City of San Mateo 2031 Housing Element)
- **My Q: What substantial evidence, then, does the city provide that uses will be discontinued for nonvacant sites?**
- **My Q: How does the city incorporate redevelopment trends in its site capacity calculations?**

# Site Inventory Methodology - State Law

(Compare to Draft City of San Mateo 2031 Housing Element, Page H-26)

- Government Code section 65583.2(c)(2) The housing element must describe the methodology used to determine the number of units calculated based on the following factors:
  1. Land use controls and site improvements requirements,
  2. \*NEW\* The realistic development capacity for the site,
  3. \*NEW\* Typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,
  4. \*NEW\* The current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

# Site Inventory Methodology

Page H-26

Draft City of San Mateo 2031 Housing Element

- “The number of units that might be able to be developed at various affordability levels **was then estimated**, e.g., available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was then completed **using the actual average residential densities for developments** built on land with various zoning designations over the past five years.” (Page H-26 Draft City of San Mateo 2031 Housing Element)
- This a surprisingly short description of a crucial part of our otherwise extensive Draft Housing Element
- “**was then estimated**” is doing a lot of work in this passage
- The City needs to show its math and data so the public can adjudicate its capacity calculations

- Locational requirements of identified sites (AB 686, 2018)
- Sites identified in previous housing elements (AB 1397, 2017)
- Non-vacant site replacement unit requirements (AB 1397, 2017)
- Rezone program requirements (AB 1397, 2017)

These laws are further described in Section 2.2 (Legislative Context) of the Housing Element.

### 3.4.2 Site Inventory Methodology

City staff inventoried vacant and underutilized parcels in San Mateo to determine what land is available for development at various levels of density. Types of sites included:

- Vacant sites zoned for residential use.
- Vacant sites zoned for nonresidential use that allow residential development.
- Residentially zoned sites, including non-residentially zoned sites with a residential overlay, that are capable of being developed at a higher density (non-vacant sites, including underutilized sites).
- Sites owned or leased by a city, county, or city and county.

The number of units that might be able to be developed at various affordability levels was then estimated, e.g., available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was then completed using the actual average residential densities for developments built on land with various zoning designations over the past five years.

The City of San Mateo's Sites Inventory for future housing includes property zoned for multi-family use that is currently vacant as well as land that is severely underutilized. Sites that are zoned commercial or office but allow residential uses were included. As seen in Table 7 below, the adequate sites analysis demonstrates that there is enough land to meet the City's RHNA. The analysis for affordable housing units for extremely low, very low, and low-income households is based on the assumption that land zoned at densities higher than 30 units to the acre can facilitate affordable housing development, given the City's inclusionary requirements of 15%. More than 50% of the City's below market rate housing would be developed on lands that are underutilized. However, the city is experiencing a high volume of residential and mixed-use development projects looking to revitalize these sites and seeking density bonus and other incentives to achieve higher density residential development.

### 3.4.3 Site Inventory Approach

Staff conducted a site-by-site review of all potential development sites, citywide. As will be demonstrated below, staff currently believes that the RHNA, plus a reasonable buffer, can be accommodated within the existing zoning densities and the growth limits of the voter-approved initiative known as Measure Y.<sup>6</sup>

**Development Potential Ranking.** Each site – or potential aggregation of sites – was analyzed to discern the likelihood and feasibility of development during the period 2023-2031. Factors such as underperforming or vacant uses, owner or developer interest, age and size of current improvements, site

<sup>6</sup> Measure Y imposes height and density limits that will limit the amount of development that can be built on any site in San Mateo through 2030.

# Site Inventory Methodology

Page H-26

Draft City of San Mateo 2031 Housing Element

- “The number of units that might be able to be developed at various affordability levels ***was then estimated***, e.g., available land zoned at higher densities can be counted toward the very low- and low-income level needs, and land zoned at lower densities are counted toward the moderate and above moderate-income housing need. The analysis was then completed ***using the actual average residential densities for developments*** built on land with various zoning designations over the past five years.” (Page H-26 Draft City of San Mateo 2031 Housing Element)
- **Q: What is the denominator used in calculating the average?**
- **Q: Does this denominator only use recently developed sites or does it look at all similarly zoned parcels?**

- Locational requirements of identified sites (AB 686, 2018)
- Sites identified in previous housing elements (AB 1397, 2017)
- Non-vacant site replacement unit requirements (AB 1397, 2017)
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The City of San Mateo's Sites Inventory for future housing includes property zoned for multi-family use that is currently vacant as well as land that is severely underutilized. Sites that are zoned commercial or office but allow residential uses were included. As seen in Table 7 below, the adequate sites analysis demonstrates that there is enough land to meet the City's RHNA. The analysis for affordable housing units for extremely low, very low, and low-income households is based on the assumption that land zoned at densities higher than 30 units to the acre can facilitate affordable housing development, given the City's inclusionary requirements of 15%. More than 50% of the City's below market rate housing would be developed on lands that are underutilized. However, the city is experiencing a high volume of residential and mixed-use development projects looking to revitalize these sites and seeking density bonus and other incentives to achieve higher density residential development.

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**Development Potential Ranking.** Each site – or potential aggregation of sites – was analyzed to discern the likelihood and feasibility of development during the period 2023-2031. Factors such as underperforming or vacant uses, owner or developer interest, age and size of current improvements, site

<sup>6</sup> Measure Y imposes height and density limits that will limit the amount of development that can be built on any site in San Mateo through 2030.

# Site Inventory Methodology

**Realistic Development Capacity for nonresidential, nonvacant, or overlay zoned sites**

- Practically all sites are non-vacant, and so we must look at production trends...

# Realistic Development Capacity

## City must consider past experience converting existing uses for Nonvacant Sites

- HCD’s “Site Inventory Guidebook,” page 24:
- “If the inventory identifies nonvacant sites to address a portion of the RHNA, **the housing element must describe the realistic development potential of each site within the planning period.** Specifically, the analysis *must* consider the extent that the nonvacant site’s existing use impedes additional residential development, the **jurisdiction's past experience converting existing uses to higher density residential development, market trends and conditions,** and regulatory or other incentives or standards that encourage additional housing development on the nonvacant sites.”

“Development potential”

X period of time (“planning period”)

---

= *rate* of parcel conversion to new housing

### PART D: NONVACANT SITES

Local governments with limited vacant land resources or with infill and reuse goals may rely on the potential for new residential development on nonvacant sites, including underutilized sites, to accommodate their RHNA. Examples include:

- Sites with obsolete uses that have the potential for redevelopment, such as a vacant restaurant.
- Nonvacant publicly owned surplus or excess land; portions of blighted areas with abandoned or vacant buildings.
- Existing high opportunity developed areas with mixed-used potential.
- Nonvacant substandard or irregular lots that could be consolidated.
- Any other suitable underutilized land.

Local governments can meet other important community objectives to preserve open space or agricultural resources, as well as assist in meeting greenhouse gas emission-reduction goals, by adopting policies to maximize existing land resources and by promoting more compact development patterns or reuse of existing buildings.

#### Definition of a Vacant Site

A vacant site is a site without any houses, offices, buildings, or other significant improvements on it. Improvements are generally defined as development of the land (such as a paved parking lot, or income production improvements such as crops, high voltage power lines, oil-wells, etc.) or structures on a property that are permanent and add significantly to the value of the property.

Examples of Vacant Sites:

- No improvement on the site (other than being a finished lot).
- No existing uses, including parking lots.
- Underutilized sites are not vacant sites.
- Sites with blighted improvements are not vacant sites.
- Sites with abandoned or unoccupied uses are not vacant sites.

If the inventory identifies nonvacant sites to address a portion of the RHNA, the housing element must describe the realistic development potential of each site within the planning period. Specifically, the analysis must consider the extent that the nonvacant site’s existing use impedes additional residential development, the jurisdiction's past experience converting existing uses to higher density residential development, market trends and conditions, and regulatory or other incentives or standards that encourage additional housing development on the nonvacant sites.

# Nonvacant Site Analysis Methodology

From HCD's "Site Inventory Guidebook," May 2020, page 25

## Development Trends:

The inventory analysis should describe development and/or redevelopment trends in the community as it relates to nonvacant sites, i.e., the rate at which similar sites have been redeveloped. This could include a description of the local government's track record and specific role in encouraging and facilitating redevelopment, adaptive reuse, or recycling to residential or more intensive residential uses. If the local government does not have any examples of recent recycling or redevelopment, the housing element should describe current or planned efforts (via new programs) to encourage and facilitate this type of development (e.g., providing incentives to encourage lot consolidation or assemblage to facilitate increased residential-development capacity). The results of the analysis should be reflected in the capacity calculation described in Part C

# Part C: Example Calculation

From HCD's "Site Inventory Guidebook," May 2020, page 22

## Example Capacity Calculation

Here is an example of the actual capacity calculation for a particular site in the inventory. The methodology analysis must describe how each of these adjustments was generated per the analysis requirements above. The factors used below are based on the factors outlined in the statute. The percentages and how the factors are applied will vary depending on the unique circumstance in each jurisdiction.

Site Description	
Size of site	2.5 acres
Zoning	Residential Mixed-Use
Allowable density	20 – 45 dwelling units per acre
RHNA affordability	Lower income
Existing Use	Nonvacant, single storefront
Infrastructure availability	Yes, no constraints
Environmental constraints	None known

Capacity Factors	Adjustment	Reasoning
Land Use Controls and Site Improvements	95%	For net acreage due to on-site improvements including sidewalks, utility easement
Realistic capacity of the site	55%	55% adjustment based on past development trends for residential redevelopment in the residential mixed-use zones, and programs to incentivize development in this zone.
Typical densities	95%	Affordable housing projects are built out to almost maximum density
Infrastructure availability	No adjustment	Not applicable, no constraint
Environmental constraints	No adjustment	No known site constraint

Realistic capacity utilizing factors =  $(2.5 \times 45) \times (.95) \times (.55) \times (.95) = 56$  units

Realistic Capacity = 56 Units

I cannot find this factor in our site inventory methodology

# Site Inventory Approach

Page H-26-27

Draft City of San Mateo 2031 Housing Element

The closest thing I can find to a calculation of the rate at which similar parcels were redeveloped is this non-empirical “Development Potential Ranking”.

The writers of this draft used a *subjective*, ranked series of numbers, 1-5, in its calculations to encode what amounts to an unsubstantiated guesstimate of the “realistic development capacity” of sites

This is like using “thumbs up” emojis where we should be using available, numerical, development trend data

## 3.4.3 Site Inventory Approach

Staff conducted a site-by-site review of all potential development sites, citywide. As will be demonstrated below, staff currently believes that the RHNA, plus a reasonable buffer, can be accommodated within the existing zoning densities and the growth limits of the voter-approved initiative known as Measure Y.<sup>6</sup>

**Development Potential Ranking.** Each site – or potential aggregation of sites – was analyzed to discern the likelihood and feasibility of development during the period 2023-2031. Factors such as underperforming or vacant uses, owner or developer interest, age and size of current improvements, site size, and site constraints were reviewed. Depending on these considerations, sites were ranked from 1 to 5, with 1 being a site unlikely to develop/redevelop within the planning period, and 5 being highly likely to develop/redevelop during the period. Samples of these rankings include, but are not limited to:

- National chain gas stations, national chain fast food restaurants, and community-serving grocery stores. The State has indicated these types of sites are the most difficult to justify including in an inventory. Generally, no sites in this category are included in the inventory; however, the city has identified two sites with redevelopment interest that are ranked 4 (i.e. Bridgepointe Shopping Center and Olympic Shopping Plaza).
- Sites that are extremely small with little opportunity for aggregation, sites that may require substantial environmental clean-up, and other heavily constrained sites. No sites in this category are included in the inventory.
- Sites with existing uses that could be redeveloped along with adjacent parcels but which may have multiple owners, small underperforming strip malls, and certain office developments. Many of the City’s sites are within this category.
- Sites that have uses on them but in which a developer has expressed interest in the site, shopping malls with significant potential for redevelopment, adjacent sites with only one or two owners, and low-density commercial developments in high-density areas. Many of the City’s sites are within this category.
- Large sites with potential for substantial development, vacant sites, or sites with proposed or soon to be proposed projects and approved projects that have not yet been built. Majority of the City’s sites are in this category and have either proposed or approved projects that have not yet been built.

# Realistic Development Capacity

## for nonvacant sites

- Using *qualitative* characteristics to “rank” the “likelihood” of redevelopment for various sites is *not* an acceptable methodology in any HCD guidance documentation (Draft Housing Element, page H-26 to H-27)
- The likelihood of redevelopment should be based on *quantitative*, measurable *trends* [rates] (HCD “Site Inventory Guidebook,” page 21)
- The only valid exceptions should be for places without reasonably similar development history to calculate trends from, and that should generally not apply to the Bay Area

# Realistic Development Capacity

## for nonvacant sites

- Using *qualitative* characteristics to “rank” the “likelihood” of redevelopment for various sites is not an acceptable methodology in any HCD guidance documentation (Draft Housing Element, page H-26 to H-27)
- When ratings are subjective, it is impossible for the public to ascertain the quality of the City’s analysis.
- It amounts to staff saying, “there is enough capacity because, to us, it feels like there is enough capacity. Trust us.”
- It then becomes uncannily convenient that staff “determined” we have enough zoned capacity to meet our RHNA allocation.

# Realistic Development Capacity

## for nonvacant sites

- Using *qualitative* characteristics to “rank” the “likelihood” of redevelopment for various sites is not an acceptable methodology in any HCD guidance documentation (Draft Housing Element, page H-26 to H-27)
- When we use objective, quantitative data and we find that the probability of development is lower than what we need to meet our goals, we have the ability to draft policies that will enable changes that will help us meet our goals in predictable ways
- In contrast, when you base development capacity on subjective, non-empirical ratings, the Public has no way to understand how to change policies in ways that will meet our development needs

# **Non-Vacant Site Analysis Methodology - State Law**

**Government Code section 65583.2, subdivision (g)(2) states:**

- “An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.”
  
- Q: How can a qualitative ranking of sites be considered substantial evidence?

# Realistic Development Capacity - Nonvacant Sites

**Current incompleteness prohibits City from assessing actual capacity to meet its RHNA allocation**

- In sum, past production **trends** must be used, **including whether or not a site will be developed at all**. Staff or consultant “intuition” is not acceptable
- Unless there is substantial evidence that a site will be redeveloped according to a listed density, be it a letter from the property owner or a pre-application submission, the city should be using an objective, calculated probability of redevelopment based on all similar properties locally or regionally over the course of the past RHNA cycle.
- **For the City of San Mateo, that probability is 8.5% according to a UCLA study published in 2021**

# Realistic Development Capacity - Nonvacant Sites

**Current incompleteness prohibits City from assessing actual capacity to meet its RHNA allocation**

- In sum, past production **trends** must be used, **including whether or not a site will be developed at all**. Staff or consultant “intuition” is not acceptable
- **Each parcel capacity calculation should be multiplied by the probability of development for parcels in San Mateo, something akin to 0.085 (or 1.0 if the parcel has *substantial evidence* of redevelopment)**
- **If there is additional, refined and warranted, *development trend data*, such as the probability of development for parcels with a specific zoning-designation that are of a functionally equivalent size, that probability may be factored into the calculation if reviewed and approved by the PC or council**

# Non-vacant Site Analysis Next Steps

## The City shall serve the Public in its evaluation of suitable sites

- From HCD Site Inventory Guidebook, page 27:
  - “If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site’s existing use is **presumed to impede** additional residential development, **unless the housing element describes findings based on substantial evidence** that the use will likely be discontinued during the planning period. The housing element must include the following:
    - As part of the resolution adopting the housing elements, findings stating the uses on nonvacant sites identified in the inventory to accommodate the RHNA for lower income is likely to be discontinued during the planning period and the factors used to make that determination. This can be included in the body or in the recital section of the resolution.”

### Step 3A:

If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site’s existing use is presumed to impede additional residential development, unless the housing element describes findings based on substantial evidence that the use will likely be discontinued during the planning period. The housing element must include the following:

- As part of the resolution adopting the housing elements, findings stating the uses on nonvacant sites identified in the inventory to accommodate the RHNA for lower income is likely to be discontinued during the planning period and the factors used to make that determination. This can be included in the body or in the recital section of the resolution.

Example: WHEREAS, based on <name factors here (e.g., expiring leases, dilapidated building conditions, etc.)>, the existing uses on the sites identified in the site inventory to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore do not constitute an impediment to additional residential development during the period covered by the housing element.

- The housing element should describe the findings and include a description of the substantial evidence they are based on.

In general, substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. An example of substantial evidence would be a nonvacant site with a grocery store and with a building lease expiring in a year, and evidence that the store has entered into a lease to relocate to another site subsequent to the lease expiring.

Examples of substantial evidence that an existing use will likely be discontinued in the current planning period include, but are not limited to:

- The lease for the existing use expires early within the planning period,
- The building is dilapidated, and the structure is likely to be removed, or a demolition permit has been issued for the existing uses,
- There is a development agreement that exists to develop the site within the planning period,
- The entity operating the existing use has agreed to move to another location early enough within the planning period to allow residential development within the planning period.
- The property owner provides a letter stating its intention to develop the property with residences during the planning period.

If multiple sites make up a common existing use and the same factors affect each of the sites, the same findings can be used for each of the sites (e.g., an abandoned shopping mall with sites under common ownership that will not be restored to commercial use located in an area where there is recent residential development). The “substantial evidence” would indicate the existing use will not impede further residential development or that the existing use will be discontinued during the planning period. In this type of situation, use of the same findings for each of the multiple sites would be appropriate.

