

## Sandra Council

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**From:** Sandra Belluomini  
**Sent:** Tuesday, October 26, 2021 5:31 PM  
**To:** Sandra Council; Nicholas "Nicky" Vu  
**Subject:** FW: Housing and global warming

**From:** George Hackman [george.hackman@gmail.com](mailto:george.hackman@gmail.com)  
**Sent:** Tuesday, October 26, 2021 11:18 AM  
**To:** Housing <housing@cityofsanmateo.org>  
**Subject:** Housing and global warming

Hello,

One of my biggest concerns is global warming. As Bill Gates and others have pointed out, concrete and building materials are enormous contributors to global warming. By some estimations, if concrete were a country it would be the third-largest emitter of greenhouse gasses after the US and China.

<https://www.theguardian.com/cities/2019/feb/25/concrete-the-most-destructive-material-on-earth>

<https://www.nytimes.com/2020/08/11/business/concrete-cement-manufacturing-green-emissions.html>

The great news is that green concrete is available and is being USED RIGHT NOW in new buildings like LinkedIn headquarters (one brand is carboncure referenced in NYT article).

<https://www.carboncure.com/>

With the new development, we have an opportunity to build right. What is being done to...

1. Ensure new development is being done with green concrete such as CarbonCure?
2. What are plans for requiring solar or other sustainable energy uses as part of construction?
3. What building requirements are in place to ensure uptake of carbon zero heating, hot water and cooking in these new buildings?

Thanks for your time,

George Hackman

Long-term San Mateo resident.

## Sandra Council

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**From:** Sandra Council  
**Sent:** Tuesday, November 2, 2021 11:57 AM  
**To:** Sandra Council; Nicholas "Nicky" Vu  
**Subject:** FW: Housing input



**Sandra Belluomini**  
Administrative Tech | Housing  
330 W. 20th Ave., San Mateo, CA 94403  
650-522-7239 | [belluomini@cityofsanmateo.org](mailto:belluomini@cityofsanmateo.org)

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**From:** Todd Keithley [todd.keitley@gmail.com](mailto:todd.keitley@gmail.com)  
**Sent:** Tuesday, November 2, 2021 10:31 AM  
**To:** Housing <[housing@cityofsanmateo.org](mailto:housing@cityofsanmateo.org)>  
**Subject:** Housing input

Hello Housing Division,

I am a seven-year resident of San Mateo, and my wife was born and raised here. We have three kids in the public schools. We live in a single family home at 139 Spuraway Drive.

Your recent housing flyer says that the city "must ... prepare for future growth," but Bay Area growth has been happening for several years already and San Mateo is behind on the production of housing. We need new housing to support prior growth, not just future growth.

I strongly support any and all forms of new housing, including apartment buildings. To preserve what little open spaces remain, it seems to me that building up and building densely is the way to go. The Bay Meadows development is a good start, and I appreciate its "smart growth" walkable layout and proximity to public transport (though I wish some of the new office buildings over there had been housing instead).

San Mateo's approach to housing is a lot better than that of the smaller cities and towns on the Peninsula. Nevertheless, many people who work here cannot afford to live here, such as the vast majority of our children's teachers.

Keep building!

Best,  
Todd Keithley

## Sandra Council

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**From:** Mary Way  
**Sent:** Tuesday, October 12, 2021 11:46 AM  
**To:** Sandra Council; Julia Klein  
**Subject:** FW: Letter to the Planning Commission

Hi Sandy & Julia,

Received this public comment received for tonight's item. Already sent to Planning Commissioners.

Mary

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**From:** AlanTalansky [REDACTED] <[AlanTalansky@gmail.com](mailto:AlanTalansky@gmail.com)>  
**Sent:** Tuesday, October 12, 2021 11:43 AM  
**To:** Planning Commission <[PlanningCommission@cityofsanmateo.org](mailto:PlanningCommission@cityofsanmateo.org)>  
**Subject:** Letter to the Planning Commission

Today housing demands new approaches to finance, ownership, management, design, construction and scope of entitlement .

The challenge of creating affordable and livable public workforce housing that provides a sustainable return on investment, for the developer and and a successful result for the people of San Mateo is a difficult balance.

One of the most most significant barriers to creating a favorable balance is a restrictive density per acre limitation. Today the most desirable development sites are restricted to 50 units per acre (before any density bonus benefits). Since the limitation to 50 units per acre represents 1/3<sup>rd</sup> of what would create a project with a reasonable density for a 1 acre site. This current limitation reduces the addition of units necessary for a project to make a sustainable return on investment and creates less necessary housing for the community.

