

Rendell Bustos

From: Rendell Bustos
Sent: Tuesday, October 10, 2023 4:07 PM
To: Rae Parnmukh
Cc: Clerk; Emily Lesk; Lisa Costa-Sanders; Manira Sandhir; paul@stockbridge.com
Subject: RE: PA-2023-050 / Bay Meadows Agreement Extension and Annual Review - Homeowner questions

Hi Rae,

Thanks for the additional comments below and for discussing the agenda item with me just now over the phone. I will forward this email thread to the Planning Commission for their consideration at tonight's Public Hearing.

-Rendell



Rendell Bustos

Senior Planner | Community Development Department
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650-522-7211 | rbustos@cityofsanmateo.org



From: Rae Parnmukh [REDACTED]
Sent: Tuesday, October 10, 2023 3:51 PM
To: Rendell Bustos <rbustos@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>; Emily Lesk <ELesk@wilsonmeany.com>; Lisa Costa-Sanders <lcostasanders@cityofsanmateo.org>; Manira Sandhir <msandhir@cityofsanmateo.org>; paul@stockbridge.com
Subject: Re: PA-2023-050 / Bay Meadows Agreement Extension and Annual Review - Homeowner questions

Hi,

Just spoke to Rendell, thank you for the call.

With regards to the meeting tonight, my main concern will be the following;

- Visual impact of the pits not being developed and finished speedily. Granted I am sure all parties will take effort to complete the build out as is possible.
- Impact of the pits on the home valuations. Expecting that when the pits are fully built out, home values will rise due to the completion of the community.

I did ask if there would be some concessions to the city or homeowners due to the delay in buildout. If it is possible to impose a fee for this extension or if it is again requested in three years, that would give both the city and the homeowners some confidence that the pits won't be everlasting.

Thank you,
Raewadee Parnmukh

Would still like a reply from Wilson Meany on the other aspects I brought up if possible.

On Tue, Oct 10, 2023 at 14:07 Rae Parnmukh [REDACTED] wrote:

Sure, that would help a lot. Apologies as I am not generally that active in City matters, so clarification on the agenda and how it works, what is the main takeaway - verbally will be useful.

Could you try calling me between 3:35pm and 3:45pm?

If I am available, I will answer.

I have a window between meetings at 3:30 to 4pm.

[REDACTED]

Thanks,
Rae

On Tue, Oct 10, 2023 at 13:30 Rendell Bustos <rbustos@cityofsanmateo.org> wrote:

Hi Rae,

The full packet with the attachments is attached. I think it would be helpful if we discussed this agenda item over the phone to clarify the items being considered this evening. Can you let me know your best phone number and when you'd be available? I am available today after 3:30 pm.

In case we are not able to connect on the phone, there will be a public comment period for tonight's Public Hearing but the Planning Commission does not have authority in matters regarding the Homeowners Association. You are able to join the meeting in-person at the City Hall Council Chambers or join the Zoom (www.cityofsanmateo.org/publicmeetings) and can comment freely on the agenda topic.

Lastly, I would emphasize that Wilson Meany staff have been cc'd in this correspondence who are reviewing your questions and will provide a response, since Homeowners Association matters are their purview.

-Rendell



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From: Rae Parnmukh [REDACTED]
Sent: Tuesday, October 10, 2023 12:16 PM
To: Rendell Bustos <rbustos@cityofsanmateo.org>
Cc: Clerk <clerk@cityofsanmateo.org>; Emily Lesk <ELesk@wilsonmeany.com>; Lisa Costa-Sanders <lcostasanders@cityofsanmateo.org>; paul@stockbridge.com
Subject: Re: PA-2023-050 / Bay Meadows Agreement Extension and Annual Review - Homeowner questions

Hi,

Could you provide:

Att 1 – Resolution with Findings for Annual Review

Att 2 – Draft Ordinance with Amendment to the Development Agreement

Att 3 – Exhibit A to Ordinance No. 17 (2005) Bay Meadows Phase II Development Agreement

Att 4 – Extension Request Letter

Att 5 – Bay Meadows Phase II DA Annual Review Matrix

Is Bay Meadows Main Track Investors, LLC (“Owner”), just another name for Wilson Meany? Or are the entities completely unrelated?

As an owner, I am concerned that these pits will remain undeveloped for three more years.

Will tonight's meeting be the correct forum to express that concern?

As a homeowner in the community, what position is available to me, to hold the approval of this request gating further information to be provided in the HOA regard?

Thank you,

Rae

On Tue, Oct 10, 2023 at 10:22 Rendell Bustos <rbustos@cityofsanmateo.org> wrote:

Hi Rae,

Attached is the staff report for tonight's Planning Commission Public Hearing, which is not related to the Homeowner's Association board composition. Tonight's Public Hearing is focused on a request to extend the Development Agreement, which is an agreement between the City of San Mateo and the land owner to develop the Bay Meadows Phase II area. This meeting will be viewable online and will be recorded (please see www.cityofsanmateo.org/publicmeetings).