# Non-vacant Site Analysis Next Steps

## The City shall serve the Public in its evaluation of suitable sites

- When substantial evidence is provided for site redevelopment, it should be available to the public, early in the process, in an easy, user-friendly way that is connected to the site geographically,
- The substantial evidence's warrant for use should be adjudicated by the the Public through the Planning Commission and verified by HCD
- Absent substantial evidence:
  - The likelihood of redevelopment of any given site should default to the likelihood of development for all sites across the city (or all sites of a particular zoning category and equivalent size, if the data are available)

# Realistic Development Capacity

## Include a Monitoring Program with next-step actions

- Monitoring Programs with next-step actions should be incorporated if the expected housing development is not produced
- “In addition, the housing element should include monitoring programs with next-step actions to ensure sites are achieving the anticipated development patterns. The programs should identify modifications to incentives, sites, programs, or rezoning the jurisdiction will take should these strategies not yield the expected housing potential.” (HCD “Site Inventory Guidebook,” page 21)

# **Part 2: Affirmatively Furthering Fair Housing**

**Using California HCD Guidance for Public Entities and Housing  
Elements to advocate for our neighbors in San Mateo**

**Commissioner Adam Nugent, April 26, 2022 Planning Commission Meeting**

# AFFH General Comments

## Where are we going with this?

- We should have a very clear end-state where this city has solved the identified patterns of segregation, geographic disparities, and affirmatively furthered fair housing
- It does not have to be achieved by the end of this single cycle, but its expected year of achievement should be stated and agreed upon, under the direct consultation of identified, excluded demographics and protected classes, like an emissions goal
- This end-state should be discernible and anticipated by the goals and actions

**“Many Americans have a hard time recognizing the magnitude and persistence of racial inequality because, psychologically, we resist these truths. Psychologists refer to this kind of broad bias in perception as “motivated cognition” — that is, most Americans want to live in a society that is more racially equal, and so they engage in mental actions that ignore, discount or downplay contradictory evidence to maintain coherence between belief and reality.”**

**Michael Kraus, a social psychologist and an associate professor at Yale University**

**Likewise, when progress toward equality is seen as inevitable, incentives for political action are low.**

**We need to end residential segregation  
and reinvest in our Northern  
Neighborhoods**

**Without displacement**

# State Guidance

## Affirmatively Furthering Fair Housing

- New California laws require active steps by our city government to dismantle housing segregation
- Actions must be taken in the Housing Element/General Plan creation in 2021 and 2022
- HCD outlines best practices and policies for cities to use



**California Department of Housing  
and Community Development**

### Affirmatively Furthering Fair Housing

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)



# Quick AFFH Overview for Readers of These Notes



**California Department of Housing  
and Community Development**

**Affirmatively Furthering Fair Housing**

**Guidance for All Public Entities and for Housing Elements**

(April 2021 Update)



# What is AFFH?

## Affirmatively Furthering Fair Housing

Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development.

### Part 1: Duty of All Public Agencies to Affirmatively Further Fair Housing

AB 686 strengthens existing California fair housing and civil rights laws. California's Fair Employment and Housing Act (FEHA) provides broad protections to California residents, prohibiting housing discrimination based upon "race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information."<sup>33</sup> California's Government Code section 65008 prohibits discrimination in housing based on occupation, age, or protected characteristic; method of financing; or the intended occupancy by lower or moderate income people. While state law prohibited discrimination through public or private land use practices, decisions, and authorizations based on any of these characteristics, it had not included a state requirement to affirmatively further fair housing. As of January 1, 2019, AB 686 creates a state mandate requiring public agencies and jurisdictions to go beyond combating discrimination to affirmatively further fair housing.

**"Affirmatively furthering fair housing"** means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development. - (Gov. Code, § 8899.50, subc. (a)(1).)

Beyond the housing element requirements, AB 686 requires all public agencies (including, but not limited to, all cities and counties, and housing authorities) to ensure that their housing and community development programs and activities—taken together—affirmatively further fair housing, and that they take no action materially inconsistent with this obligation.<sup>34</sup>

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

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

<sup>34</sup> Gov. Code, § 8899.50, subcs. (a)(1), (b), (d).

# Meaningful Action

## AFFH requirements

- Address significant disparities in housing needs and in access to opportunity
- Replace segregated living patterns with truly integrated and balanced living patterns
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity
- Foster and maintain compliance with civil rights and fair housing laws

**1. Significant Disparities in Housing Needs and in Access to Opportunity:** Examples include incentivizing new residential development to include below-market rate housing; conserving affordability of existing housing, such as limitations on rents or conversion of such housing to higher rent or higher priced housing; encouraging systematic code enforcement activities that maintain housing stock while ensuring such enforcement does not cause displacement; and promoting housing mobility strategies and displacement mitigation strategies to ensure equitable access to opportunity. Housing mobility strategies may include providing affordable and accessible transportation options to enhance access to education and economic development opportunities. Displacement mitigation strategies may include tenant protections, conservation of existing stock, preservation of units at-risk of conversion to market-rate uses, acquisition and rehabilitation of existing stock, including naturally occurring affordable housing, and removing barriers to building affordable housing.

**2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns:** Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area (e.g., creating affordable housing, funding reentry assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.<sup>36</sup>

**3. Transforming Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) into Areas of Opportunity:** Examples include community-led, place-based strategies to revitalize communities, such as economic development strategies and prioritizing investment in R/ECAPs that meet the needs of existing low-income residents, such as safe routes to school, transit, parks, schools, bike and pedestrian infrastructure, urban forestry, other neighborhood improvements; preserving naturally occurring affordable housing, such as mobilehome parks; and preservation as affordable housing of market-rate units where low-income households live; and promoting mixed-income development coupled with strong anti-displacement protections. Conduct outreach and advertise city program to persons with limited English proficiency. Other examples include community engagement in planning processes, including targeted outreach, technical assistance to help apply for grants, economic development strategies, workforce development, youth engagement and educational programs, healthy food access, affordable energy, and transportation access.

**4. Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws:** Agencies must diligently comply with civil rights and fair housing laws, including the California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2), Government Code sections 8899.50, 65008, 65583, subdivisions (c)5 and (c)10, and 11135, Civil Code section 51 (the Unruh Civil Rights Act), and FEHA regulations in California Code of Regulations, title 2, sections 12005-12271.

# Fair Housing Actions

## What we need San Mateo to do

- Create housing mobility strategies
- Provide new housing choices and affordability in areas of opportunity
- Design place-based strategies to encourage community conservation and revitalization
- Protect existing residents from displacement

### Examples of Affirmatively Furthering Fair Housing Actions

**Housing Mobility Strategies** consist of removing barriers to housing in areas of opportunity and strategically enhancing access. Examples include:

- Voucher mobility
- Housing mobility counseling
- City-wide affordable rental registries
- Landlord outreach to expand the location of participating voucher properties
- Landlord education and outreach on source of income discrimination and voucher programs
- Assistance with security deposits and moving expenses for voucher holders and other low-income tenants
- Extend search times for particular groups with housing choice vouchers, such as larger families with children or persons with disabilities
- Regional cooperation and administration of vouchers (such as through portability and shared waiting lists);
- Affirmative marketing can be targeted at promoting equal access to government-assisted housing or to promote housing outside the immediate neighborhood to increase awareness and the diversity of individuals in the neighborhood
- Collaborate with high performing school districts to promote a diversity of students and staff to serve lower income students
- Developing multifamily housing opportunities<sup>95</sup>
- Encouraging the development of four or more units in a building
- Encouraging collaboration between local governments and community land trusts as a mechanism to develop affordable housing in higher-opportunity areas.<sup>96</sup>
- Accessibility programs focus on improving access to housing, transit, public buildings and facilities, sidewalks, pedestrian crossings, and businesses.

**New Housing Choices and Affordability in Areas of Opportunity** means promoting housing supply, choices and affordability in areas of high opportunity and outside of areas of concentrated poverty. Examples include:

- Zoning, permit streamlining, fees, incentives and other approaches to increase housing choices and affordability (e.g., duplex, triplex, multifamily, accessory dwelling units, transitional and supportive housing, group homes) in high opportunity areas
- Target housing creation or mixed income strategies (e.g., funding, incentives, policies and programs, density bonuses, land banks, housing trust funds)
- Inclusionary requirements

<sup>95</sup> The federal FHA includes design and construction requirements for all residential buildings with four or more attached units. In buildings with stairs, all ground floor units must be accessible, and in buildings with elevator access, all units must have minimum access. There is no federally mandated standard for accessibility in single family homes. Government Code section 12955.1, subdivision (b), requires 10 percent of units in multifamily buildings without elevators consisting of 3 or more rental units or 4 or more condominium units are subject to accessibility building standards.

<sup>96</sup> See Community Land Trusts and Stable Affordable Housing, available at <https://www.huduser.gov/podals/podalg/pdf/cldtc-featd-article-11-0417.html>, last visited on March 19, 2021.

# Components of New HE Requirements for AFFH

1. Outreach
2. Assessment of Fair Housing (AFH)
3. Site Inventory
4. Identification & Prioritization of Contributing Factors
5. Goals and Actions/Programs



Affirmatively Furthering Fair Housing

# **6.3 San Mateo's Fair Housing Assessment**

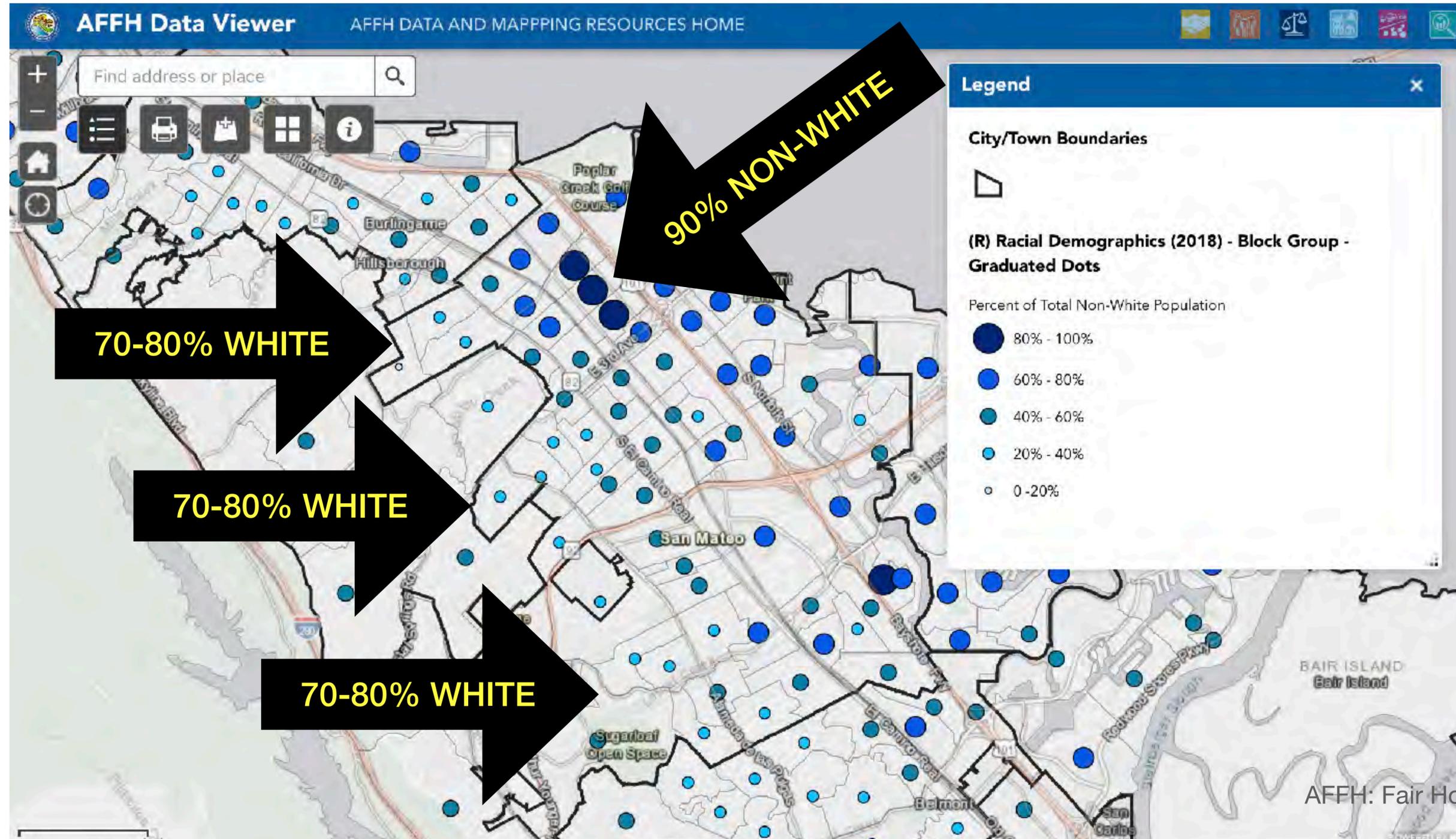
# Fair Housing Assessment

## Shortcomings In the Assessment of Segregation and Integration Patterns and Trends:

- No analysis of racially segregated, concentrated areas of affluence
  - Missing assessment of the most segregated racial population: non-Hispanic whites (APPENDIX D, Attachment 4 – UC Merced Segregation Report)
- No opportunity sites are located within the city's highest-opportunity areas

# Assessment's Miss:

Racially Concentrated Areas of Affluence Completely Left Out of the Analysis and Sites Inventory



"Figure II-6: % Non-White Population by Census Block Groups," 2018, Root Policy Research Map and Data Packet, Page 10

# Fair Housing Assessment

## Shortcomings In the Assessment of Segregation and Integration Patterns and Trends:

- Why is income-segregation substantially higher in San Mateo compared to the rest of the Bay Area?
  - This assessment should highlight factors that can be fixed
- Why has San Mateo's income segregation at the neighborhood level not improved over time and why is it worse than the Bay Area average?

# Fair Housing Assessment

## Shortcomings In the Assessment of Segregation and Integration Patterns and Trends:

- Missing meaningful assessment of segregation in San Mateo relative to the Bay Area region
  - Extremely low population of black people. Why?
    - Need assessment of **causes** for the growing exclusion of this demographic from San Mateo in order to solve for this issue

# Assessment's Miss: Black population

Exclusion and displacement → low population relative to Bay Area

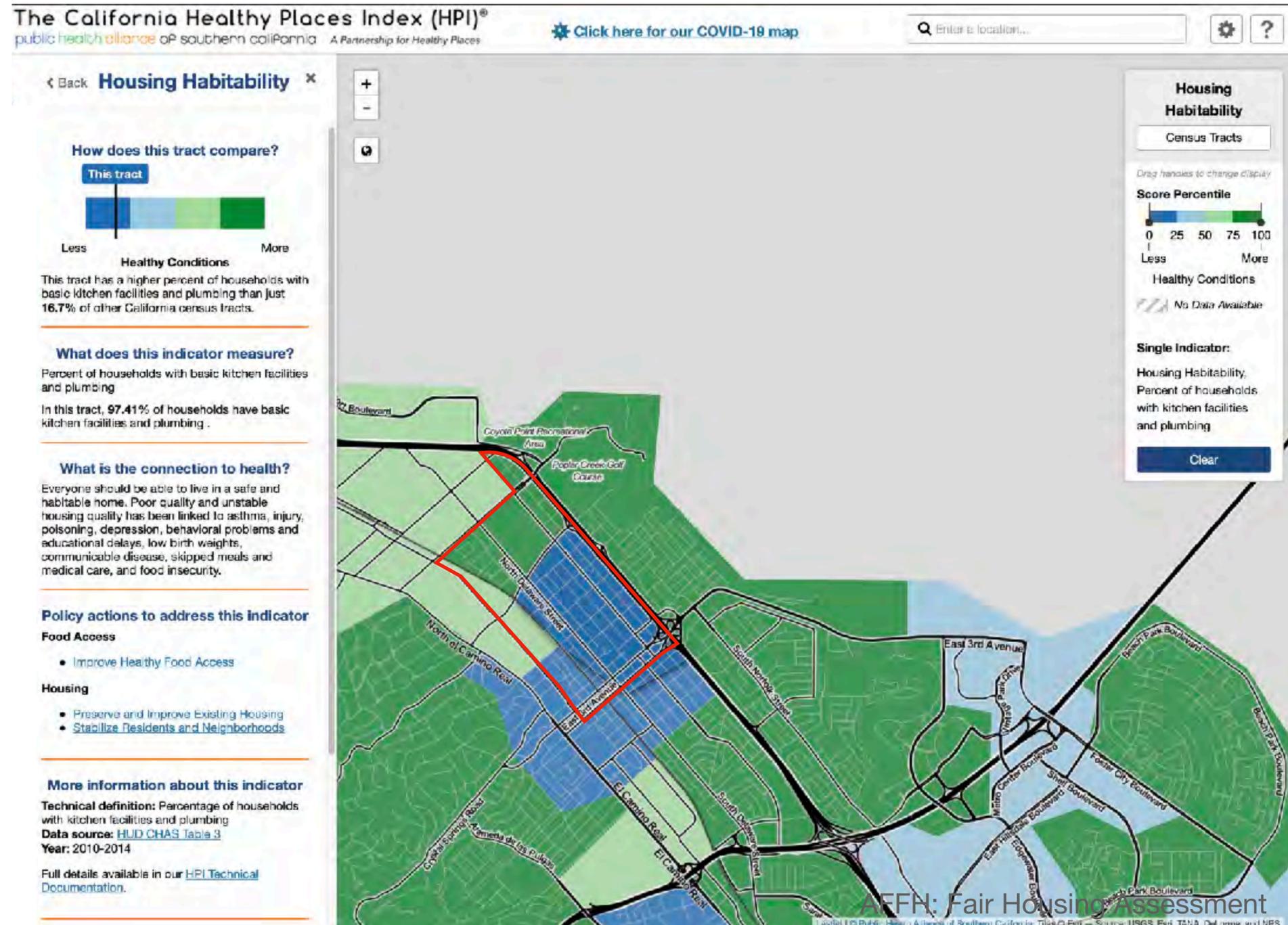
- Only 2% of the city's population is now black
- In 1990 the North Central census tract was 18% black, the highest in the city
- In 2017 it was only 4% black
- Discuss possible causes:
  - Disinvestment-driven displacement in North Central due to rising rental costs and lack of improvement of rental housing conditions
  - Government policy preventing home purchasing
  - Historical exclusion elsewhere in the city

<b>Black Population in Census Tract 6062 Census Period 1960-Present</b>	
1990	18%
2000	11%
2010	6%
2017	4%

# Assessment's Miss: Geographic Differences

## Housing Habitability Issues

- Strong and distinguishing characteristic of North Central
- Highly concentrated in North Central and downtown
- North Shoreview is *not* characterized by this issue