Let's raise the unit per acre restriction to a more realistic less restrictive number.

Thank You

Alan Talansky  
Executive Vice President of Development  
EBL&S Development LLC  
334 Sonora Dr  
San Mateo CA 94402

May 20, 2021

To: San Mateo Mayor Rodriguez

From: Christopher P. Conway, resident of San Mateo

21 MAY 24 1:34PM

Re: Housing Element 2023-2031 and the General Plan

Mayor Rodriguez

I want to write to all five members of the city council of San Mateo to share my thoughts on the process of our General Plan and our Housing Element numbers. I have been attending all the workshops and follow the weekly council meetings on Zoom. I consider myself a concerned, informed, longtime resident.

My first thought is that the process is a complete joke. The workshop that was offered May 18<sup>th</sup> was so poorly done, the viewer was forced to go into break out rooms and discuss 9 different zones in a matter of minutes. How in the world do you expect anyone to grasp the changes of zoning and the implications of these changes in less than a minute per zone? If you are looking for an informed electorate, the way the process is going is far less than ideal.

2<sup>nd</sup>, the complete disdain for Measure Y by the entirety of our city council is very evident in the three alternatives given. The council needs to respect Measure Y and stop putting buildings taller than 7 stories in our General Plan. In 2030, San Mateans can extend these building limitations and the council needs to respect what their constituents just voted for. Two of the three alternatives given do not reflect the city council got the message of Measure Y and what city voters want for San Mateo. They clearly include buildings 8 stories and higher.

3<sup>rd</sup>, you really need to cool it on the racial talk. The bemoaning of white, older people who are a big part of this community for actually attending these workshops is insulting. The faces on Zoom clearly show the frustration from city staffers about the demographic of people attending these workshops. Your constant drive and frustration with the inability to get people who you want to participate is becoming comical. How hard are you going to try to make sure a community is being involved and not just those older, white constituents whose opinions you can care less about? If I hear the term old, white homeowner again in derogatory terms, I am going to have to consider filing a formal complaint about this process and the derogatory remarks by participants in these workshops and comments in Chat. This would not be tolerated if the roles were reversed and you know it. So, let's let people know that the old white homeowner label is offensive to many in this community and let's get away from this race baiting that is clearly part of some people's agenda. Grouping and dismissing a segment of your city is a mistake on your part. For the record, I have Native American lineage, decedent of Chief Pontiac of the Ottawa tribe near current day Ontario-Detroit Area. So technically my personal input is of a multi-racial person and should be reflected as such. I want to be properly identified and not considered strictly white. I am a rainbow of colors and cultures.

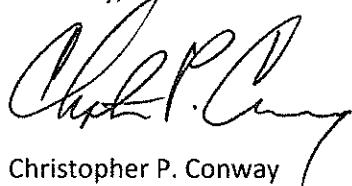
4<sup>th</sup>, many of your constituents want controlled growth and demand local control. For many in our city who think like I do, we do not want a regional authority or state control over what has to be built in our city. It is my view that the five city council members want to give up their influence on housing in San

Mateo and just surrender to these regional and state players. RHNA numbers and ABAG need to be pushed back on like so many other cities in California are doing. The process of coming up with these numbers is arbitrary and the people making these decisions are unelected. If you believe in a representative government like I do, it is time to start representing all the people of San Mateo, not just the ones who share your agenda. The deadline to appeal RHNA numbers to the ABAG is this summer 2021. FYI.

If not, you need to be clear and honest with the people of San Mateo who you serve on what your personal goals are in both the General Plan and the Housing Element. It is important that voters know exactly where you stand on this very critical issue when it is time to vote for council members in the future.

My grandfather and his development company, Conway and Culligan, has built more single-family homes in the city of San Mateo than any other builder. He is responsible for the homes built in Elmwood, College Park, Howard Park, Sunnybrae, Polo Club Subdivision, San Mateo Village and Fiesta Gardens to name a few. My family has a long deep connection to San Mateo and the building of single-family residences. Zoning and character of neighborhoods is very important to my family as my grandfather is one of the men who designed and built many our neighborhoods. I know I don't share the same values and ideas about San Mateo as you. I know we have completely different agenda's, different views on our city's history and our political affiliations could not be further apart; however, even though the people listening to you may not be the ones you want, we would at least like to be respected for showing up and caring about our city and participating in the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher P. Conway".