Emily Lesk from Wilson Meany is coordinating on her end to respond to the questions focused on the HOA. These questions are not in the purview of the City or Planning Commission. I hope this helps clarify – let me know if you have further questions for City staff.

Thanks,

Rendell



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From: Rae Parnmukh [REDACTED]
Sent: Tuesday, October 10, 2023 8:10 AM
To: Rendell Bustos <rbustos@cityofsanmateo.org>
Cc: Emily Lesk <ELesk@wilsonmeany.com>; Lisa Costa-Sanders <lcostasanders@cityofsanmateo.org>; Clerk <clerk@cityofsanmateo.org>; paul@stockbridge.com
Subject: Re: PA-2023-050 / Bay Meadows Agreement Extension and Annual Review - Homeowner questions

Hi Rendell,

Thanks for the reply, if there is another Wilson Meany rep that can be added to this email it may help since Emily is one of the board members so may not be impartial.

As part of the this meeting will it be reviewed and recorded, how many units remain to be built that would be sold to homeowners such that a title would be transferred and recorded from the Declarant or Builder to a homeowner?

This information would answer my question. I believe it is zero since there was prior planning committee approval that converted what was originally planned to be condos and flats to leased units.

Again it is my thought that with the remaining lots to be built out, Wilson Meany should no longer hold seats on the HOA Board, and I am looking for the information that proves otherwise.

Is it possible to obtain the documents to be reviewed in the meeting today by pdf or html? I was not able to locate them on the web

Thanks,

Rae

On Tue, Oct 10, 2023 at 07:50 Rendell Bustos <rbustos@cityofsanmateo.org> wrote:

Good morning Raewadee,

Thank you for cc'ing City staff in your email. I believe your questions would be best addressed by Wilson Meany staff, so I will look to Wilson Meany to assist you from here.

If you have any questions or comments regarding the Development Agreement Extension or Annual Review being considered at tonight's [Planning Commission Public Hearing](#), please let me know.

-Rendell



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From: Rae Parnmukh [REDACTED]
Sent: Monday, October 9, 2023 5:48 PM
To: Emily Lesk <ELesk@wilsonmeany.com>; paul@stockbridge.com; Rendell Bustos <rbustos@cityofsanmateo.org>; Lisa Costa-Sanders <lcostasanders@cityofsanmateo.org>; clerk@cityofsanmateo.org
Subject: PA-2023-050 / Bay Meadows Agreement Extension and Annual Review - Homeowner questions

Received the notice in the mail regarding the hearing.

As a homeowner in Bay Meadows since 2015, I have been waiting for the HomeOwners Association to be turned over to the homeowners fully.

I have expressed continued concern that the Bay Meadows Homeowners Association is ill-formed with Wilson Meany representatives holding the majority of the seats,(3) on the Board. This has provided Wilson Meany unilateral control in decisions that impact homeowners the most.

As part of the review, can it be recorded, **what is the ownership interest Wilson Meany has in the "Covered Property" or "Annexable territory"?**

Without ownership interest, **is Wilson Meany correct to hold majority or any board seats in the Bay Meadows Homeowners association?**

With ownership described, **does this extension, also extend their power over the Homeowner's Association for at minimum another three years?**

All of my concerns, are governed by the following:

In the Bay Meadows CC&Rs in

Section 6.3 Classes of Voting Membership

Section 6.4 Voting Rights

But most specifically BYLAWS OF BAY MEADOWS COMMUNITY ASSOCIATION ARTICLE 2

2.2 QUALIFICATIONS FOR HOLDING OFFICE. Each Director, except for those initially appointed by Declarant to serve as interim Directors until the first annual meeting,must be (a) an Owner who meets the qualifications in this Section 2.2 or, (b) an agent of Declarant or an agent of a Neighborhood Builder for so long as Declarant or a Neighborhood Builder owns or has any interest in any portion of the Covered Property or any portion of the Annexable Territory, or (c) appointed to office by exercise of the Class C Board appointment right.

2.3.1 Term for Appointee Directors. Notwithstanding anything in these Bylaws to the contrary, all Directors appointed at any time by exercise of the Class C Board appointment right shall serve until the earlier of:

- (a) Removal of Director by Declarant;
- (b) The date of the appointed Director's death or resignation from the Board of Directors;

- (c) The date that is three (3) years after the date on which the Class C Board appointment right expires; or
- (d) The date on which Declarant no longer owns any portion of the Covered Property or Annexable Territory.

It has been confirmed that there is no longer a Class C Board appointment right, the date as to when this expired cannot be obtained from the Board. I believe it was 2020, if this date can be recorded in the review that would be helpful as well.

Thanks,

Raewadee Parnmukh



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