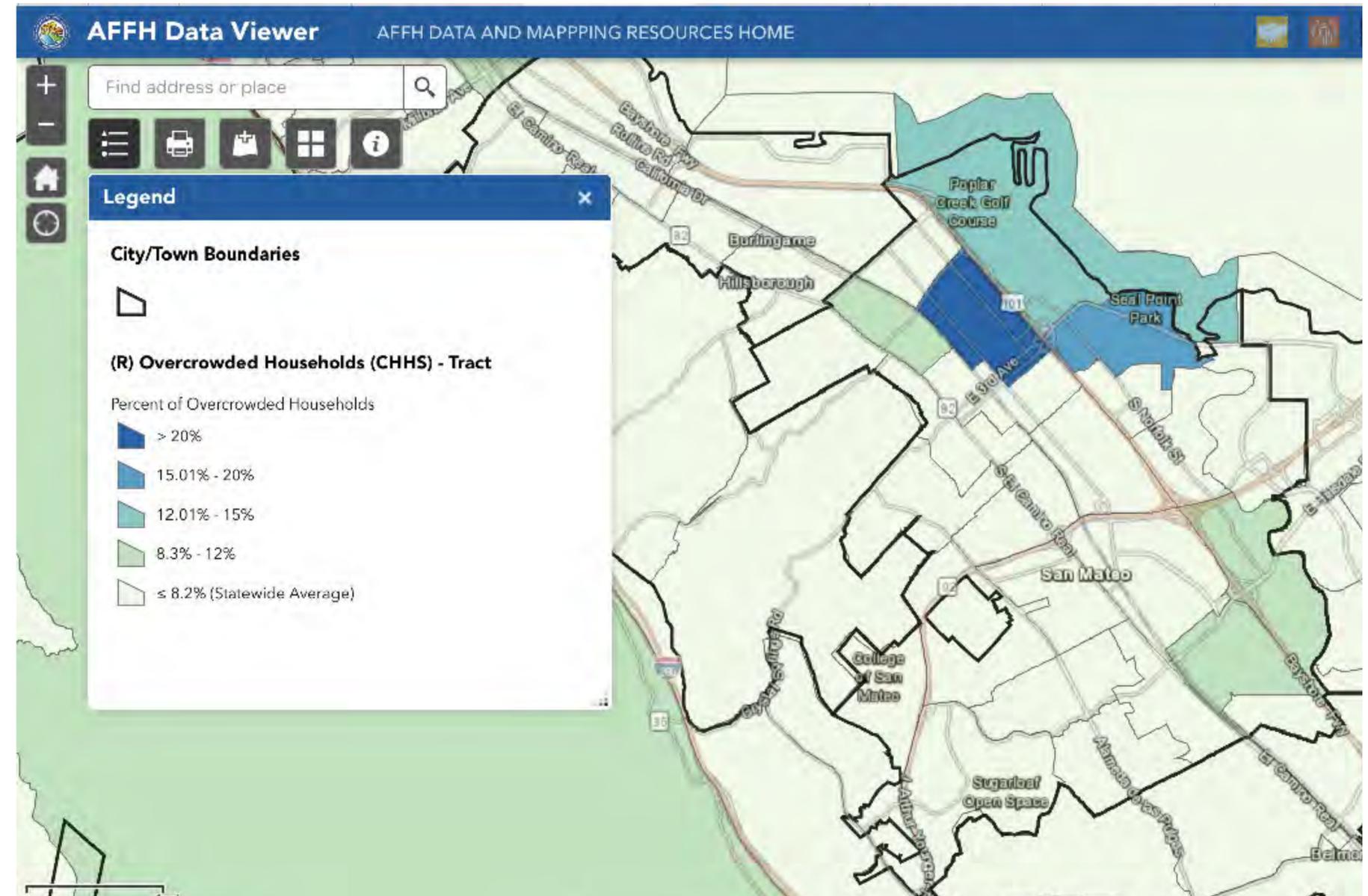


See also: "Figure III-11: Healthy Places Index by Census Tract, 2021," Root Policy Research Map and Data Packet, Page 40

# Assessment's Miss: Geographic Differences

## Overcrowding issues in North Central

- Strong and distinguishing characteristic of southern North Central
- Highly concentrated in one neighborhood
  - North Shoreview (13%) is much less characterized by this issue
- San Mateo overcrowding overall average: 7%, which is heavily skewed by North Central
- San Mateo Park: < 1%
- North Central north of Poplar Ave: 1%
- **North Central south of Poplar Ave: 27%**



"Figure IV-19: Overcrowded Households by Census Tract, 2019," Root Policy Research Map and Data Packet, Page 60

# Fair Housing Assessment

## Resident trauma and exclusion

- North Central residents, including many who are alive today, have experienced the trauma of exclusion and steering from other neighborhoods of San Mateo
- Paired with a strong history of disinvestment and government practices to prevent POC from home ownership, the neighborhood and its people will need thoughtful repair in both the public and private realms

## **6.3.2 Contributing factors and Fair Housing Action Plan.**

# Excerpt from HCD's AFFH Presentation

## 4. Identify and Prioritize Contributing Factors

- » The housing element must identify and prioritize significant contributing factors to segregation, R/ECAPS, opportunity access, & disproportionate housing needs
  - Fair housing contributing factor = a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues.
  - Contributing factors should be based on all prior AFFH analyses (Outreach, AFH, Site Inventory)

# Excerpt from HCD's AFFH Presentation

## 4. Identify and Prioritize Contributing Factors

- » Identification and evaluation of contributing factors must:
  - Identify fair housing issues and significant contributing factors
  - Prioritize contributing factors, giving highest priority to those factors that most limit or deny fair housing choice, access to opportunity, or negatively impact fair housing or civil rights compliance
  - Discuss strategic approaches to inform and strongly connect to goals and actions. Goals and actions should stem directly from Contributing Factors
- » Prioritization is important – should be a manageable list (4-6, not 50)
- » Must be tailored to local conditions

# Analysis of Contributing Factors is inadequate

- It currently focuses more on the characteristics of the victims of our discriminatory structures and thus functions more as a continuation of the fair housing assessment than what it's meant to be
- For instance, listing the fact *that Hispanic residents are more likely to work low-wage jobs or that Hispanic residents are primarily concentrated in the northeastern area of the city where residents face higher poverty and cost burden as well as poor opportunity outcomes* is something that belongs in the fair housing assessment, not in the contributing factors space

# Analysis of Contributing Factors is inadequate

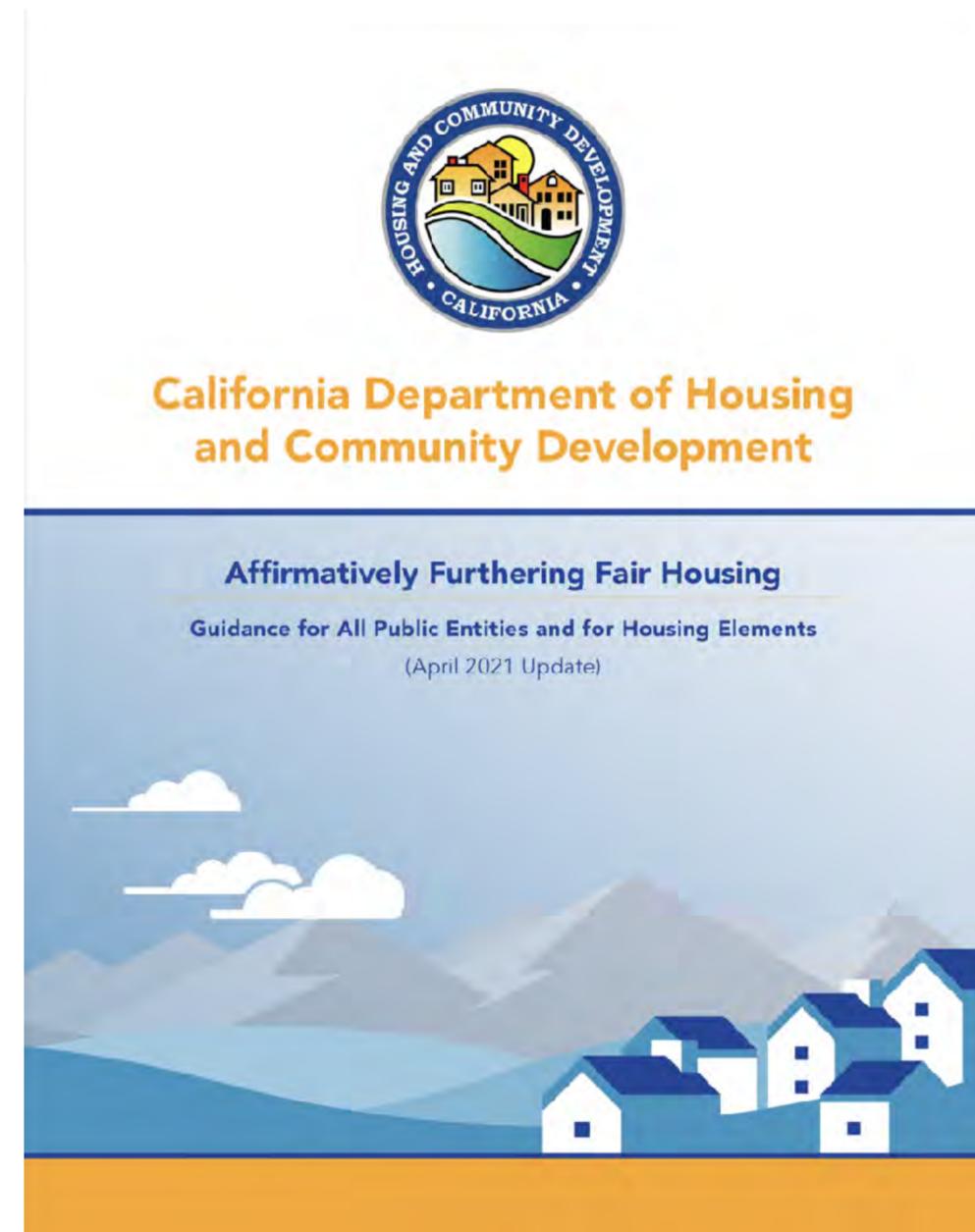
## What is a fair housing contributing factor?

- Fair housing contributing factor = a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues
- **City-controlled regulatory factors, policies, or ways of doing business** that cause or contribute to fair housing issues ***should be fully identified and take primacy in this analysis***, but they are inadequately discussed

# Examples of Contributing Factors to Fair Housing Issues by Area

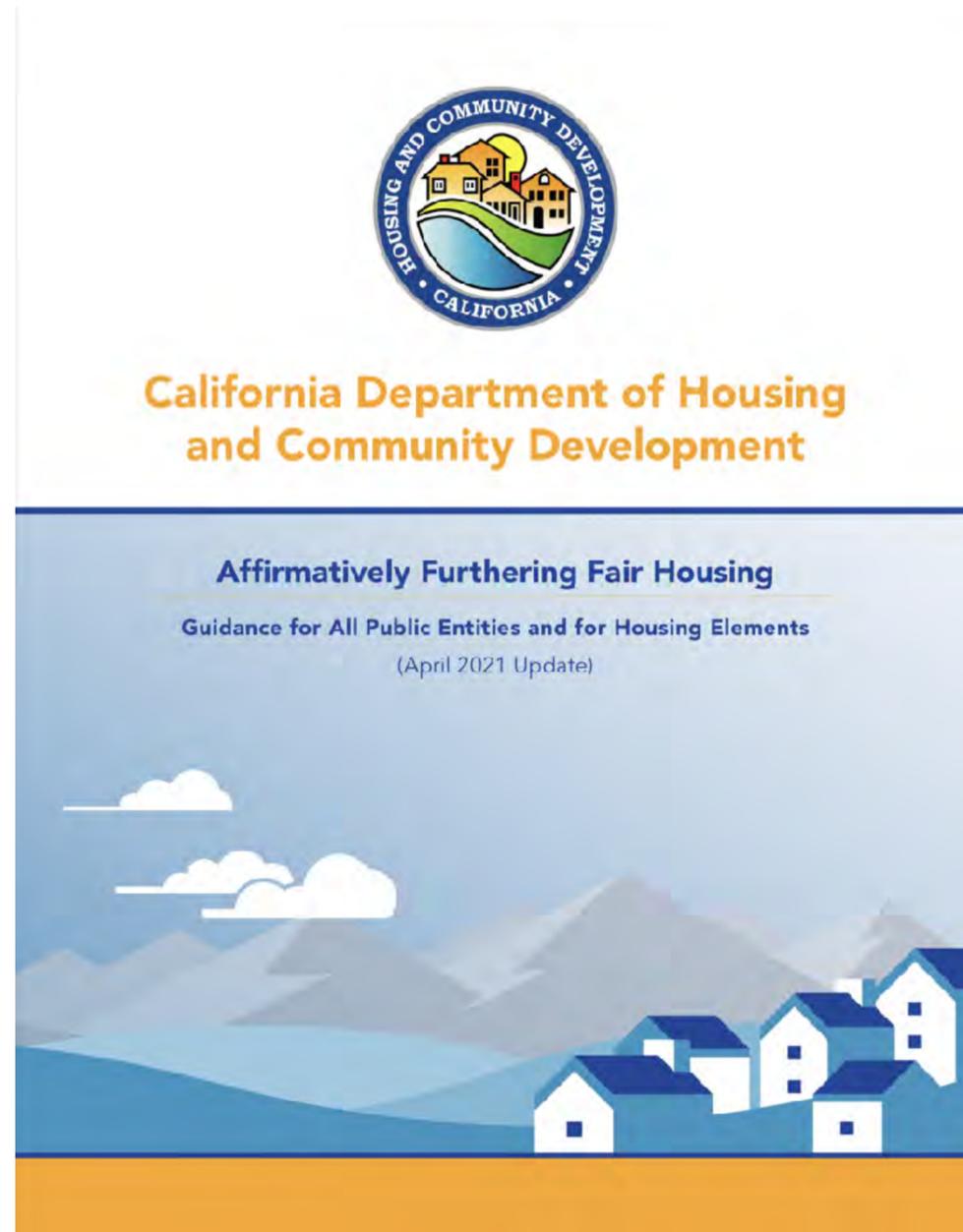
From HCD's "Affirmatively Furthering Fair Housing: Guidance to All Public Entities and for Housing Elements"  
Pages 68-70

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



# Examples of Contributing Factors to Fair Housing Issues by Area

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

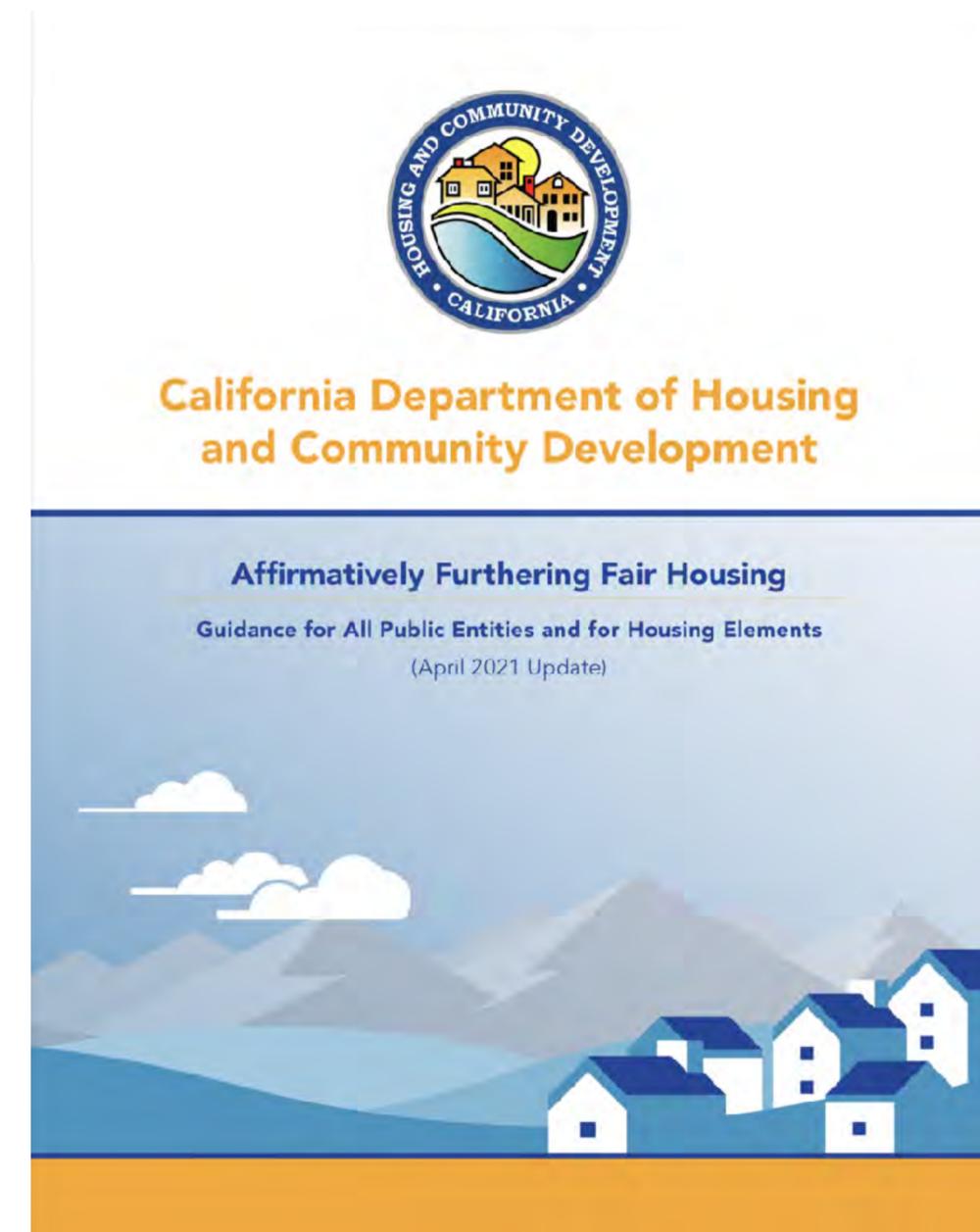


- **Racially and Ethnically Concentrated Areas of Poverty**
  - Deteriorated and abandoned properties
  - Displacement of residents due to economic pressures
  - Land use and zoning laws
  - Occupancy codes and restrictions