Christopher P. Conway

Resident of San Mateo since 1964

To: Mayor, San Mateo  
Subject: General Plan Housing Survey  
January 12, 2022

I mailed these comments instead of participating in the online General Plan Housing Survey. Please forward them to the person in charge of the survey and route them to the remainder of the city council members. Thank you. I've chosen to be anonymous.

#### Public Housing

I concur with the following suggestion that was printed as a letter to the editor a while ago.

"I suggest using city run non-profit public housing. Issue long term bonds. Use the proceeds to buy or build small site rental buildings across the entire city. Operate them at cost. Set the rents just high enough to: 1) pay for management, maintenance, repairs, etc.; 2) pay interest on the bonds; and 3) re-pay the bonds at maturity. There would be no investor expecting a profit based on market value. Rents would not go up simply because the property value appreciated.

"Vienna, Austria has had this sort of housing for many years and it has worked quite well. Search the web for "Vienna public housing".

"Promoting cooperative housing is another option. Buildings are owned by the residents. Instead of just owning the air rights to a unit each occupant owns a portion of the building and the land. Again, there is no investor expecting rents to go up as the property value appreciates. Search the web for "cooperative housing"."

#### Rent Stabilization

Housing prices sometimes increase suddenly by a large amount. When this happens some landlords raise the rent by a significant amount in order to increase their profit. For many tenants this is an eviction notice, not a rent increase. Rent control should be imposed to prohibit such sudden increases.

#### Long Term Vacancies

One factor that I have not heard mentioned is that some of the demand for housing is coming from wealthy individuals who are looking for part time residences in the bay area. Such residences are often vacant much of the time. What can be done to contend with this? Consider charging a tax on vacant units as a source of revenue for public housing.

#### Comments on Section 3 of the Survey

Create housing by redeveloping existing properties that have additional potential. - Rather vague. Does this refer to remodeling an existing retail store or office building into a residential building? If so, it might be appropriate if there are enough families nearby to create a neighborhood. Where will the children play?

Create accessory dwelling units (ADUs, also known as second units, granny flats) on existing single-family properties. - These tend to be small, probably suitable for retirees. Young couples would likely move out as their family grows, the children get older, and three or more bedrooms are required. They also tend to congest areas that are currently single family homes.

## Housing Survey

Convert existing single-family houses into duplexes. - Most houses are too small to subdivide. Does this actually mean building an addition on an existing single family house? If so, that tends to congest neighborhoods that are currently R-1. Street parking is congested, traffic increases.

Increase the allowable density in areas that are close to transit. - Many people are reluctant to increase density in any part of San Mateo. They are concerned about traffic congestion, such as on Delaware Street between downtown and SR 92 prior to the Covid-19 outbreak.

They are also concerned about exceeding the capacity of the water supply system and the sewer system. These issues should be addressed directly. Are they genuine problems? How would they be resolved? I have not seen any city official address them in detail.

As for being close to transit, most houses are close to a bus stop, so this could be anywhere in the city. If it refers to Caltrain, that simply concentrates the congestion near the three train stations.

Encourage mixed-use projects that have both commercial and residential uses. - This sounds like an old idea, stores on the ground floor, apartments above. There are some older buildings of this sort on B Street. They seem to appeal to some folks, but the idea seems to be out of favor now. Lack of parking could be one of the reasons. However, the building under construction on the Trag's site is somewhat like this. If a developer wants to build one in a neighborhood of similar buildings let him try it.

Streamline housing approval process. - There is a practical limit. What is the minimum time required to do the process thoroughly?

Allow taller developments if they include open space. - Recent legislation allows multifamily buildings to be built on lots that are currently R-1. I don't like mixing multi-story housing units with existing single family homes. I live in a neighborhood of single family homes. I don't want a two or three story building on an adjacent lot. I'd have no privacy in my back yard, looking up at the windows or balconies of the apartments. There would be noisy neighbors. Zoning ordinances should provide for consistent types of buildings in a neighborhood.

### Survey Process

This survey should have been much more comprehensive. It is quite superficial. The questions are quite general. It only looks good in the history books. You folks can check off the box that says "A public survey was conducted". It doesn't mean very much.

255 characters is not enough for additional comments. That's less than two tweets.

There should have been a period for written public comments. Caltrans does this routinely for projects such as the proposed changes to the interchange at Highway 101 and Peninsula Avenue.

There should have been a person appointed to contact for questions or additional information or to receive comments.

## Housing Survey

### City Council Bias

A review of recent history shows the five council members have been biased and uncommunicative on the subject of housing. I am referring to members Rick Bonilla, Joe Goethals, Amourence Lee, Diane Papan, and Eric Rodriguez.

In 2018 a citizen group gathered enough petition signatures to put what became the Measure Y height limit proposition on a ballot. The council postponed doing so until 2020, just before the expiration of the existing height limit legislation. Prior to that election city attorney Shawn Mason attempted unsuccessfully to invalidate the proposition. Before reluctantly putting Measure Y on the November 2020 ballot all five council members recommended that citizens vote against it but did not present a convincing argument for doing so or a compelling alternative.

In 2020 another group began circulating a petition for a competing height limit proposition that became Measure R. It was favorable to developers. Due to Covid 19 this group had to cease their effort without obtaining enough signatures. The council added Measure R to the ballot anyway, stating that it certainly would have garnered sufficient signatures had the virus not occurred. This was unethical and possibly illegal. Council members recommended that citizens vote for it. Measure Y passed, Measure R was defeated.

After the election some members of the council attended a meeting regarding why Measure R failed and how to circumvent Measure Y.

I have no objection to council members taking a stand but I am highly critical of their devious and underhanded tactics. They should have expressed their opinions more directly. Clearly they opposed height limits. If I could have offered advice I would have suggested that they present their argument in an adult to adult, citizen to citizen manner.

During 2020 they could have taken the lead and made speeches explaining what they were proposing to do and why they felt the way they did. They could also have done this by writing press releases or guest editorials for the local Daily Journal newspaper or sending letters to citizens. In short, a clear explanation of their preferred course of action would have been much more mature and persuasive.

Ironically, in June of 2020 Joe Goethals as mayor actually did write a guest editorial on the subject of Father's Day. A similar, "Dear citizen, this is what I propose to do and why I propose it ..." letter on the subjects of height limits and housing would have been highly appropriate and a demonstration of mature leadership instead of all the silliness that went on prior to the 2020 election. I greatly prefer straight talk and plain dealing rather than political manipulation.

I offer these comments without animosity in the hope that council members will take a more direct and mature form of leadership in the future.



10.11.2021

San Mateo Planning Commission  
City of San Mateo 330 W. 20<sup>th</sup> Ave.,  
San Mateo, CA 94403

Re: Housing Element Update Process

Dear Chair Maldonado and City of San Mateo Planning Commissioners,

On behalf of Prometheus Real Estate Group, I am writing today regarding the Housing Element Update Process. As a company long based in San Mateo and an employer and investor throughout San Mateo and its Downtown, Prometheus Real Estate Group supports the City's efforts to address its RHNA allocation within the existing land use and zoning designations without the need to rezone or increase densities as stated in the Staff Report. While Prometheus and our project partners continue to follow and support the General Plan Update process, which will provide a plan for growth throughout the City for the years ahead, we believe that the City's current zoning and land use guidelines do provide a framework for addressing the City's 7,015-unit RHNA allocation. However, we would propose greater focus on ways to better streamline and achieve greater certainty throughout the development process.

Towards that end, below are several suggestions that we believe would better facilitate the development process and help towards attaining the RHNA housing numbers needed.

1. State Density Bonus and Measure Y
  - a. There have been recent discussions within the City regarding the Density Bonus Law and its ability to allow a project to go beyond a local voter initiative-based height limit. We would recommend clarifying the details of how this would work so that a project applicant could plan accordingly. Having certainty in such an interpretation can allow for a more creative approach to defining a specific project and potentially incorporating some or more housing if possible. Along with additional height, this would also include greater FAR and densities.
  - b. Having these guidelines and interpretations formally confirmed at the start of a project will greatly facilitate the initial underwriting and City review process which will benefit all parties involved.
2. Community Benefits
  - a. Some zoning districts in the City of San Mateo have underlying residential uses allowed. Within those allowed residential use guidelines can be language regarding gaining additional densities through Community Benefits. By more clearly defining the Community Benefit process, higher residential densities can potentially be achieved and RHNA targets realized.
  - b. While the recent "interim program" from 2020 provided a proposed framework for an economic land-use consultant to value the community benefits on a project-by-project basis, we believe further refinement of this process is warranted, in an effort to provide more certainty in community benefit requirements, resulting in higher densities and greater ability to attain the necessary RHNA numbers.

Thank you for your time on this matter,

A handwritten signature in blue ink, appearing to read "Jonathan Stone".