# Examples of Contributing Factors to Fair Housing Issues by Area

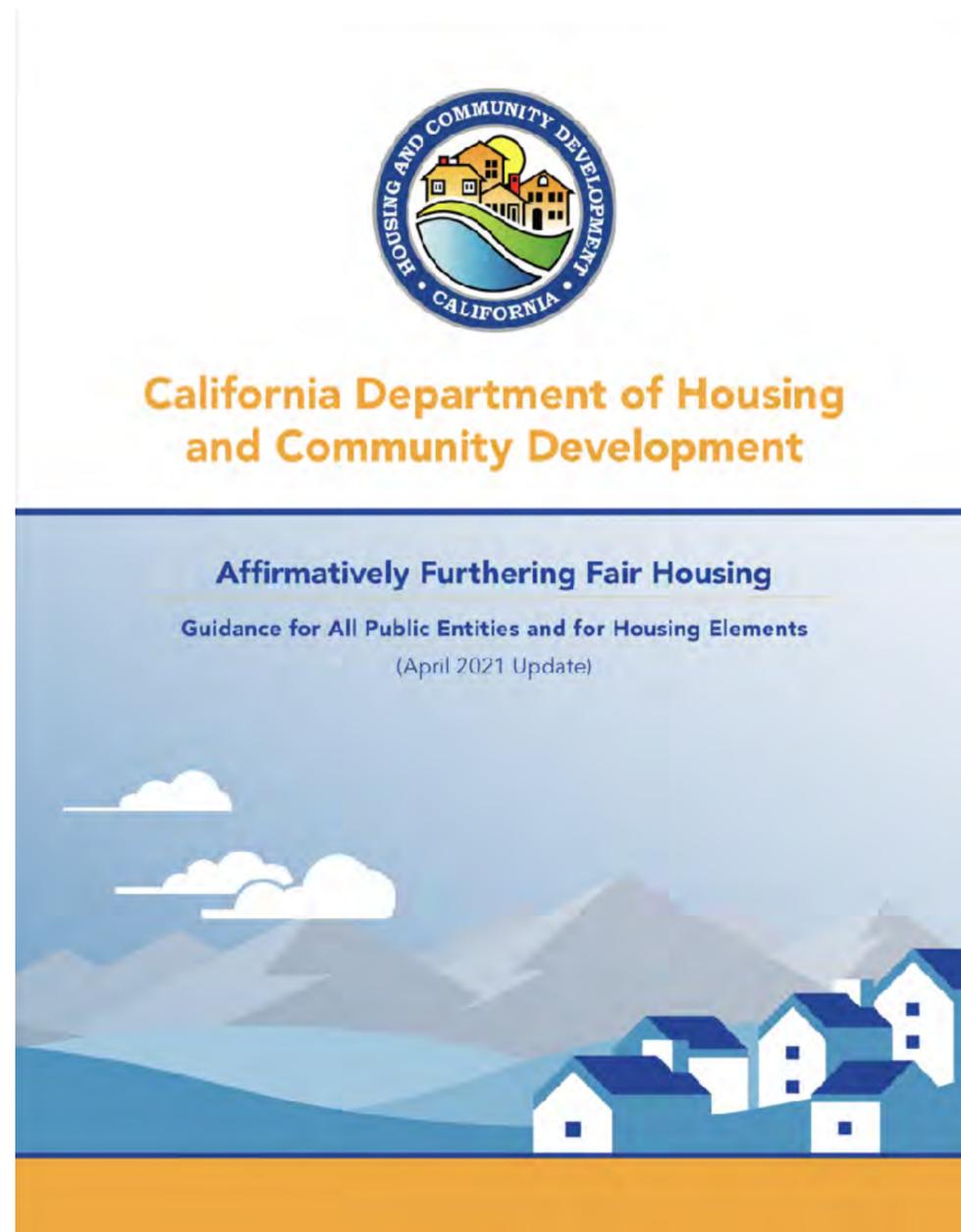
From HCD's "Affirmatively Furthering Fair Housing: Guidance to All Public Entities and for Housing Elements"  
Pages 68-70

- **Disparities in Access to Opportunity**
  - The availability, type, frequency, and reliability of public transportation
  - Land use and zoning laws
  - Lack of public investments in specific neighborhoods, including services or amenities
  - Location of proficient schools and school assignment policies
  - Location and type of affordable housing



# Examples of Contributing Factors to Fair Housing Issues by Area

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



- **Disproportionate Housing Needs, Including Displacement Risks**
  - The availability of affordable units in a range of sizes
  - Lack of renter protections
  - Land use and zoning laws

# Analysis of Contributing Factors

## Analysis of Contributing Factors is inadequate.

- Contributing Factors analysis must answer key “why” questions:
  - What unique factors, characteristics, and history in North Central and, separately, North Shoreview are leading to the concentration of higher poverty, low economic and environmental opportunity, high-cost burden, overcrowding, and flood hazards compared to the rest of the City of San Mateo?
  - What existing government constraints or policies have perpetuated these concentrated characteristics?
  - What factors, policies, and history in other parts of the city contribute to the absence of these characteristics, especially west of El Camino?

# The Analysis of Contributing Factors

## Shortcomings

- The Housing Element needs to assess the **geographic and regulatory causes** leading to the concentration of poverty, low economic and environmental opportunity, high-cost burden, and overcrowding in North Central and, to a lesser extent, North Shoreview
- The Housing Element also needs to assess the **geographic and regulatory causes** leading to the concentration of affluence and, disproportionately, white people in western neighborhoods
- This necessary assessment of **causes** is needed in order to develop place-based programs and actions that will meaningfully repair these issues

# The Analysis of Contributing Factors

Must be able to guide Significant, Meaningful, and Sufficient policies to Overcome Patterns of Segregation

- Existing patterns of segregation in San Mateo are significant and persistent
  - Census tract divergence within the city ranges from 82% white to 6% white (San Mateo Park vs North Central, respectively)
  - Class segregation largely follows these lines
  - Actions and policies must be sufficient to overcome this pattern in a reasonable period of time
  - Why is the white population significant? Check out Appendix D and read *Segregation by Design* by Prof. Jessica Trounstein

# The Analysis of Contributing Factors

**Must be able to guide Significant, Meaningful, and Sufficient policies to Overcome Patterns of Segregation**

- The Housing Element also fails to discuss strategic approaches to inform and strongly connect “Contributing Factors” to “Goals and Actions”
- This contributes to the the creation of goals and actions that are not yet sufficient to produce meaningful action

# The Analysis of Contributing Factors

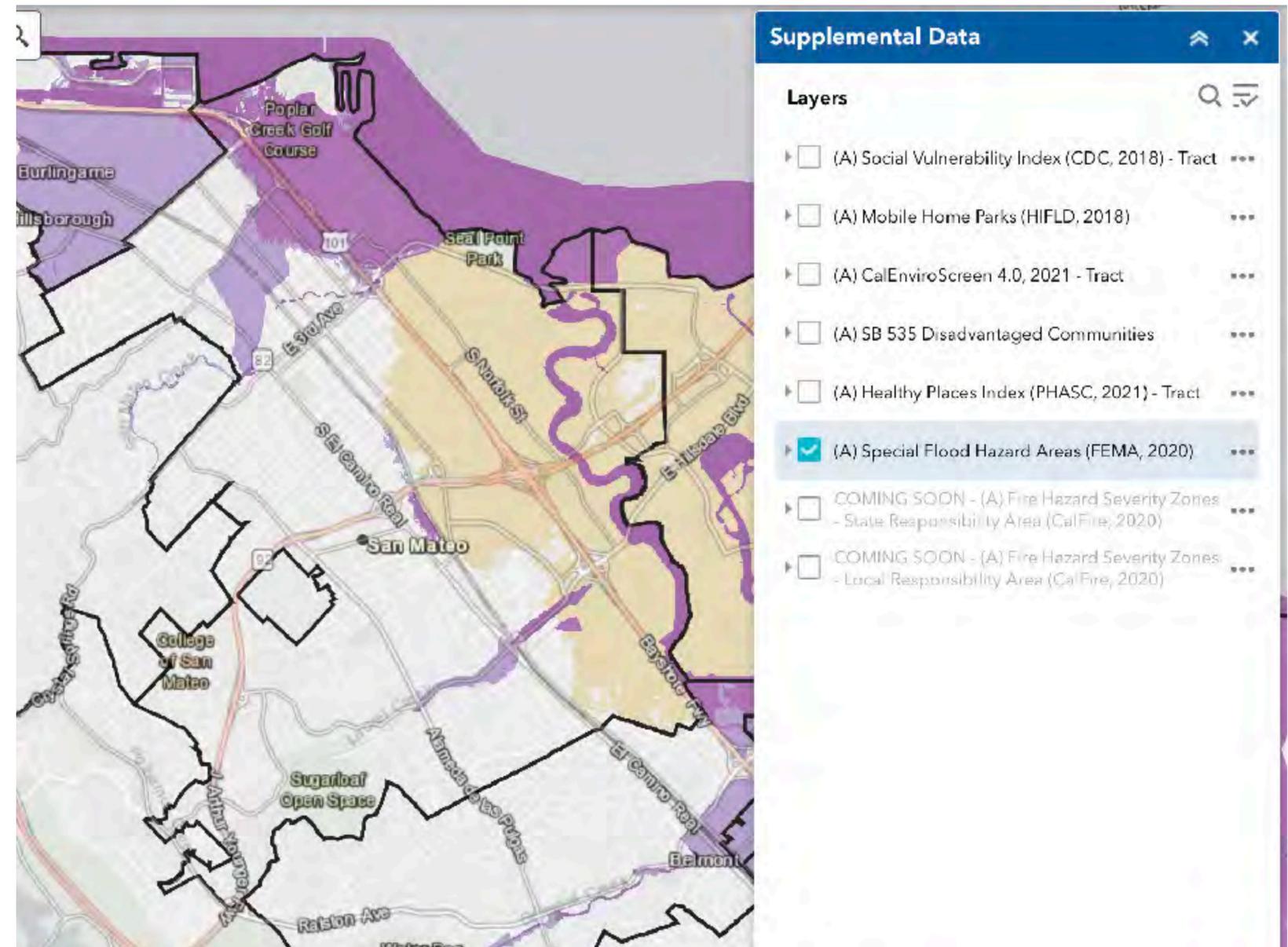
**Must be able to guide Significant, Meaningful, and Sufficient policies to Overcome Patterns of Segregation**

- Again, existing patterns of segregation in San Mateo are significant and persistent
- Analysis of Contributing Factors should be able to connect to Actions and Policies that are structured in a way that, economically, creates value for the city and for residents, without destroying the value of existing places
- This should not be about diminishing the quality of existing high-resource neighborhoods in order to achieve parity
- This process is about:
  - Lifting up disinvested portions of our city, and
  - Pairing that uplift with expanded access and residential integration across the city through thoughtful government-guided programs

# Identify and Prioritize Contributing Factors

## Tell the Story: North Shoreview: Environmental Hazard and Isolation

- Why is North Shoreview an edge Racially/Ethnically Concentrated Area of Poverty?
- What characteristics distinguish North Shoreview from other similar neighborhoods, and how might they lead to higher concentrations of marginalized or vulnerable groups?



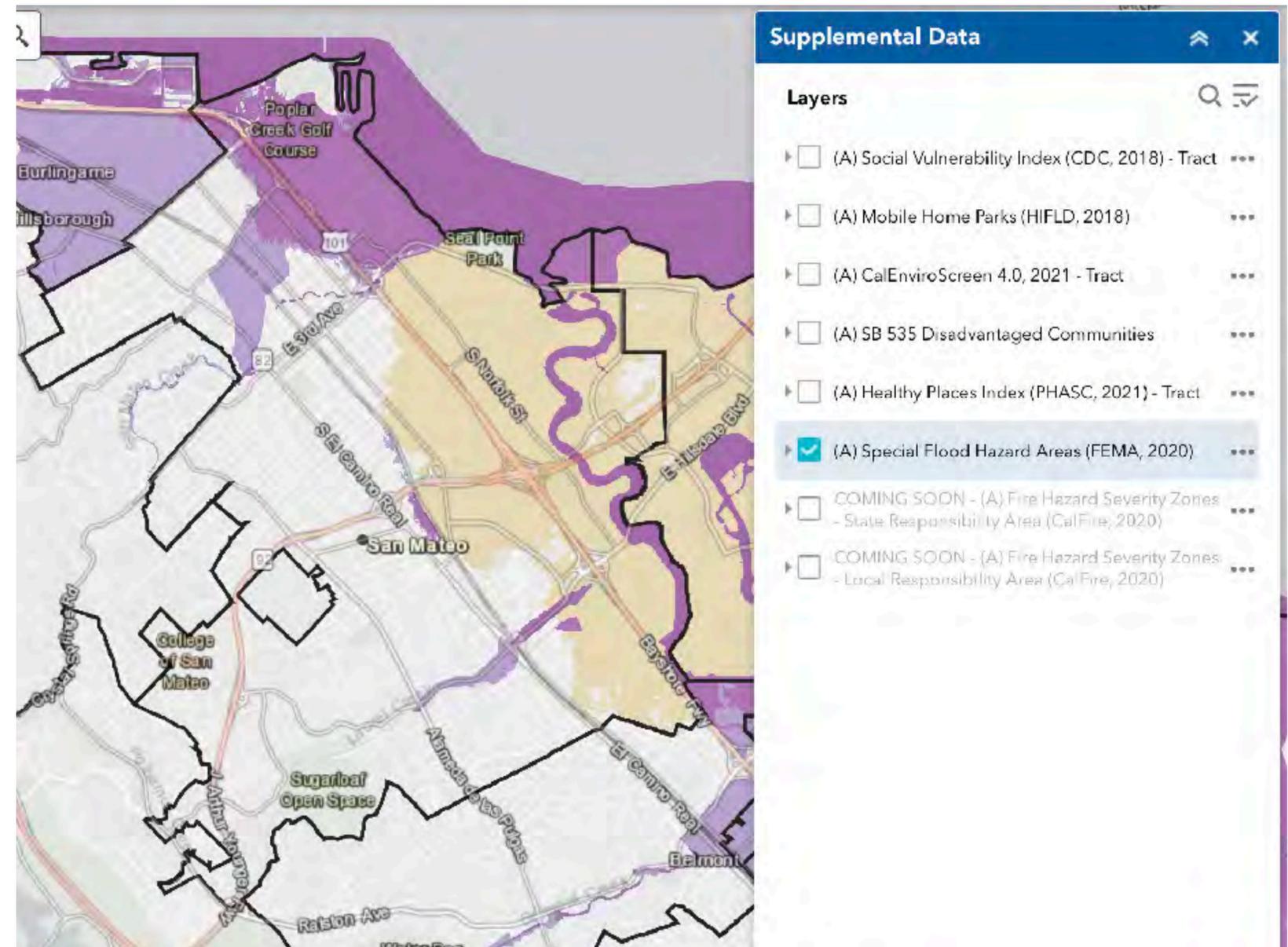
"Figure IV-31: Special Flood Hazard Areas, 2000,"  
Root Policy Research Map and Data Packet, Page 69

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

# Identify and Prioritize Contributing Factors

## Tell the Story: North Shoreview: Environmental Hazard and Isolation

- Why is North Shoreview an edge Racially/Ethnically Concentrated Area of Poverty?
- Key differences between North Shoreview and South Shoreview:
  - Levy protection and flood hazard chance.
  - Limited access to circulation and transportation



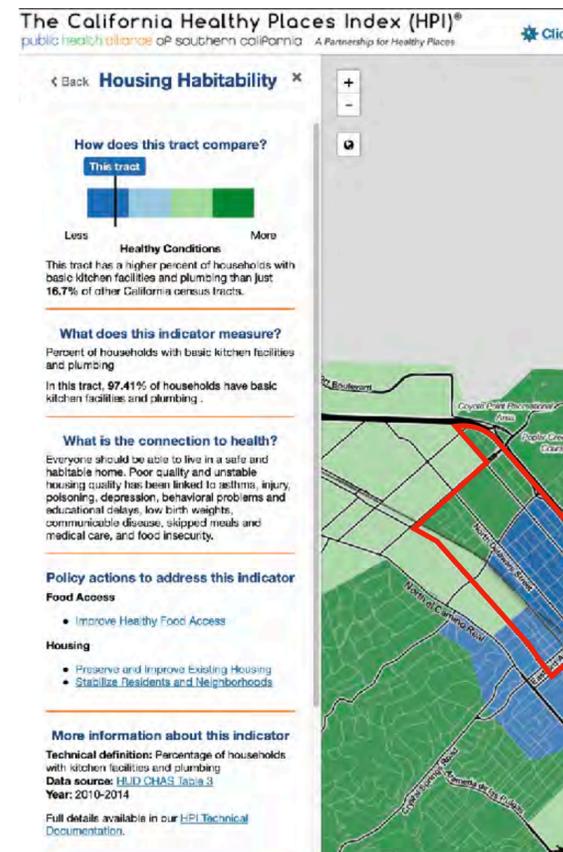
"Figure IV-31: Special Flood Hazard Areas, 2000," Root Policy Research Map and Data Packet, Page 69

# Identify and Prioritize Contributing Factors

## Tell the Story: North Central: Poor Housing Conditions + Overcrowding

- Why is North Central (south of Poplar) an edge Racially/Ethnically Concentrated Area of Poverty?
- What characteristics distinguish North Central south of Poplar Ave from other parts of the city, and
- How might they lead to higher concentrations of marginalized groups?

### Overcrowding



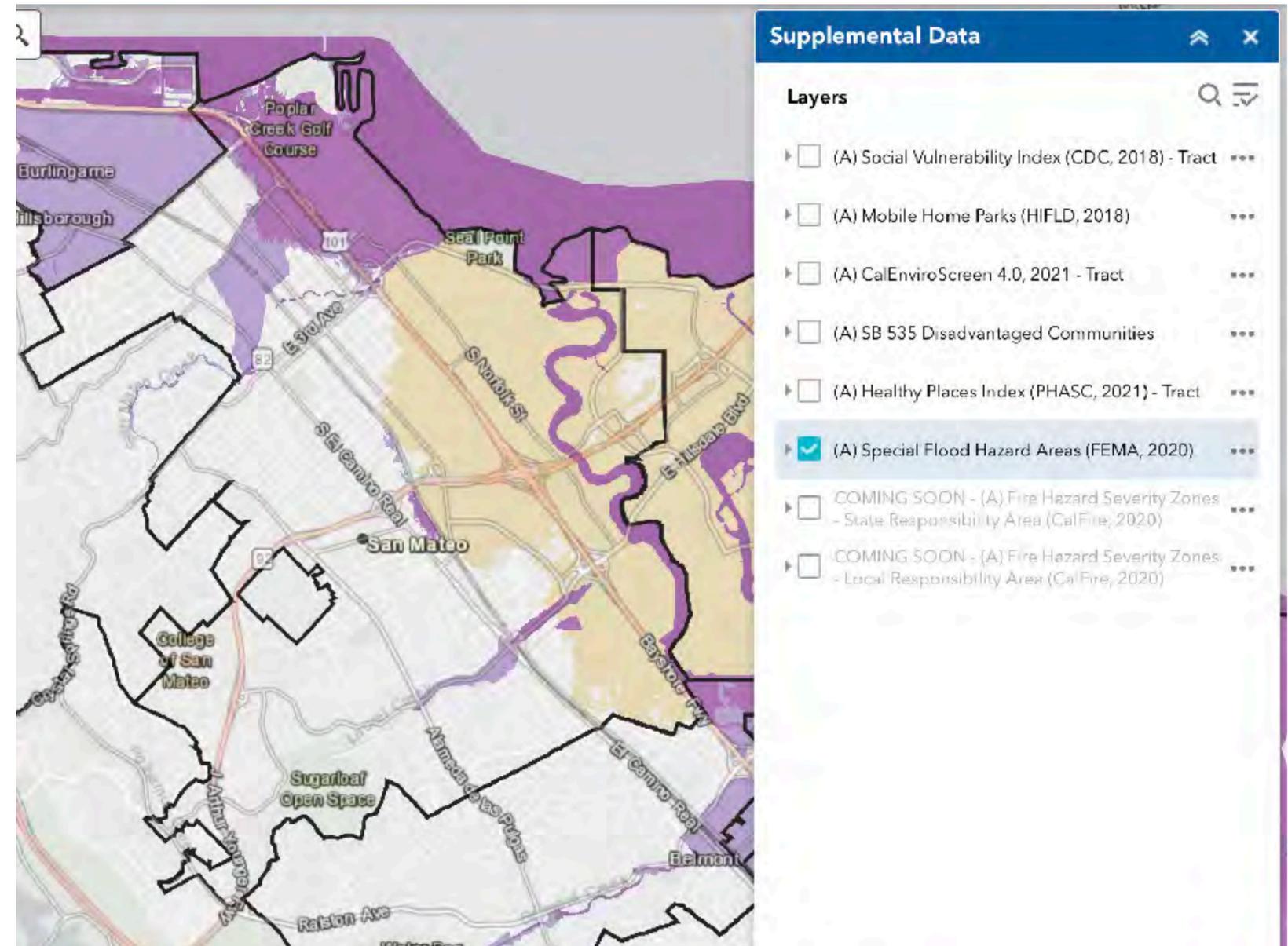
### Unhealthy Housing Conditions

AFFH: Contributing Factors

# Identify and Prioritize Contributing Factors

## Tell the Story: North Central: Disinvestment + Environmental Hazard

- Why is North Central (south of Poplar) an edge Racially/Ethnically Concentrated Area of Poverty?
  - Key differences between North Central (south of Poplar) and other areas:
    - Decades of disinvestment:
      - Both private housing stock and public infrastructure
      - Overcrowding and poverty as both symptoms and causes of private disinvestment
    - Levy protection and flood hazard chance (in portions of that area)



"Figure IV-31: Special Flood Hazard Areas, 2000,"  
Root Policy Research Map and Data Packet, Page 69

# Identify and Prioritize Contributing Factors

## Tell the Story: North Central: Historical Ghettoization + Failed, Segregated Schools

- Why is North Central (south of Poplar) an edge Racially/Ethnically Concentrated Area of Poverty?
  - Key differences between North Central and other areas:
    - History of a highly segregated neighborhood and its underperforming school
    - Neighborhood's Turnbull Learning Academy closed about 15 years ago
    - The building repurposed for the College Park Mandarin Immersion magnet school

**THE DAILY JOURNAL**

From the Daily Journal archives

### Turnbull Learning Academy places dead last again

By Alison Hawkes Daily Journal Reporter · Jan 19, 2001 Updated Feb 20, 2018

f t e b i n

Newly released reports which showing Turnbull Learning Academy as one of the worst in the state and in the lowest ranks among similar schools have some community members deeply concerned -- but the district administration is critical of the numbers.

The state Academic Performance Index, re-released on Wednesday, ranked schools' performance on the spring 2000 Stanford-9 tests to others across the state and to smaller groups of schools with a similar socio-economic background.

The information is meant to help school officials and the public better assess where a school stands in relation to others, and how much they need to improve in order to be eligible for additional state funding. Turnbull Learning Academy, an elementary school in San Mateo's North Central neighborhood, received an overall score of 468 out of a possible 1000 points, significantly lower than the state expectation of 800 points and hundreds of points behind all other schools in the San Mateo-Foster City School District.

Turnbull ranked at the very lowest level compared to the rest of the state -- a one, with 10 being the highest level.

# AFFH Links and Resources

- California HCD Affirmatively Furthering Fair Housing (AFFH) Guidance [https://www.hcd.ca.gov/community-development/affh/docs/affh\\_document\\_final\\_4-27-2021.pdf](https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf)
- AFFH Data Viewer <https://affh-data-resources-cahcd.hub.arcgis.com>
- California Healthy Places Index <https://map.healthyplacesindex.org>



**California Department of Housing  
and Community Development**

**Affirmatively Furthering Fair Housing**

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)



**The Planning Commission discussion will resume on May 3rd at 7pm where we will discuss Goals, Policies, and Actions, including those related to AFFH**

## Manira Sandhir

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**From:** Adam Nugent  
**Sent:** Thursday, May 5, 2022 5:45 PM  
**To:** Manira Sandhir; Zachary Dahl  
**Cc:** Eloiza Murillo-Garcia; HousingElements@hcd.ca.gov  
**Subject:** San Mateo Planning Commissioner Input - Draft Housing Element - May 3  
**Attachments:** Planning Commission Input - Draft Housing Element - Adam Nugent - May 3.pdf

Hi Manira and Zach,

I appreciate the work you and your team is doing. Our May 3<sup>rd</sup> continuance meeting was the right call. Thank you for making it happen!

Here are my notes and consolidated input from that May 3<sup>rd</sup> Planning Commission review of the Draft Housing Element. Again, I hope the additional detail and clarifying elements in these notes prove useful to the team.

Best,  
Adam

**Adam Nugent, PLA**

Planning Commissioner, City of San Mateo  
[anugent@cityofsanmateo.org](mailto:anugent@cityofsanmateo.org)

# **Draft Housing Element Comments**

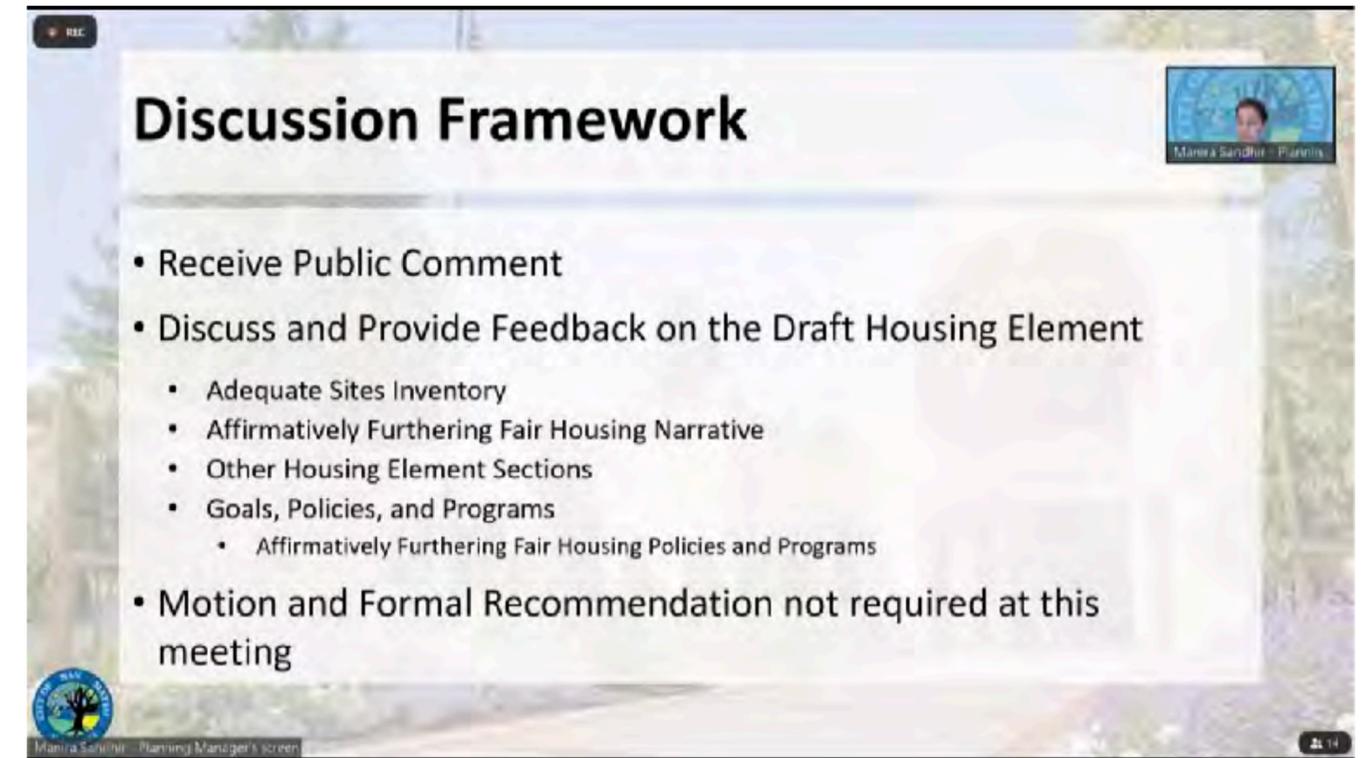
**Draft for Public Review: Housing Element of the General Plan  
2023-2031, April 6, 2022**

**Commissioner Adam Nugent, May 3, 2022 Planning Commission Meeting**

# Outline

## Draft 2023-2031 Housing Element Input

- Introduction and Thank You (Same as 4/26)
- Part 3: Other Housing Element Sections
- Part 4: Goals, Policies, and Programs
  - Selected Excerpts of Rejection Letters for Other Cities
  - Goals, Policies, and Actions Discussion
  - AFFH-Specific Policy-by-Policy Review
  - Non-AFFH-Specific Policy-by-Policy Review



Note: Topics that were discussed at the April 26 Planning Commission Meeting:

- Part 1: Site Inventory Comments
  - Methodology-focused
- Part 2: Affirmatively Furthering Fair Housing Comments
  - General Comments
  - Fair Housing Assessment
  - Contributing Factors

# Public Comments

## Notes and Highlights

- Market special-needs units to the most appropriate special needs population. Unit-specific needs should be marketed so that the unique, appropriate population is matched with the special features of the unit
- Measure Y as an obstacle to affordable housing development

# Thank you, Housing Element Team!

**The work you are doing is extremely important and impactful**

- All of my comments and questions come from a place of deep respect and appreciation for the hard work you are doing!
- I am proud to have a city with staff of such caliber, who genuinely desire to create a better, more just housing landscape for our future
- This is **HARD WORK**; and you are undertaking it in uncharted territory that is fraught with puzzles and potential pitfalls

# Thank you, Housing Element Team!

## Fair warning:

- My comments are extensive
- To implement the Housing Element in a way that truly advances Fair Housing Goals and meets the needs of our younger generations it will take:
  - Tough decisions and a lot of work
- This Housing Element is an opportunity to make real progress:
  - Repair racial and economic disparities
  - Combat cost of living increases that are disproportionately hitting younger adults

# The Push for Change Has Never Been Greater

## Demographics will drive our housing needs *and* our political will

- The younger half of our population has a different outlook and set of values than many who are in the older generations
- The political winds are blowing in the right direction for positive change
- The Millennial is the largest generation in history and Gen-Z is close behind; they will have continually increasing political voice and power
- It is the younger generations that are feeling the most pain in this crisis, and they are the most motivated to bring about change
  - 14% of 4-year university students experienced homelessness last year; 42% experienced housing insecurity (*Governing*, 4/26/2022)
- We cannot botch this for the next generation

**“Unaffordable housing has one and only one cause: purposeful communal enforcement of it. This is legislated poverty.”**

**Kevin Erdmann**

# **Part 3: Other Housing Element Sections**

# Constraints Analysis

## Draft Analysis Not Very Useful

- Constraints analysis should provide metrics on how existing land use and related policies affect the City's ability to build housing
- What are the counterfactuals?
  - How much more housing could be built under different zoning scenarios?
  - What are the true limiting factors over the long term?
    - Why are construction costs so high and what can the city do to counteract these trends?

# Constraints Analysis

## Zoning and Land Use Constraints

- Height and Density Constraints on BMR Units: Measure Y
  - Height and Density constraints contained in measure Y are limiting the city's ability to increase the percentage of BMR units for the city's inclusionary ordinance
  - Recent city-commissioned study found increasing the inclusionary percentage to 20% would render projects infeasible
  - This adds up and translates to needing significantly more redevelopable land to achieve any given quantity of subsidized units than necessary
  - Increases costs substantially by increasing costs imposed by land acquisition and entitlement processes

# Constraints Analysis

## Zoning and Land Use Constraints

- Height and Density Constraints: Measure Y
  - Density limits also significantly reduce the number of units that can be built by 2-3x, even under the existing 5-story height limit
  - Doubles or triples the land costs per unit for all ranges of affordability
  - Doubles or triples the procedural, consultant, and time costs of additional design and entitlement processes

# Constraints Analysis

## Community Opposition

- Community opposition is a clear problem
  - Most people want more housing and to solve our housing crisis
  - It only takes a few, vocal or influential residents to block housing
  - Counterfactuals are hard to quantify, but the effects of a vocal, negative minority are likely enormous
    - When good, potential projects never even get proposed
    - When bad policies and zoning go unchanged
- Need policies to overcome community opposition - especially as it relates to AFFH

# Constraints Analysis

## Fee Disparities

- Fees take up an unusually large proportion of the total costs of development in the City of San Mateo compared to the rest of San Mateo County
  - Fees impact small multi-family projects especially hard
  - They are 3.5 times higher per unit than single family homes

# **Part 4: San Mateo's Goals, Policies, and Actions**

**“We must come to see that human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men willing to be coworkers with God, and without this hard work time itself becomes an ally of the forces of social stagnation.”**

**Dr. Martin Luther King Jr. “Letter from Birmingham Jail” 1963**

# Excerpts from HCD's AFFH Presentation

## 5. Goals and Actions

The HE must include a schedule of actions directly related to AFFH. Together it must:

- » Reflect results of the AFFH analyses and directly address contributing factors
- » Be specific, with concrete language – words like ‘explore’, ‘consider’ and ‘study’ don’t cut it
- » Have a clear timeline with specific dates and milestones – ‘ongoing’ usually not adequate
- » Quantifiable outcomes
- » Have a beneficial/meaningful impact during the planning period - that’s the bar to overcome patterns
- » Go well beyond a continuation of past actions
- » Not take any action materially inconsistent with the obligation to AFFH

# Excerpts from HCD's AFFH Presentation

## Common Mistakes & Pitfalls



- » High-quality Assessment of Fair Housing, but status-quo actions/programs
- » A local jurisdiction just refers to a county-level Analysis of Impediments to Fair Housing previously completed
- » Does not include regional comparison in analyses
- » Only analyzes patterns of low-income sites, not all sites
- » Does not ask the public to provide input on AFFH
- » Doesn't prioritize 4-5 contributing factors & connect to programs
- » High resource areas can't rely on ADUs alone
- » No data dumping! Tell the story

# **Selected Excerpts of Rejection Letters for Other Cities' 6th-Cycle Housing Elements**

# Los Angeles

## LA's exemplary Housing Element Rejected

- Praised for metrics used to demonstrate and determine adequate sites for the Housing Element
- Pursuing large rezoning program

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**DIVISION OF HOUSING POLICY DEVELOPMENT**  
2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



February 22, 2022

Vincent Bertoni, Director  
Department of City Planning  
City of Los Angeles  
Los Angeles City Hall  
200 North Spring Street, Suite 525  
Los Angeles, CA 90012

Dear Vincent Bertoni:

**RE: City of Los Angeles 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Los Angeles (City) housing element adopted on November 24, 2021 and received for review on November 24, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Alliance for Community Transit – Los Angeles (ACT-LA) and a coalition of 24 community organizations, Tieira Ryder and Abundant Housing LA pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses most statutory requirements described in HCD's September 3, 2021, review. For example, HCD applauds the substantial rezoning program and actions to facilitate housing choices, affordability and supply, the element now demonstrates adequate sites to accommodate the regional housing need allocation. However, an additional revision is necessary to fully comply with State Housing Element Law, as follows:

*Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

*Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

# LA Rejection Letter

## Reason: AFFH

- Programs did not include metrics
- “In addition, while the element included some actions to replace segregated patterns, these actions lacked specific geographic focus (communities with fair housing issues), firm commitments and significant targets for AFFH outcomes.”

Vincent Bertoni, Director  
Page 2

Goals, Priorities, Metrics, and Milestones: Programs and actions must include metrics and milestones to target significant and meaningful affirmatively furthering fair housing (AFFH) outcomes and evaluate the effectiveness and progress towards implementation. While the element included metrics for some programs, it did not include metrics for most programs related to AFFH. In addition, many actions do not appear to explicitly AFFH such as targeting geographic areas or neighborhoods. Without these components, whether the element is targeting meaningful outcomes is unclear, particularly related to place-based strategies to encourage community revitalization. Examples of programs that should be revised include Programs 10 (Affordable Housing Linkage Fee), 20 (New Local Revenue), 22 (Systematic Code Enforcement), 30 (New Models of Acquisition and Rehabilitation), 84 (Citywide Fair Housing Program) 88 (Eviction Defense Program) and 90 (Tenant/Community Opportunity).

In addition, while the element included some actions to replace segregated patterns, these actions, lacked specific geographic focus (communities with fair housing issues), firm commitments and significant targets for AFFH outcomes. Given the patterns and trends and other relevant factors noted in the assessment of fair housing, the element must include specific and significant actions that adequately promote community revitalization and conservation and replace segregated living patterns to foster more inclusive and equitable communities.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted to comply with the above requirements.