Jonathan Stone  
Senior Director of Development  
Prometheus Real Estate Group, Inc.  
1900 South Norfolk Street, Suite 150, San Mateo, CA 94403  
650.931.3448  
[jstone@prometheusreg.com](mailto:jstone@prometheusreg.com)

## 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**

Age	City of San Mateo	County of San Mateo	City of San Mateo as % of County
<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**

Living Arrangements	2013 Number	2021 Number	2021 Percent of Total Adults	% Change Since 2013
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.*

# TENANT-PROTECTION POLICY OPTIONS FOR SAN MATEO

Proposed by ONE SAN MATEO | For more information:  
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*March 3, 2021*

According to many sources, nearly 47 percent of San Mateo households are renters. On average, these renter households have significantly lower incomes than homeowner households. According to the Affordable Housing Task Force's 2016 final report, median household income for renters at the time was \$64,445, whereas the median household income for owners was \$117,700. Faced with constrained incomes and high rents, many renters in San Mateo pay a disproportionately high percentage of their income on housing, and many renter households are badly overcrowded. Latinos and African Americans are affected in especially large numbers by these adverse conditions.

Due to the nature of renting (as opposed to owning), renter households are vulnerable to disruptions completely outside their control. Chief among these is the possibility of rent hikes and eviction, both of which can have far-reaching impacts that easily lead to family trauma.

The passage of AB 1482 created minimal protections for renters against the threat of disruption. But these protections are minimal. Renters in San Mateo need and deserve more.

One San Mateo proposes the following policies for their potential to bring positive change to renters' lives.

## CLOSING GAPS AND LOOPHOLIES IN AB 1482

### **1. Create “just cause” protection from Day One.**

Since AB 1482 stipulates that just cause protections apply to tenants who have been in place 12 months or more, the ordinance deprives compliant tenants of the security they would have if the protections were to go into effect on Day One. The most effective way to address this shortcoming is to pass an ordinance requiring that the just cause provisions under AB 1482 go into effect on Day One. Many local city councils have adopted just cause policies that go into effect on Day One, among them San Jose, Hayward, Oakland, and Alameda. Most just cause policies exist in combination with rent stabilization, but not all.

***Resources on just cause policies adopted by local city councils:***

- Information about Hayward's just cause ordinance:

[https://www.hayward-ca.gov/discover/news/mar19/just-cause-eviction-  
protections-extended-more-hayward-tenants](https://www.hayward-ca.gov/discover/news/mar19/just-cause-eviction-protections-extended-more-hayward-tenants)

- Article on Alameda's just cause ordinance:

[https://www.eastbaytimes.com/2019/06/05/alameda-adopts-additional-  
protection-for-renters/](https://www.eastbaytimes.com/2019/06/05/alameda-adopts-additional-protection-for-renters/)

- Alameda city staff report from 5/21/19 with link to ordinance:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3943916&GUID=B665E57F-45B4-4ECF-9269-3D98649DD5E3&Options=&Search=&FullText=1>

A less effective approach to the problem is to pass a minimum lease requirement requiring that landlords provide tenants with the option of a one-year lease. This would provide tenants with security for the first year of tenancy but leave them vulnerable to eviction at the end of the first year before the just cause protections under AB 1482 go into effect.

***Resources on minimum leases***

- Menlo Park FAQ on minimum lease ordinance (with link to the ordinance):

<https://www.menlopark.org/Faq.aspx?QID=386>

- Redwood City minimum lease ordinance:

[https://library.municode.com/ca/redwood\\_city/codes/code\\_of\\_ordinances?  
nodeId=CH42AMILETEREREUN](https://library.municode.com/ca/redwood_city/codes/code_of_ordinances?nodeId=CH42AMILETEREREUN)

**2. Prevent renovictions by closing the “substantial remodel” loophole.**

Under the terms of AB 1482, a landlord can evict a tenant if s/he intends to demolish or “substantially remodel” the property. The law says that the landlord has to be doing substantial modification that requires a permit from a governmental agency, that cannot be reasonably accomplished with the tenant in place, and that requires the tenant to vacate the property for at least 30 days. Now that there are fewer acceptable rationales for evicting tenants, landlords have manipulated the substantial remodel clause to their advantage. Shirley Gibson, attorney for Legal Aid of San Mateo County, said that in the months before COVID, “substantial remodel” was the most frequently chosen reason for

60-day termination notices. She further said that when landlords were challenged about their intentions in the unlawful detainer process, it would often turn out that the plans were mostly cosmetic or possibly could be done within 30 days. In response to landlord abuses under the "substantial remodel" provision, several cities have passed an ordinance requiring that landlords obtain permits before serving tenants an eviction notice. Among these are Long Beach, Los Angeles and South Pasadena. The Long Beach and South Pasadena ordinances were passed by a unanimous vote. While One San Mateo has not yet confirmed the vote on the Los Angeles ordinance, we are aware that it was adopted as an urgency ordinance, which requires approval by at least three-fourths of the 15-member council.