As a reminder, the City's 6<sup>th</sup> cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6<sup>th</sup> cycle. The City's 5<sup>th</sup> cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described in this letter, re-adopt, and submit to HCD to regain housing element compliance. For more information on housing element adoption requirements, please visit HCD's website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

# Programs

## How should programs be structured?

- “Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes.” (From HCD’s Davis, CA rejection letter)
- “Programs should include specific actions and commitments the City will take to implement the program. For example, a Program should be specific on the regulatory incentives, zoning standards, and programs it will offer to assist in the development of housing.” (From HCD’s Davis, CA rejection letter)

# AFFH-specific

## Goals and Actions must be significant and meaningful

- “Goals and actions **must specifically respond** to the analysis and the identified and prioritized contributing factors to fair housing issues and **must be significant and meaningful enough to overcome identified patterns and trends...** Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices, and affordability in high opportunity areas, place-based strategies for community preservation and revitalization, and displacement protection.” (From HCD’s Redondo Beach rejection letter)

# AFFH-specific

## Programs must have metrics and milestones

- “Based on the outcomes of a complete AFFH analysis, the element must add or modify programs to include specific metrics and milestones to target meaningful AFFH outcomes, including providing mobility opportunity, place-based strategies [for community preservation and revitalization], new housing opportunities, and preservation and conservation efforts to address displacement.” (From HCD’s Davis, CA rejection letter)

# AFFH-specific

## Programs must have objective measures to determine success of outcomes

- [We need to] “replace non-committal language such as “if feasible”, “assess the feasibility of”, or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.” (From HCD’s Redondo Beach rejection letter)
- **Many policies with AFFH impacts proposed by San Mateo’s Draft Housing Element are characterized by this issue**
  - All proposed policies that have words like “investigate,” “explore,” or “evaluate” should be amended to provide specific timeframes for action and provide quantifiable descriptions of actions to objectively measure for successful outcomes

# Goals, Policies, and Actions Discussion

# Goals, Policies, and Actions

## Actions must be:

- Significant
- Meaningful
- **Sufficient to Overcome** Patterns of Segregation
- Affirmatively Further Fair Housing

# Goals, Policies, and Actions

## Necessary Components

- Metrics and milestones for evaluating:
  - Progress on programs/actions
  - Fair housing results
- Remember:
  - Must have a clear timeline with specific dates and milestones paired with quantifiable outcomes
  - Meaningful impact during the planning period
  - Go beyond a continuation of past actions

# Meaningful Action

## AFFH requirements

- Address significant disparities in housing needs and in access to opportunity
- Replace segregated living patterns with truly integrated and balanced living patterns
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity
- Foster and maintain compliance with civil rights and fair housing laws

**1. Significant Disparities in Housing Needs and in Access to Opportunity:** Examples include incentivizing new residential development to include below-market rate housing; conserving affordability of existing housing, such as limitations on rents or conversion of such housing to higher rent or higher priced housing; encouraging systematic code enforcement activities that maintain housing stock while ensuring such enforcement does not cause displacement; and promoting housing mobility strategies and displacement mitigation strategies to ensure equitable access to opportunity. Housing mobility strategies may include providing affordable and accessible transportation options to enhance access to education and economic development opportunities. Displacement mitigation strategies may include tenant protections, conservation of existing stock, preservation of units at-risk of conversion to market-rate uses, acquisition and rehabilitation of existing stock, including naturally occurring affordable housing, and removing barriers to building affordable housing.

**2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns:** Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area (e.g., creating affordable housing, funding renter assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.<sup>36</sup>

**3. Transforming Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) into Areas of Opportunity:** Examples include community-led, place-based strategies to revitalize communities, such as economic development strategies and prioritizing investment in R/ECAPs that meet the needs of existing low-income residents, such as safe routes to school, transit, parks, schools, bike and pedestrian infrastructure, urban forestry, other neighborhood improvements; preserving naturally occurring affordable housing, such as mobilehome parks; and preservation as affordable housing of market-rate units where low-income households live; and promoting mixed-income development coupled with strong anti-displacement protections. Conduct outreach and advertise city program to persons with limited English proficiency. Other examples include community engagement in planning processes, including targeted outreach, technical assistance to help apply for grants, economic development strategies, workforce development, youth engagement and educational programs, healthy food access, affordable energy, and transportation access.

**4. Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws:** Agencies must diligently comply with civil rights and fair housing laws, including the California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2), Government Code sections 8899.50, 65008, 65583, subdivisions (c)5 and (c)10, and 11135, Civil Code section 51 (the Unruh Civil Rights Act), and FEHA regulations in California Code of Regulations, title 2, sections 12005-12271.

# Goals, Policies, and Actions

## How to combat exclusion and segregation

- We will need to tie our policies to key quantitative metrics focused on integration and segregation data
- We will also need well-defined anti-displacement program requirements
- Without these two things we will further collectivize the right to exclude

Table 4: 2019 Segregation and Select Neighborhood Outcomes<sup>65 66</sup>

Indicator	Integrated Neighborhoods	Highly Segregated Communities of Color	Highly Segregated White Neighborhoods
Median Household Income	\$63,830	\$54,278	\$100,956
Median Home Values	\$244,162	\$266,927	\$474,798
% Below Poverty	14%	21%	7%
% Owner-Occupied Homes	59%	46%	77%
% With Bachelor's Degree	30%	23%	46%
Life Expectancy	78	77	81
Median Rent	\$1,177	\$1,174	\$1,545
% Unemployed	6%	8%	4%
% of US Land Area	7%	9%	7%
% of US Population	12%	20%	11%

The best life outcomes are found, however, in highly segregated white neighborhoods, which is consistent with a theory of "opportunity hoarding" that predominantly white cities and communities have greater resources and often have the fewest people of color living in them.<sup>67</sup> Household incomes in these neighborhoods are nearly twice those in segregated communities of color. That income differential contributes to wealth disparities, as home values are also nearly twice as high. Even life expectancy is four years longer in these neighborhoods than in segregated communities of color.<sup>68</sup> But critically, these neighborhoods are difficult to access: monthly rents are more than \$300 and \$400 per unit higher than in either integrated or highly segregated POC neighborhoods, respectively.

# Goals, Policies, and Actions

## Address significant disparities in housing needs and in access to opportunity

- Hispanic residents, single female parent households, renters, and the people of North Central, and to a lesser extent North Shoreview, have Disproportionate Housing Needs:
  1. Cost Burden & Severe Cost Burden
  2. Overcrowding
  3. Substandard Housing
  4. Displacement risk
    - Investment-driven
    - Disinvestment-driven

# Goals, Policies, and Actions

## Address significant disparities in housing needs and in access to opportunity

- **Cost Burden and Severe Cost Burden**

- Site inventory, together with goals, policies, and actions, must be sufficiently developed to actually produce at a minimum, the allocated 7000+ units of housing in San Mateo
  - Previous production trends indicate less than 1,000 units can be reasonably expected to be developed over the course of the 6th housing cycle, as currently planned in this Draft Housing Element
  - Failure to adequately plan for the minimum allocated number of units will lead to further increasing cost burden and severe cost burden. It will also drive young families out of the Bay Area
  - The City's methodology must be revised to produce a high likelihood of meeting our regional allocation in order to address this AFFH disparity

# Goals, Policies, and Actions

## Address significant disparities in housing needs and in access to opportunity

- **Overcrowding**

- Overcrowding is similarly affected by the reasonable achievement of the regional housing needs allocation goals
- Overcrowding is also highly location-specific and must be addressed in a combined effort to prevent displacement as part of a program to transform racially and ethnically concentrated areas of poverty into areas of opportunity
  - North Central contains an area that is nearly 4X the San Mateo average
    - 27% vs 7% overcrowded households
    - Thousands of people in North Central live in overcrowded conditions
- Overcrowding is a measurable factor.
  - Policies and Actions should be tailored to eliminate disparities in overcrowding and overcrowding in general within set timelines, say 1 and 2 decades, respectively

# Goals, Policies, and Actions

**Address significant disparities in housing needs and in access to opportunity**

- **Substandard Housing**

- Substandard Housing is closely linked geographically to overcrowding in North Central
- Material conditions must be improved, as with overcrowding, in a way that prevents displacement
- Best done as part of a larger program to transform racially and ethnically concentrated areas of poverty into areas of opportunity
- Policies and Actions should be tailored to realistically eliminate substandard and unhealthy housing conditions within a set timeline, say 1-2 decades

# Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 1**

- Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
  - Robust **Right of Return** for renters, paired with...
  - Alternative option for **Unrestricted Negotiable Tenant Buyouts**
    - Some tenants may not want to return
    - All residents should be materially better off following any neighborhood investment
- All zoning changes and production policies must be formulated to make the increased costs imposed by associated displacement protections feasible



# Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 2**

- Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
  - **Relocation Payments** for substantial remodel, demolition...
    - *and owner move-in*
    - All residents should be materially better off following any neighborhood investment
  - All zoning changes and production policies must be formulated to make the increased costs imposed by associated displacement protections feasible



# Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 3**

- Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
  - Create **Community Opportunity to Purchase/Tenant Opportunity to Purchase** program, paired with...
  - Partnerships with **Philanthropic Organizations** to bring funds to our most disinvested places
    - All residents should be materially better off following any neighborhood investment
  - All zoning changes and production policies must be formulated to make the increased costs imposed by associated displacement protections feasible



# Goals, Policies, and Actions

Address significant disparities in housing needs and in access to opportunity

- **Displacement Risk 4**
  - Programs must be developed to specifically address displacement risk caused both by cost burden and by potential neighborhood reinvestment
  - **Extend AB1482 protections to tenants whose tenure is less than 1 year**



# Goals, Policies, and Actions

## Additional Policy Suggestions

- **Fee Parity**

- San Mateo charges higher fees than the majority of its peers, and the city's fees impose significant costs on developers—especially for small multi-family housing
- The city's massive fees for small multi-family projects impose obvious burdens on developers and should be amended to support lower-cost home building
- Achieve parity with Single Family home development

Fees in the City of San Mateo<sup>9</sup>

	Single Family	Small Multi-Family	Large Multi-Family
<b>Total Fees/Unit</b>	\$99,003	\$133,658	\$44,907
<b>Fees as a Proportion of Total Development Costs</b>	4%	14%	6%

<sup>9</sup>"Fees" includes entitlement, building permits, and impact fees.

# Goals, Policies, and Actions

## Additional Policy Suggestions

- **Affordable Housing Overlay**
  - Provide affordable housing developers an advantage in the market for developable properties
  - Geographically locate the overlay(s) to compensate for existing housing disparities in access to opportunity

# **AFFH-Specific Policy-by-Policy Review**



**7.2.5 Goal H5: Affirmatively Furthering Fair Housing**

To reinforce the objective that AFFH is a top priority for the city, an AFFH Fair Housing Action Plan with programs and actions has been included as the fifth goal of the Housing Element. This Action Plan cross references items that are interwoven with the Housing Plan’s other four goals, policies, and programs. The actions to achieve the Fair Housing goal are meant to address the fair housing issues found in the AFFH analysis, specifically for groups that have disparate housing impacts when compared to the whole of San Mateo. This includes, for example, Hispanic and single-female heads of households who have disproportionate housing needs while being concentrated in census tracts that have high rates of poverty. Persons with disabilities are also more likely to experience housing discrimination due to low economic opportunity and failure of landlords to provide reasonable accommodations. Each of the actions identified in Table 12 have specific quantified objectives to reach the target households.

**Table 12: Goal H5: AFFH - Implementation Plan**

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Action Area 1. Enhancing housing mobility strategies: consist of removing barriers to housing in areas of opportunity and strategically enhancing access.</b>									
<b>Policy 5.1.1:</b> Adjust the city's Below Market Rate (inclusionary) program to provide larger density bonuses, and/or increased City support in exchange for affordable units that address the needs of residents with disproportionate housing needs (e.g., accessible/visit able units for persons with disabilities, child-friendly developments with day care on site for single parents, and 3-4 bedroom units for larger families).	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units	Disparities in access to opportunities	Assist in development of housing for low-income households and households with special needs	Land use resources	City of San Mateo	Expand the variety of housing units produced under the inclusionary housing program. Currently developments of 11 or more units require 15% affordable to moderate income families for ownership and 15% for low -income families for renters.	Perform a feasibility analysis to redesign the program to allow a menu of options. This item is connected to Policy H 1.3, Policy H 1.5., Policy H 1.14, and Policy H 1.15.	Complete feasibility analysis by Fall 2023; Implement redesigned program by Spring 2024.

# Policy 5.1.1

## Adjust City's BMR Program

- Positive program but:
- Lacks firm commitments
- Lacks significant targets for AFFH outcomes

Objectives	Quantified Objectives	Timeline
<p>Expand the variety of housing units produced under the inclusionary housing program. Currently developments of 11 or more units require 15% affordable to moderate income families for ownership and 15% for low -income families for renters.</p>	<p>Perform a feasibility analysis to redesign the program to allow a menu of options. This item is connected to Policy H 1.3, Policy H 1.5., Policy H 1.14, and Policy H 1.15.</p>	<p>Complete feasibility analysis by Fall 2023; Implement redesigned program by Spring 2024.</p>

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Policy 5.1.2:</b> Participate in a regional down payment assistance program with affirmative marketing to households with disproportionate housing needs including persons with disabilities, single parents, and Hispanic households (e.g., Spanish and English, targeted to northeast neighborhoods).	Hispanic households have disproportionate housing needs.	Historic discrimination and continued mortgage denials; Concentration in low opportunity census tracts; High housing costs and low wages	Disparities in access to opportunities	Promote equal housing opportunity	Financial resources	Regional Partnership with HEART (San Mateo County has program with them)	Improve accessibility to home mortgage loans for Hispanic households who have the highest loan denial rates. Provide wealth building through homeownership for moderate income households.	Affirmatively market down payment assistance to 20 Hispanic households; Provide down payment assistance to 30 total households; Provide homebuyer education to 200 households. This item is connected to Policy H 4.4.	Meet quantified objectives by the end of the Housing Element period in 2031; Conduct homebuyer education quarterly in partnership with HEART
<b>Policy 5.1.3:</b> Support the design of a regional forgivable loan program for homeowners to construct an ADU that is held affordable for extremely low-income households for 15 years.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units	Disparities in access to opportunities	Incentivize accessory dwelling units (ADUs)	Land use resources	21 Elements/HEART	Increase opportunities for lower-income households to find housing that is affordable.	Design a regional loan forgiveness program. This item is connected to Policy H 1.4.	Begin design in Summer 2025 and complete by winter 2026.
<b>Action Area 2.</b> Encouraging new housing choices and affordability in high resource areas: promoting housing supply, choices, and affordability in areas of high opportunity and outside of areas of concentrated poverty.									

# Policy 5.1.2

## Participate in a Regional Downpayment program

- Program with potential life-changing outcomes but:
- Limited scope will not significantly address large-scale Systemic issues

Objectives	Quantified Objectives
Improve accessibility to home mortgage loans for Hispanic households who have the highest loan denial rates. Provide wealth building through homeownership for moderate income households.	Affirmatively market down payment assistance to 20 Hispanic households; Provide down payment assistance to 30 total households; Provide homebuyer education to 200 households. This item is connected to Policy H 4.4.

# Policy 5.1.3

## Support the Design of Regional Forgivable Loan Program for 15-year ELI ADU Construction

- Potential to contribute to overcoming patterns of segregation
- Positive program with potential life-changing outcomes but:
- Limited scope will not significantly address large-scale systematic issues
- Deliverables should occur early in the planning period to ensure actual housing outcomes
- Lacks specific actions and metric-ready commitments

Objectives	Quantified Objectives	Timeline
Increase opportunities for lower-income households to find housing that is affordable.	Design a regional loan forgiveness program. This item is connected to Policy H 1.4.	Begin design in Summer 2025 and complete by winter 2026.

# Policy 5.1.3 continued

## Support the Design of Regional Forgivable Loan Program for 15-year ELI ADU Construction

- Policy revision recommendations:
  - Expand to SB 9 projects
  - Incorporate option for longer deed restriction (55 years) for one low income unit within a SB 9 program

Objectives	Quantified Objectives	Timeline
Increase opportunities for lower-income households to find housing that is affordable.	Design a regional loan forgiveness program. This item is connected to Policy H 1.4.	Begin design in Summer 2025 and complete by winter 2026.



Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Policy 5.2.1:</b> Add more city supported housing with affordability restrictions in moderate and high resource areas. Affirmatively market the housing to households with disproportionate housing needs including persons with disabilities, farmworkers, single parents, and Hispanic households (e.g., Spanish and English, targeted to northeast neighborhoods).	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of Naturally Occurring Affordable Housing (NOAH) in low opportunity census tracts.	Disproportionate housing need for low-income households and protected classes	Assist in development of housing for low-income households and households with special needs	Financial resources	City of San Mateo	Affirmatively market the housing to households with disproportionate housing needs including persons with disabilities, single parents, farmworkers, and Hispanic households (e.g., Spanish and English, targeted identified neighborhoods).	Require developers to affirmatively market 1,000 units to those with disproportionate housing needs over the eight-year period (approximately 125 annually). This item is connected to Policy H 1.2. and Policy H 4.4.	2023 - 2031 (Annually)
<b>Policy 5.2.2:</b> Incentivize developers through direct subsidies, fee waivers, and/or density bonuses, to increase accessibility requirements beyond the federal requirement of 5% for subsidized developments.	Persons with disabilities have disproportionate housing needs.  AND  Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts.	Disproportionate housing need for low-income households and protected classes	Promote equal housing opportunity	Financial resources	City of San Mateo	Increase development of accessible units beyond minimum requirements	Modify developer agreements when appropriate; update inclusionary policy. This item is connected to Policy H 1.3	2026

# Policy 5.2.1

## Affirmatively Market BMR units to households with disproportionate housing needs

- Positive program with metrics
- People with special needs have unique and special needs. Each potential recipient may be quite different from the next and the program will need to be tailorable
- Limited scope will not significantly address large-scale systemic issues

Objectives	Quantified Objectives	Timeline
Affirmatively market the housing to households with disproportionate housing needs including persons with disabilities, single parents, farmworkers, and Hispanic households (e.g., Spanish and English, targeted identified neighborhoods).	Require developers to affirmatively market 1,000 units to those with disproportionate housing needs over the eight-year period (approximately 125 annually). This item is connected to Policy H 1.2. and Policy H 4.4.	2023 - 2031 (Annually)

# Policy 5.2.2

## Incentivize development of new accessible units

- Positive program with potential life-changing outcomes but:
- Limited scope
- Deliverables should occur earlier in the planning period to ensure actual housing outcomes
- Lacks specific actions and metric-ready commitments

Objectives	Quantified Objectives	Timeline
Increase development of accessible units beyond minimum requirements	Modify developer agreements when appropriate; update inclusionary policy. This item is connected to Policy H 1.3	2026

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Policy 5.2.3:</b> Prioritize city funding proposals for city funded affordable housing that are committed to serving hard to serve residents (e.g., extremely low income, special needs, on site services)	Persons with disabilities have disproportionate housing needs.  AND Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts.	Disparities in access to opportunity	Promote equal housing opportunity	Financial resources	City of San Mateo	Create more housing for hard to serve households.	Conduct a best-practices review and develop a program to prioritize City funding for housing projects. This item is connected to Policy H 1.5, Policy H 1.14, and Policy H 1.15.	2026
<b>Action Area 3.</b> Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.									
<b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.	Hispanic and single female parent households are concentrated in low opportunity census tracts.	Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.	Segregation/integration patterns; disparities in access to opportunities	Conserve and improve the existing affordable housing stock	Land use resources	City of San Mateo	Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.	Prepare an area plan for North Shoreview and North Central neighborhoods.	2027-28

# Policy 5.2.3

## Prioritize city affordable housing funds for hard-to-serve residents

- Positive program but:
- Limited \$ = limited impact
- Lacks specific actions and quantifiable commitments

Objectives	Quantified Objectives	Timeline
Create more housing for hard to serve households.	Conduct a best-practices review and develop a program to prioritize City funding for housing projects. This item is connected to Policy H 1.5, Policy H 1.14, and Policy H 1.15.	2026

# Policy 5.3.1

## Conduct an area plan for North Shoreview and North Central

- Potentially substantial program, but:
- Currently lacking firm commitments and significant targets for AFFH outcomes
  - Policy 5.3.1 should be specific on the regulatory incentives, zoning standards, and programs it will offer
- Deliverables should occur earlier and demonstrate that the program will have a beneficial impact within the planning period
- Provide measurable milestones and a target dates to achieve goals

**Action Area 3.** Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

<p><b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.</p>	<p>Segregation/integration patterns; disparities in access to opportunities</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Land use resources</p>	<p>City of San Mateo</p>	<p>Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.</p>	<p>Prepare an area plan for North Shoreview and North Central neighborhoods.</p>	<p>2027-28</p>
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# Policy 5.3.1 continued

## Conduct an area plan for North Shoreview and North Central

- Actions **must specifically respond** to the analysis and the identified and prioritized contributing factors to fair housing issues and **must be significant and meaningful enough to overcome identified patterns and trends**
- Specific planning goals must also include:
  - Displacement prevention +
  - Elimination of disproportionate concentrations poverty, low income households, and overcrowding

**Action Area 3.** Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

<p><b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.</p>	<p>Segregation/integration patterns; disparities in access to opportunities</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Land use resources</p>	<p>City of San Mateo</p>	<p>Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.</p>	<p>Prepare an area plan for North Shoreview and North Central neighborhoods.</p>	<p>2027-28</p>
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# Plan for the opposite of Urban Renewal

**Urban Renewal conflated overcrowding with urban density**

- Must not repeat the horrors of these Mid-Century Planning Efforts
- Urban Renewal sought to:
  - Disperse and displace the resident population, without providing adequate accommodations elsewhere
  - “Clear” slums, and replace them with things like:
    - Freeways, stadiums, convention centers,
    - Inadequately-sized public housing projects



# Policy 5.3.1 continued

## Conduct an area plan for North Shoreview and North Central

- Planning goals should be structured with metrics and target dates, for example:
  - Eliminate overcrowding by 2040
  - Achieve parity with City in economic integration by 2050

**Action Area 3.** Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

<p><b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.</p>	<p>Segregation/integration patterns; disparities in access to opportunities</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Land use resources</p>	<p>City of San Mateo</p>	<p>Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.</p>	<p>Prepare an area plan for North Shoreview and North Central neighborhoods.</p>	<p>2027-28</p>
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# Policy 5.3.1 continued

## Conduct an area plan for North Shoreview and North Central

- Additional example planning goals:
  - Achieve health and housing habitability parity with City by 2040
  - Eliminate disproportionate concentrations of low-income residents while maintaining an outmigration rate below 20xx rate and increasing subsidized, deed-restricted affordable housing at 150% the rate of outmigration

**Action Area 3.** Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

<p><b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.</p>	<p>Segregation/integration patterns; disparities in access to opportunities</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Land use resources City of San Mateo</p>	<p>Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.</p>	<p>Prepare an area plan for North Shoreview and North Central neighborhoods.</p>	<p>2027-28</p>
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# Policy 5.3.1 continued

## Conduct an area plan for North Shoreview and North Central

- Plan to *feasibly* accommodate **Community Benefits Agreements** that balance redevelopment proposals with tangible, local benefits to residents in the area, e.g.:
  - Creating affordable housing
  - Funding renter assistance programs for nearby residents
  - Other investments that meet community-identified needs, such as infrastructure and community amenities

**2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns:** Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area ( e.g., creating affordable housing, funding renter assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.<sup>3a</sup>

California Department of Housing and Community Development  
Affirmatively Fair Housing

**Action Area 3.** Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

<p><b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.</p>	<p>Segregation/integration patterns; disparities in access to opportunities</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Land use resources</p>	<p>City of San Mateo</p>	<p>Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.</p>	<p>Prepare an area plan for North Shoreview and North Central neighborhoods.</p>	<p>2027-28</p>
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# Policy 5.3.1 continued

## Conduct an area plan for North Shoreview and North Central

- R-1 portions of these neighborhoods should be provided total parity of treatment with the rest of San Mateo’s R-1 neighborhoods
- Why? The lower home values and lower wealth of non-white, owner-occupant homeowners means we need to carefully manage and enhance the amenity-related value of ownership housing in places predominantly occupied by minorities
- Balance this task with displacement protections



**Action Area 3.** Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

<p><b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.</p>	<p>Segregation/integration patterns; disparities in access to opportunities</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Land use resources City of San Mateo</p>	<p>Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.</p>	<p>Prepare an area plan for North Shoreview and North Central neighborhoods.</p>	<p>2027-28</p>
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# Policy 5.3.1 Conclusions

## Conduct an area plan for North Shoreview and North Central

- Provide specific timeframes for action and a quantifiable description of actions to objectively measure for successful outcomes
- Metrics to evaluate the plan must be in place and they must ultimately:
  - Replace segregated living patterns with truly integrated and balanced living patterns
  - Transform racially and ethnically concentrated areas of poverty into areas of opportunity

**Action Area 3.** Improving place-based strategies to encourage community conservation and revitalization including preservation of existing affordable housing: involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty.

<p><b>Policy 5.3.1:</b> As part of the General Plan, conduct an area plan for the North Shoreview and North Central neighborhoods and prioritize land use and design around Highway 101 to improve access and reduce the division of the urban form produced by the highway.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units; Concentration of NOAH in low opportunity census tracts.</p>	<p>Segregation/integration patterns; disparities in access to opportunities</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Land use resources</p>	<p>City of San Mateo</p>	<p>Reduce overcrowding, improve health and safety, and improve mobility and access to services in impacted neighborhoods.</p>	<p>Prepare an area plan for North Shoreview and North Central neighborhoods.</p>	<p>2027-28</p>
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Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<p><b>Policy 5.3.2:</b> Continue to fund minor home repairs and implement a preference for projects in low opportunity census tracts identified in the analysis.</p>	<p>Hispanic and single female parent households are concentrated in low opportunity census tracts.</p>	<p>Lack of affordable housing in high opportunity areas; Lack of accessible affordable units</p>	<p>Disparities in access to opportunity</p>	<p>Conserve and improve the existing affordable housing stock</p>	<p>Financial resources</p>	<p>City of San Mateo</p>	<p>Fund minor home repairs and accessibility improvements. Provide opportunity for home rehabilitation loans for low-income residents. <b>Allow accessibility improvements on rental properties with owner permission.</b></p>	<p>Complete annual goals of 10 minor home repairs and 14 accessibility modifications through grants for low-income residents. Provide home rehabilitation loans for low-income residents. Affirmatively market to Hispanic and single female heads of household. This item is connected to Policy H 2.1 and Policy H 2.3.</p>	<p>2023-2031 (Annually; consistent with Policy H2.1)</p>

# Policy 5.3.2

## Continue to fund minor home repairs

- Nice program but:
- Limited \$ = limited impact
- Existing program

Objectives	Quantified Objectives	Timeline
Fund minor home repairs and accessibility improvements. Provide opportunity for home rehabilitation loans for low-income residents. Allow accessibility improvements on rental properties with owner permission.	Complete annual goals of 10 minor home repairs and 14 accessibility modifications through grants for low-income residents. Provide home rehabilitation loans for low-income residents. Affirmatively market to Hispanic and single female heads of household. This item is connected to Policy H 2.1 and Policy H 2.3.	2023-2031 (Annually; consistent with Policy H2.1)

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Policy 5.3.3:</b> Monitor affordable housing projects that are at risk of conversion to market rate. Support regional and local efforts to examine displacement of affordable housing and lower income households. Assist with the retention of special needs housing that is at risk of expiring affordability requirements.	Hispanic households have disproportionate housing needs.	Historic discrimination and continued mortgage denials; Concentration in low opportunity census tracts; High housing costs and low wages	Outreach capacity and enforcement	Conserve and improve the existing affordable housing stock	Human resources	City of San Mateo	Monitor affordable units whose subsidies are set to expire within the planning period develop a plan for preservation of the units to keep them affordable long term.	Bridgepointe Condominiums affordability requirements for 59 affordable units expire in 2027. Belmont Building affordability requirements for 6 units expire in 2032. The rental property is owned by a for-profit entity, potential for loss of units is high. Humboldt House affordability requirements for 9 units expire in 2041. Proactively coordinate with owners to advertise conversion units to non-profits, provide tenant education, add a displacement preference for new affordable housing for people displaced. Outreach and negotiate with owners for affordability extensions. This item is connected to Policy H 2.2	2025-26; Consistent with general GPP # H2.2

**Action Area 4.** Protecting existing residents from displacement: strategies that protects residents in areas of lower or moderate opportunity and concentrated poverty and preserves housing choices and affordability.

# Policy 5.3.3

## Monitor affordable housing projects at risk of conversion

- Important to preserve affordability, but:
- “Monitor” and “develop a plan” are inadequate policies

Objectives	Quantified Objectives	Timeline
Monitor affordable units whose subsidies are set to expire within the planning period develop a plan for preservation of the units to keep them affordable long term.	Bridgepointe Condominiums affordability requirements for 59 affordable units expire in 2027. Belmont Building affordability requirements for 6 units expire in 2032. The rental property is owned by a for-profit entity, potential for loss of units is high. Humboldt House affordability requirements for 9 units expire in 2041. Proactively coordinate with owners to advertise conversion units to non-profits, provide tenant education, add a displacement preference for new affordable housing for people displaced. Outreach and negotiate with owners for affordability extensions. This item is connected to Policy H 2.2	2025-26; Consistent with general GPP # H2.2



Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Policy 5.4.1:</b> Establish tenant protections in local ordinance to extend measures of AB1482 related to relocation, documentation, and right to return policy in eviction cases.	Persons with disabilities have disproportionate housing needs.  AND  Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.  AND  Hispanic households have disproportionate housing needs.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Historic discrimination and continued mortgage denials; High housing costs and low wages	Disparities in access to opportunity	Address governmental and non-governmental constraints	Human resources	City of San Mateo	Increase tenant protections to prevent displacement of those with disproportionate housing needs.	Extend AB1482 provisions to require tenant relocation payments for No Fault evictions for those with tenure less than one year and documentation from landlords who use remodel exemption to evict tenants. Establish Right to Return policy for tenants displaced from homes due to demolition or substantial remodels. This item is connected to Policy H 3.4.	2023-24; consistent with general GPP #H 3.4
<b>Policy 5.4.2:</b> Partner with Project Sentinel to perform fair housing training for landlords and tenants. Focus enforcement efforts on race-based discrimination and reasonable accommodations.	Persons with disabilities have disproportionate housing needs.  AND  Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Lack of understanding of reasonable accommodation requirements by landlords and property owners.	Outreach capacity and enforcement	Promote equal housing opportunity	Human resources	City of San Mateo/Project Sentinel	Increase awareness of fair housing laws and tenants' rights to reduce unlawful discrimination and displacement.	Provide annual funding to Project Sentinel to provide training every two years in the Spring, targeting 200 landlords each training.	Ongoing

# Policy 5.4.1

## Tenant Protections to extend AB1482 related to relocation, documentation, and right to return policy

- Vital, can be strengthened
- Relocation payments for demolition should be uncapped and negotiable

Objectives	Quantified Objectives	Timeline
Increase tenant protections to prevent displacement of those with disproportionate housing needs.	Extend AB1482 provisions to require tenant relocation payments for No Fault evictions for those with tenure less than one year and documentation from landlords who use remodel exemption to evict tenants. Establish Right to Return policy for tenants displaced from homes due to demolition or substantial remodels. This item is connected to Policy H 3.4.	2023-24; consistent with general GPP #H 3.4

Actions	Fair Housing Issues	Contributing Factors	Fair Housing Category	Action	Type of Action	Responsible Party	Objectives	Quantified Objectives	Timeline
<b>Policy 5.4.3:</b> Create a webpage specific to fair housing including resources for residents who feel they have experienced discrimination, information about filing fair housing complaints with HCD or HUD, and information about protected classes under the Fair Housing Act.	Persons with disabilities have disproportionate housing needs.  AND  Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Lack of understanding of reasonable accommodation requirements by landlords and property owners.	Outreach capacity and enforcement	Promote equal housing opportunity	Human resources	City of San Mateo	Increase awareness of fair housing laws and tenants' rights to reduce unlawful discrimination and displacement.	Provide information on the City's website about housing discrimination, laws, and protections. This item is connected to Policy H 4.1.	2024; consistent with general GPP #H 3.4
<b>Policy 5.4.4:</b> Ensure that all multi-family residential developments contain signage to explain the right to request reasonable accommodations for persons with disabilities. Make this information available and clearly transparent on the city's website and fund landlord training and outreach on reasonable accommodations.	Persons with disabilities have disproportionate housing needs.  AND  Persons with disabilities and persons of color are most likely to file fair housing complaints with HUD.	Lack of accessible affordable units; Lack of access to economic opportunity; Concentration in low income and low opportunity census tracts; Lack of understanding of reasonable accommodation requirements by landlords and property owners.	Outreach capacity and enforcement	Promote equal housing opportunity	Human resources	City of San Mateo	Increase awareness of fair housing laws and tenants' rights to reduce unlawful discrimination and displacement.	Initially, create ongoing condition of approval to ensure both BMR and all-affordable developments contain this information. Explore options for recording against the property and/or including in the affordable housing agreement.	2024

# Non-AFFH-Specific Policy-by-Policy Review

# Policy Comment Potpourri

## Selected Policies

- Policy H 1.2 - Utilize Public Funding for Low/Moderate Income Housing
  - Comment: Well defined, ongoing program
- Policy H 1.3 - Increase Below Market Rate Unit Production through Density Bonus/Community Benefits Programs \*
- Policy H 1.5 - Encourage Family Housing \*

\* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

# Policy Comment Potpourri

## Selected Policies

- Policy H 1.9 - Create Minimum Densities for Mixed-Use Residential Projects
  - Comment: Provide quantifiable description of actions to objectively measure
- Policy H 1.13 - Encourage Development of Missing Middle Housing \*
  - Comment: Provide a quantifiable, developed program of actions
- Policy H 1.14 - Evaluate and Update Special Needs Group Housing Requirements \*

\* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

# Policy Comment Potpourri

## Selected Policies

- Policy H 2.1 - Fund Housing Rehabilitation Efforts
  - Comment: Provide metrics to evaluate effectiveness of program based on citywide habitability and health trends
- Policy H 2.3 - Encourage Energy and Water Efficiency in Existing Units
  - Comment: Provide metrics to evaluate effectiveness of program based on citywide habitability and health trends
- Policy H 2.4 - Explore Capital Improvements in lower-resourced Neighborhoods \*

\* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

# Policy Comment Potpourri

## Selected Policies

- Policy H 2.5 - Promote Housing Resilience
  - Comment: Existing, ongoing, important
- Policy H 2.6 - Require Replacement Units
  - Comment: Make this a permanent local ordinance

# Policy Comment Potpourri

## Policy H 3.3 “Evaluate Housing Revenue Sources”

- **Change “Evaluate” to “Pursue” Additional Local Funding Sources:**
  - **Vacancy Tax** - Parcel taxes in the form of a vacant property tax have been used by cities (VPT, Oakland) to fund affordable housing and homeless services; as well as to entice owners of undeveloped sites to either sell or build homes on their parcels.
  - **Increase Commercial Linkage Fees** - To help mitigate the increase in demand for housing, cities have the ability to charge a fee on new commercial developments. The revenue generated can then be used to help fund affordable housing construction.
  - **Transfer Tax** - A one-time tax payment that is levied by a government on the transfer of ownership to property (i.e. sale of a home) from one individual or entity to another within it’s defined boundaries. The raised revenue can then be utilized to fund affordable housing within the jurisdiction.

# Policy Comment Potpourri

## Selected Policies

- Policy H 3.3 - Evaluate Housing Revenue Sources\*
- Policy H 3.5 - Explore Below Market Rate Set Asides\*
- Policy H 3.6 - Examine a Rental Registry Option\*
  - Change to: Adopt a Rental Registry based on best practices
- Policy H 3.7 - Explore Code Amendments and Collaboration opportunities for Expanding Homeless Shelters\*

\* = Replace non-committal language such as “explore” or “assess” with language that commits to follow-up actions. The program must include specific timeframes for action and provide quantifiable description of actions to objectively measure for successful outcomes.

# Links and Resources

- California HCD Affirmatively Furthering Fair Housing (AFFH) Guidance [https://www.hcd.ca.gov/community-development/affh/docs/affh\\_document\\_final\\_4-27-2021.pdf](https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf)
- AFFH Data Viewer <https://affh-data-resources-cahcd.hub.arcgis.com>
- California Healthy Places Index <https://map.healthyplacesindex.org>



## California Department of Housing and Community Development

### Affirmatively Furthering Fair Housing

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)



## Nicholas "Nicky" Vu

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**From:** Housing  
**Sent:** Tuesday, January 3, 2023 10:17 AM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Sandra Belluomini**  
Administrative Tech | Housing  
330 W. 20th Ave., San Mateo, CA 94403  
[Redacted]

---

**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Friday, December 30, 2022 10:40 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

### Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

---

First Name William

---

Last Name Graham

---

Email Address [Redacted]

---

Comment on 2023-2031 Draft Housing Element Thank you to city staff and others for their work on the 2023-31 housing plan. As with all plans, there are many things residents

---

will agree on and many they won't. The plan, though, is well thought out and addresses many challenges the city faces in meeting housing need at all levels.

I may have missed it in my review, but it appears the plan doesn't speak to public education and alignment with the elementary and high school districts to ensure they have the resources to support additional capacity.

It's very likely these discussions are happening in other settings. However, knowing that this has been an area of concern for many in the past, I encourage staff to address this upfront to ensure it doesn't become a barrier. The districts are capable and can meet the need with appropriate planning and integration with the city.

Thank you again for the thought and well considered plan.