***Resources on renovictions:***

- Article about Long Beach ordinance:

<https://www.presstelegram.com/2020/02/18/long-beach-ordinance-tackles-substantial-remodel-loophole-in-tenant-protection-act>

- Long Beach staff report from 2/11/20:

<http://longbeach.legistar.com/View.ashx?M=F&ID=8060909&GUID=66F42362-6D3D-4F94-B8E0-2106FFE60EBE>

- Long Beach ordinance adopted with first reading on 2/18/20 with second reading on 3/11/20:

<http://longbeach.legistar.com/View.ashx?M=F&ID=8075455&GUID=4EBE948B-965A-4FEE-8D72-873E14400F28>

- Article about the Los Angeles ordinance adoption:

<https://www.the-new-intl.com/closing-a-loophole-in-the-tenant-protection-act>

- Los Angeles ordinance:

[http://clkrep.lacity.org/onlinedocs/2020/20-0203\\_ORD\\_186586\\_04-03-2020.pdf](http://clkrep.lacity.org/onlinedocs/2020/20-0203_ORD_186586_04-03-2020.pdf)

- Article about South Pasadena ordinance adoption:

<https://southpasadenareview.com/city-council-passes-tenant-protection-for-remodels/>

### **3. Create a data registry to track compliance.**

While AB 1482 created a set of renter protections, there currently is no way to track whether the requirements of the law are being adhered to. A data registry would provide a mechanism for monitoring whether landlords were raising rents within the prescribed limits and evicting tenants only for just cause.

A data registry could provide other valuable information as well. During the course of San Mateo's affordable housing task force in 2015/16, the absence of accurate data on rents was a complaint expressed by all parties. It was a strong impediment to understanding the realities of the rental environment that the group was charged with addressing.

The value of data cannot be overstated. It is the cornerstone to assessing current realities and responding with the creation of appropriate policies, whether in housing or any other area of human endeavor. As Matthew Desmond, author of the Pulitzer prize-winning book *Evicted*, wrote, "Imagine if we didn't know how many Americans were incarcerated each year or how many dropped out of high school, got divorced, or lost their job. If we don't know how big a problem something is, where it is happening, or how many families are touched by it, then how can we begin the critical work of finding solutions?"

The City of El Cerrito created a data registry in 2019, and the City Council of Concord voted on December 1, 2020 to launch one.

#### ***Resources on data registry:***

- El Cerrito FAQ on rent registry:

[https://el-cerrito.org/DocumentCenter/View/14344/FAQ\\_Rent-Registry\\_2020-Final\\_v1](https://el-cerrito.org/DocumentCenter/View/14344/FAQ_Rent-Registry_2020-Final_v1)

- El Cerrito rent registry ordinance:

<http://www.el-cerrito.org/1356/Rent-Registry>

- Article on Concord rent registry:

<https://www.mercurynews.com/2021/01/15/east-bay-city-to-post-rent-increases-eviction-details-online>

- Concord municipal code describing tenant protection program, including rent registry:

<https://www.codepublishing.com/CA/Concord/html/Concord19/Concord190.html#19.40.110>

- Link to January 12, 2021 Concord City Council meeting, Agenda Item 9A, when implementation details for the registry were discussed (what info should be collected, what would be made public, etc):

<https://stream.ci.concord.ca.us/OnBaseAgendaOnline/Meetings/ViewMeeting?id=578&doctype=1> (scroll to Agenda Item 9A for relevant documents)

- Staff report from the January 12, 2021 Concord City Council meeting

[https://stream.ci.concord.ca.us/OnBaseAgendaOnline/Documents/ViewDocument/Agenda%20Staff%20Report%20for%20-%20RENT%20REGISTRY%20REPORT%20INFORMATION%20\(11054\).pdf?meetingId=578&documentType=Agenda&itemId=11054&publishId=7780&isSection=false](https://stream.ci.concord.ca.us/OnBaseAgendaOnline/Documents/ViewDocument/Agenda%20Staff%20Report%20for%20-%20RENT%20REGISTRY%20REPORT%20INFORMATION%20(11054).pdf?meetingId=578&documentType=Agenda&itemId=11054&publishId=7780&isSection=false)