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## Nicholas "Nicky" Vu

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**From:** Housing  
**Sent:** Tuesday, January 3, 2023 10:17 AM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: Housing Element

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Sandra Belluomini**  
Administrative Tech | Housing  
330 W. 20th Ave., San Mateo, CA 94403

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**From:** Susan Shankle [REDACTED]  
**Sent:** Friday, December 30, 2022 11:02 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Housing Element

Great report. I have one comment, which relates to Section 4.3, Climate Change and Energy Conservation:

Let's follow the lead of the CA Central Valley agricultural canal system which, after decades of suggestion and input, finally capped the canals with solar panels, which both significantly reduces evaporation plus offers an additional power source. Smart!

I've been asking for more City solar panel installation in San Mateo for years, especially during the planning and construction of the new 92/82 interchange. Lots of space there for panels. It's getting easier, cheaper and more necessary all the time.

**Every new building should have solar panels on its roof.**

Thank you,  
Susan Shankle  
30-year San Mateo resident  
Lifetime Bay Area resident  
Citizen, Taxpayer and Voter

## Nicholas "Nicky" Vu

---

**From:** Housing  
**Sent:** Tuesday, January 3, 2023 10:17 AM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Sandra Belluomini**  
Administrative Tech | Housing  
330 W. 20th Ave., San Mateo, CA 94403  
[Redacted]

---

**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Saturday, December 31, 2022 11:19 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Online Form Submittal: Draft 2023-2031 Housing Element Comment Form

### Draft 2023-2031 Housing Element Comment Form

Draft Housing Element Feedback Form

*Please share your comments regarding the Draft Housing Element.*

*Comment period for the draft document is April 6 through May 6, 2022.*

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First Name Kailun

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Last Name Wu

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Email Address [Redacted]

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Comment on 2023-2031 Draft Housing Element Hi city staff, planning commissioners and council members,

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Happy New Year! I'm commenting as a homeowner in Hillsdale and am only representing my small family of three. My wife and I both live and work in San Mateo.

I want to first thank you for your hard work. This is a pivotal moment for current and future San Mateans. For decades our city has been built around driving and parking for literally everything in life, which unfortunately causes climate change, congestions, slow housing production and high cost of living. I believe that a more human-centric, not car-centric San Mateo is popular and achievable so this housing element is our chance to make real progress.

My comments on the housing elements:

#### 1. Teamwork

I urge the newly elected city council to collaborate in good faith, debate and make compromises no matter which sides you're on. After the disastrous and widely publicized mayor appointment in 2022, this is your moment to show teamwork, transparency and integrity. Use our shared core values when you disagree. Show us that you are fixing our housing crisis by completing a compliant housing element.

#### 2. Zoning

Simplify zoning and improve objective standards. Legalize diverse and medium density buildings. Legalize small scale local shops, daycare, and other services in single family communities (Sunnybrae, North Central, the Village, Hillsdale) to reduce car trips. Allow more homes in downtown to increase home supply while minimizing car traffic because walking can get a lot more done in downtown. Develop empty lots in Bay Meadow and Event Center.

#### 3. Circulation

Building thousands of new homes cannot be done without traffic improvements. I know this is outside of the housing element but it is a chicken-egg problem. A city-wide, continuous bike highway needs to be built to encourage more people to run errands, go to school and offices without driving. Palm Ave, Delaware St are streets that could be a north-south bike highway. SF, Mountain View and many more examples are there for us to copy. Allocate more money on e-bike rebate, bike paths and traffic calming features.

Building homes unfortunately has become so contentious and expensive throughout California. My house is across the street from the Hillsdale Mall which is ripe for more housing/services. I hope to see new homes, shops and neighbors replacing the lifeless and underutilized parking garage. I want more homes built not for profit but for my friends, coworkers and children to be able to stay without being severely burdened by mortgage or rent.

Inclusivity is one of the values of the City. \$1.5M home prices are not inclusive. I really appreciate what you have done given the constraints and history of San Mateo. I believe you can do the right thing for us and the silent majority.

Thanks again!  
Kailun

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Email not displaying correctly? [View it in your browser.](#)

## Nicholas "Nicky" Vu

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**From:** Housing  
**Sent:** Tuesday, January 3, 2023 4:28 PM  
**To:** Nicholas "Nicky" Vu; Eloiza Murillo-Garcia  
**Subject:** FW: Housing Element



Sandra Belluomini  
Administrative Technician Housing Dept  
330 W 20<sup>th</sup> Avenue, San Mateo, Ca 94403

### *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 28<sup>th</sup> (in observance of Christmas) and on January 2<sup>nd</sup> (in observance of New Year's Day). Happy Holidays!*

Sandra Belluomini  
City of San Mateo

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**From:** Bill Williams [REDACTED]  
**Sent:** Tuesday, January 3, 2023 12:53 PM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Housing Element

1. The Sewage Treatment Plant should be completed before additional construction is started.
2. Since the City of San Mateo has paid fines for untreated storm runoff into the Bay, the storm water overflow system should also be completed before additional construction is started.
3. Open Space calculations for developments should not include rooftops and balconies.

## Nicholas "Nicky" Vu

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**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

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**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  
650-522-7239  
belluomini@cityofsanmateo.org

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

-----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 20<sup>th</sup> Avenue, San Mateo, Ca 94403  
650-522-7239  
[belluomini@cityofsanmateo.org](mailto:belluomini@cityofsanmateo.org)

### *Notice of Holiday Closures:*

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

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

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**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](http://www.fbm.com)

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January 7, 2023

*Via E-Mail*

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

E-Mail: [housing@cityofsanmateo.org](mailto: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,<sup>1</sup> 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.

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<sup>1</sup> 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.**

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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](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.<sup>2</sup> 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

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<sup>2</sup> 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 31<sup>st</sup> 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.<sup>3</sup>

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

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<sup>3</sup> 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,<sup>4</sup> 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. 20<sup>th</sup> Street and 150 W. 20<sup>th</sup> 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. 20<sup>th</sup> 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. 20<sup>th</sup> 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.”<sup>5</sup> Nothing has

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<sup>4</sup> 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.

<sup>5</sup> 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. 20<sup>th</sup> 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.<sup>6</sup>

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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.”

<sup>6</sup> 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.<sup>7</sup> 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

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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).

<sup>7</sup> 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](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.<sup>8</sup> 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:

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<sup>8</sup> 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 <sup>9</sup>	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 <sup>th</sup> /E 5 <sup>th</sup> 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 <sup>th</sup>	E1-1/R4	77 [50 du/ac]	46-54
150 W. 20 <sup>th</sup>	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

<sup>9</sup> 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
	<b>Totals:</b>	<b>2,270</b>	<b>1,395-1,628</b>
	<b>Overestimate:</b>	<b>642-875 units</b>	

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
	<b>Totals:</b>	<b>657</b>	<b>589</b>
	<b>Overestimate:</b>	<b>68 units</b>	

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).<sup>10</sup> 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

<sup>10</sup> 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] <sup>11</sup>	
R: 4 <sup>th</sup> /Railroad “Bespoke” <sup>12</sup>	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 <sup>th</sup> Ave.	E2-2 [Executive Office, No Residential Overlay]	120 [75 du/ac]	48-56
	<b>Totals:</b>	<b>577</b>	<b>291</b>
	<b>Potential Overestimate:</b>	<b>249-291</b>	

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

<sup>11</sup> 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.

<sup>12</sup> 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 25<sup>th</sup> 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.<sup>13</sup> This issue would appear to apply to the following sites<sup>14</sup>:

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<sup>13</sup> 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.

<sup>14</sup> 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 <sup>th</sup> 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 <sup>th</sup> Ave.	C1-2	2
<b>Total Capacity Not Zoned For Residential As A Permitted (Not Special) Use:</b>		<b>2,112</b>

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

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(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

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**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 20<sup>th</sup> Avenue, San Mateo, Ca 94403  
650-522-7239  
[belluomini@cityofsanmateo.org](mailto: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 28<sup>th</sup> (in observance of Christmas) and on January 2<sup>nd</sup> (in observance of New Year's Day). Happy Holidays!*

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

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**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](mailto:housing@cityofsanmateo.org), [citycouncil@cityofsanmateo.org](mailto:citycouncil@cityofsanmateo.org),  
[PlanningCommission@cityofsanmateo.org](mailto: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 year<sup>1</sup>. 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 decades<sup>2</sup>. 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

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<sup>1</sup> **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.

<sup>2</sup> **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 fit<sup>3</sup> in the Peninsula can best be addressed with a focus on more affordable housing. As noted in the HE draft<sup>4</sup>, 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)

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<sup>3</sup> **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.

<sup>4</sup> 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”<sup>5 6</sup> 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

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<sup>5</sup> 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>

<sup>6</sup> 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](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 <sup>7</sup> 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. <sup>8</sup>No 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

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<sup>7</sup> 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>

<sup>8</sup> **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](https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf)

## Nicholas "Nicky" Vu

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**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

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**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

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**From:** l watanuki [REDACTED]  
**Sent:** Tuesday, January 10, 2023 1:21 PM  
**To:** Planning Commission <PlanningCommission@cityofsanmateo.org>  
**Cc:** lwatanuki6@gmail.com  
**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

## Nicholas "Nicky" Vu

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**From:** Mary Way  
**Sent:** Thursday, January 12, 2023 2:47 PM  
**To:** Housing  
**Subject:** FW: Housing Element Comments

Last comment. Nicky I will add to the public comments.

Mary

-----Original Message-----

**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

## Nicholas "Nicky" Vu

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**From:** Mary Way  
**Sent:** Tuesday, January 17, 2023 10:11 AM  
**To:** Eloiza Murillo-Garcia; Nicholas "Nicky" Vu  
**Cc:** Martin McTaggart; Patrice Olds; Zachary Dahl; Manira Sandhir  
**Subject:** RE: Adopt Housing Element

Another comment passing on to Eloiza and Nicky.

-----Original Message-----

**From:** Patrice Olds <polds@cityofsanmateo.org>  
**Sent:** Tuesday, January 17, 2023 9:57 AM  
**To:** Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>  
**Cc:** Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>  
**Subject:** FW: Adopt Housing Element

-----Original Message-----

**From:** Michelle Byron [REDACTED]  
**Sent:** Monday, January 16, 2023 6:44 PM  
**To:** City Council (San Mateo) <CityCouncil@cityofsanmateo.org>  
**Cc:** Patrice Olds <polds@cityofsanmateo.org>  
**Subject:** Adopt Housing Element

Please adopt the Housing Element as presented.  
Thank you,  
Michelle Byron, San Mateo resident

## Nicholas "Nicky" Vu

---

**From:** Mary Way  
**Sent:** Tuesday, January 17, 2023 10:11 AM  
**To:** Eloiza Murillo-Garcia; Nicholas "Nicky" Vu  
**Cc:** Martin McTaggart; Christina Horrisberger; Zachary Dahl; Manira Sandhir  
**Subject:** RE: Housing

Passing comments on to Eloiza and Nicky.

---

**From:** Patrice Olds <polds@cityofsanmateo.org>  
**Sent:** Tuesday, January 17, 2023 9:56 AM  
**To:** Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>  
**Cc:** Martin McTaggart <mmctaggart@cityofsanmateo.org>; Mary Way <mway@cityofsanmateo.org>  
**Subject:** FW: Housing

Patrice M. Olds, MMC  
City Clerk  
City of San Mateo  
330 W. 20th Avenue  
San Mateo, CA 94403-1388  
[polds@cityofsanmateo.org](mailto:polds@cityofsanmateo.org)  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)  
(650) 522-7042

---

**From:** [REDACTED]  
**Sent:** Monday, January 16, 2023 10:07 PM  
**To:** City Council (San Mateo) <[CityCouncil@cityofsanmateo.org](mailto:CityCouncil@cityofsanmateo.org)>  
**Subject:** Housing

To: San Mateo City Council

I Support/Request the City Council to ACCEPT the current Housing Element as presented by City staff on January 24 - we have done enough to meet the requirements and our city is stretching our infrastructure.

You are voted in to represent your constituents. Please do so!

Christine Heckford  
[REDACTED]  
San Mateo

Sent from my iPhone

## Nicholas "Nicky" Vu

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**From:** Eloiza Murillo-Garcia  
**Sent:** Tuesday, January 17, 2023 12:48 PM  
**To:** Nicholas "Nicky" Vu  
**Subject:** FW: Housing Element

-----Original Message-----

**From:** Patrice Olds <polds@cityofsanmateo.org>  
**Sent:** Tuesday, January 17, 2023 12:34 PM  
**To:** Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillogarcia@cityofsanmateo.org>  
**Cc:** Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>  
**Subject:** FW: Housing Element

-----Original Message-----

**From:** Janet Cook [REDACTED]  
**Sent:** Tuesday, January 17, 2023 12:30 PM  
**To:** Patrice Olds <polds@cityofsanmateo.org>  
**Subject:** Housing Element

I would like you to vote for the Housing Element before the Council. I would like an investigation into possible bribery with the Planning Commission who went behind our backs to side with developers who care nothing about the will of the voters. As a 45 year citizen of San Mateo, I do not want to loose our town to huge overpopulation.

Thank you,

Janet Cook  
[REDACTED]

San Mateo

Sent from my iPhone

## Nicholas "Nicky" Vu

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**From:** Eloiza Murillo-Garcia  
**Sent:** Tuesday, January 17, 2023 12:48 PM  
**To:** Nicholas "Nicky" Vu  
**Subject:** FW: I am writing to urge you to approve the Housing Element at your upcoming meeting

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**From:** Patrice Olds <polds@cityofsanmateo.org>  
**Sent:** Tuesday, January 17, 2023 12:46 PM  
**To:** Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>  
**Cc:** Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>  
**Subject:** FW: I am writing to urge you to approve the Housing Element at your upcoming meeting

Patrice M. Olds, MMC  
City Clerk  
City of San Mateo  
330 W. 20th Avenue  
San Mateo, CA 94403-1388  
[polds@cityofsanmateo.org](mailto:polds@cityofsanmateo.org)  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)  
(650) 522-7042

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**From:** Doug D'Anna [REDACTED]  
**Sent:** Tuesday, January 17, 2023 12:35 PM  
**To:** City Council (San Mateo) <[CityCouncil@cityofsanmateo.org](mailto:CityCouncil@cityofsanmateo.org)>; Clerk <[clerk@cityofsanmateo.org](mailto:clerk@cityofsanmateo.org)>  
**Subject:** I am writing to urge you to approve the Housing Element at your upcoming meeting

Dear City Council Members,

I am writing to urge you to approve the Housing Element at your upcoming meeting on January 24th. The voters of San Mateo have repeatedly made it clear that they want managed growth, not urban sprawl.

This is evidenced by the failure of Measure R.

By voting against the Housing Element, you would be:

- Disregarding the determination of City staff that the City can meet the 7,015 unit goal even with the building height limits set by Measure Y and
- Disregarding the will of the voters in favor of builders, developers, and unions who stand to make millions of dollars.

Ultimately allowing a "Builder's Remedy" to not only take away local land use control and put our neighborhoods at risk, resulting in increased traffic congestion and strain on already stretched water and sewer infrastructure in our city.

I urge you to approve the Housing Element as presented and protect our neighborhoods, infrastructure, and quality of life in San Mateo.

May I remind you, It is YOUR DUTY as elected officials to carry out Measure Y and protect our neighborhoods, making San Mateo a desirable place to live, and not to allow a "Builder's Remedy" to take away local land use control and put our neighborhoods at risk.

Sincerely,

Doug D'Anna

## Nicholas "Nicky" Vu

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**From:** Mary Way  
**Sent:** Tuesday, January 17, 2023 9:56 AM  
**To:** Eloiza Murillo-Garcia; Nicholas "Nicky" Vu  
**Cc:** Manira Sandhir; Zachary Dahl; Christina Horrisberger  
**Subject:** FW: Housing element

Forwarding to Eloiza and Nicky.

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**From:** Patrice Olds <polds@cityofsanmateo.org>  
**Sent:** Tuesday, January 17, 2023 9:49 AM  
**To:** Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>  
**Cc:** Mary Way <mway@cityofsanmateo.org>; Erin Fellers <efellers@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>  
**Subject:** FW: Housing element

Patrice M. Olds, MMC  
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(650) 522-7042

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**From:** Don Robertson [REDACTED]  
**Sent:** Tuesday, January 17, 2023 9:23 AM  
**To:** City Council (San Mateo) <[CityCouncil@cityofsanmateo.org](mailto:CityCouncil@cityofsanmateo.org)>  
**Subject:** Housing element

As a long time resident & homeowner I urge the City Council to Adopt the Housing element as it has been presented.

Don Robertson  
[REDACTED]

## Nicholas "Nicky" Vu

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**From:** Eloiza Murillo-Garcia  
**Sent:** Tuesday, January 17, 2023 12:24 PM  
**To:** Nicholas "Nicky" Vu  
**Subject:** FW: Support for City Council APPROVAL of the current Housing Element

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**From:** Patrice Olds <polds@cityofsanmateo.org>  
**Sent:** Tuesday, January 17, 2023 12:14 PM  
**To:** Christina Horrisberger <chorrisberger@cityofsanmateo.org>; Zachary Dahl <zdahl@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; Eloiza Murillo-Garcia <emurillo@cityofsanmateo.org>  
**Cc:** Mary Way <mway@cityofsanmateo.org>; Martin McTaggart <mmctaggart@cityofsanmateo.org>  
**Subject:** FW: Support for City Council APPROVAL of the current Housing Element

Patrice M. Olds, MMC  
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[www.cityofsanmateo.org](http://www.cityofsanmateo.org)  
(650) 522-7042

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**From:** Aimee WCrollerskate [REDACTED]  
**Sent:** Tuesday, January 17, 2023 12:12 PM  
**To:** City Council (San Mateo) <[CityCouncil@cityofsanmateo.org](mailto:CityCouncil@cityofsanmateo.org)>  
**Cc:** Patrice Olds <[polds@cityofsanmateo.org](mailto:polds@cityofsanmateo.org)>  
**Subject:** Support for City Council APPROVAL of the current Housing Element

As a constituent of San Mateo, I am dismayed and concerned by the **continued and inappropriate actions** by members of the Planning Commission to undermine San Mateo voters and the approved Measure Y with backroom activities and thinly-veiled attempts to hand the reins of our city over to profit-minded developers.

Our city deserves thoughtful planning with an infrastructure to support its residents with new and affordable housing. **But it cannot subvert the will of the voters.**

Trust in our local government is critical, and a rejection of the measure that voters have already approved will certainly **destroy that trust**. Many are already furious with the Planning Council's underhanded behavior.

I ask that the City Council uphold the will of the voters/Measure Y and ACCEPT the current Housing Element as presented by City staff on January 24th.

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Regards,  
Aimee Stevland  
Resident  
[REDACTED]